

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 695

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H.P. 512

House of Representatives, February 14, 2003

### An Act To Amend the Laws Governing Minimum Lot Size

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McNEIL of Rockland.  
Cosponsored by Representative ASH of Belfast, Senator SAVAGE of Knox and  
Representative: BOWEN of Rockport, Senator: WESTON of Waldo.

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

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4       **Sec. 1. 4 MRSA §152, sub-§6-A, ¶B,** as enacted by PL 1989, c.  
878, Pt. A, §7, is repealed.

6       **Sec. 2. 12 MRSA §685-B, sub-§4, ¶A,** as amended by PL 1999, c.  
8 333, §16, is further amended to read:

10       A. Adequate technical and financial provision has been made  
12 for complying with the requirements of the State's air and  
14 water pollution control and other environmental laws, and  
16 those standards and regulations adopted with respect  
18 thereto, ~~including without limitation the minimum lot size~~  
20 ~~laws, sections 4807 to 4807-G,~~ the site location of  
development laws, Title 38, sections 481 to 490, and the  
natural resource protection laws, Title 38, sections 480-A  
to 480-Z, and adequate provision has been made for solid  
waste and sewage disposal, for controlling of offensive  
odors and for the securing and maintenance of sufficient  
healthful water supplies;

22       **Sec. 3. 12 MRSA c. 423-A,** as amended, is repealed.

24       **Sec. 4. 36 MRSA §1109, sub-§3,** as amended by PL 1993, c. 452,  
26 §§10 and 11, is further amended by amending the last blocked  
paragraph to read:

28       If a parcel of land for which the owner or owners are seeking  
30 classification as open space contains any principal or accessory  
32 structures or any substantial improvements that are inconsistent  
34 with the preservation of the land as open space, the owner or  
36 owners in their schedule shall exclude from their application for  
classification as open space a parcel of land containing those  
buildings or improvements at least equivalent in size to the  
state minimum lot size as prescribed by ~~Title 12, section 4807-A~~  
or by the zoning ordinances or zoning map pertaining to the area  
in which the land is located, ~~whichever is larger.~~ For the  
purposes of this section, if any of the buildings or improvements  
are located within shoreland areas as defined in Title 38,  
chapter 3, subchapter 1, article 2-B, the excluded parcel must  
include the minimum shoreland frontage required by the applicable  
minimum lot standards under the minimum guidelines established  
pursuant to Title 38, chapter 3, subchapter 1, article 2-B or  
by the zoning ordinance for the area in which the land is  
located, whichever is larger. The shoreland frontage requirement  
is waived to the extent that the affected frontage is part of a  
contiguous shore path or a beach for which there is or will be,  
once classified, regular and substantial use by the public. The  
shoreland frontage requirement may be waived at the discretion of  
the legislative body of the municipality if it determines that a

2 public benefit will be served by preventing future development  
near the shore or by securing access for the public on the  
4 particular shoreland area that would otherwise be excluded from  
classification.

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### SUMMARY

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10 This bill repeals the minimum lot size requirements for  
development using on-site subsurface wastewater disposal. It  
also fixes cross-references.