

# MAINE STATE LEGISLATURE

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Subdivision Law  
30 M.R.S.A. 4956-5

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February 16, 1978

The Honorable Gail Tarr  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Tarr:

You have asked whether the phrase "permanent dwelling structures," as it appears in 30 M.R.S.A. §4956(5), includes seasonal dwellings, or is limited to year-round residences. Our answer to this is that in all likelihood a seasonal dwelling would be included within the term.

The legislative history of this phrase is silent as to the precise intention of the Legislature. It was added to the Municipal Subdivision Law in 1973, Public Laws of Maine of 1973, ch. 456 (1973). An inspection of both the original Legislative Documents and the debate on the bill on the floor of the Legislature reveals nothing with regard to the meaning of this particular phrase. In such a circumstance, a court would be obliged to use the ordinary meaning of the word "permanent" to resolve the question which you ask. That definition, according to Webster's New World Dictionary, is "lasting or intended to last indefinitely without change." We would think that, although a summer residence may be used only part of the time, it would usually be built to last indefinitely without change. Consequently, it would appear that such structures would be within the exemption from the Subdivision Law as set forth in its subsection 5.

I hope this answers your question.

Sincerely,  
*Cabanne Howard*  
CABANNE HOWARD  
Assistant Attorney General  
Chief, Natural Resources Section

CH/bls