

# MAINE STATE LEGISLATURE

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Subdivisions: Markers  
30 M.R.S.A. 4956  
Municipal Subdivision Law

DM

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August 26, 1977

Honorable Dana C. Devoe  
House of Representatives  
State House  
Augusta, ME 04333

Dear Dana:

I am writing in response to your letter of July 13 regarding the applicability of Chapter 315 of the Public Laws of 1977 amending the Municipal Subdivision Law, 30 M.R.S. §4956. You have asked whether, in the view of this office, the requirement imposed by this act that each lot of an approved subdivision have a permanent marker set at one corner applies to any approved subdivision, or only those approved after October 24, 1977, the effective date of the provision.

Our response to this is that on October 24, 1977, any subdivision which has been approved but from which lots may not have been sold would be subject to this provision. Our reasoning for this is that the section as a whole appears to treat the requirement of placing markers as independent of the requirement of giving approval to the entire subdivision. Thus, since after the effective date a subdivider could secure approval first and then affix his markers before conveying any lots, it would appear that the requirement with regard to markers should fairly be found to fall in any unconveyed lots in approved subdivisions which may exist on that date.

This result is not affected by Portland Savings Bank v. Landry, 372 A.2d 573 (Me. 1977), which invalidated the application of a statute shortening the period of redemption for mortgages to mortgages existing at the time of the effective date of the statute as violating Article I, §10 of the United States Constitution and Article I, §11 of the Maine Constitution regarding the impairment of the obligation of contracts. Since an approval of a subdivision under the Subdivision Law is not a contract, these constitutional provisions would not be violated.

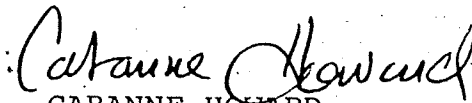
Honorable Dana C. Devoe

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I apologize for not having responded a bit sooner. My only excuse is that the Legislature kept us so busy this year that it left a lot of unattended to business on all of our desks which had been backing up for some time. I hope, however, that this response will still be of some use to you and the Title Standards Committee.

Sincerely,



CABANNE HOWARD

Assistant Attorney General

Chief, Natural Resources Section

CH/kp