

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 198

6
7 H.P. 164

House of Representatives, January 29, 1985

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

Cosponsored by Senator Kany of Kennebec, Senator McBreairty of
11 Aroostook.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Subdivision Law.
18

19 Be it enacted by the People of the State of Maine as
20 follows:

21 30 MRSA §4956, sub-§1, as amended by PL 1983, c.
22 458, §10, is further amended to read:

23 1. Defined. A subdivision is the division of a
24 tract or parcel of land into 3 or more lots within
25 any 5-year period, which period begins after Septem-
26 ber 22, 1971, whether accomplished by sale, lease,
27 development, buildings or otherwise, provided that a
28 division accomplished by devise, condemnation, order
29 of court, gift to a person related to the donor by
30 blood, marriage or adoption, or by transfer of any
31 interest in land to the owner of land abutting there-
32 on, unless the intent of such gift or transfer is to
33 avoid the objectives of this section, or by transfer
34 of any interest in land to the owner of land abutting
35 thereon, shall not be considered to create a lot or
36 lots for the purposes of this section.

1 In determining whether a tract or parcel of land is
2 divided into 3 or more lots, the first dividing of
3 such tract or parcel, unless otherwise exempted here-
4 in, shall be considered to create the first 2 lots
5 and the next dividing of either of said first 2 lots,
6 by whomever accomplished, unless otherwise exempted
7 herein, shall be considered to create a 3rd lot, un-
8 less both such dividings are accomplished by a subdivi-
9 der who shall have retained one of such lots for
10 his own use as a single family residence for a period
11 of at least 5 years prior to such 2nd dividing. Lots
12 of 40 or more acres shall not be counted as lots.

13 For the purposes of this section, a tract or parcel
14 of land is defined as all contiguous land in the same
15 ownership, provided that lands located on opposite
16 sides of a public or private road shall be considered
17 each a separate tract or parcel of land unless such
18 road was established by the owner of land on both
19 sides thereof.

20 A "densely developed area" is defined as any commer-
21 cial, industrial or compact residential area of 10 or
22 more acres with an existing density of at least one
23 principal structure per 2 acres. A principal struc-
24 ture is defined as any building other than one which
25 is used for purposes wholly incidental or accessory
26 to the use of another building on the same premises.

27

STATEMENT OF FACT

28 Current law exempts from subdivision review every
29 division of land where the only conveyance is to an
30 abutter. The effect of this exemption may allow un-
31 regulated reconfiguration of grandfathered "paper"
32 subdivisions by a 2-step process of conveyance to
33 purchasers with the intent of circumventing review.

1 This bill amends the definition of a subdivision
2 to allow municipal review if the intent of a transfer
3 of any interest of land to an abutter is to avoid the
4 objectives of the subdivision law. This is the very
5 same way transfers of land among family members are
6 treated.

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