

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1203

S. P. 388

In Senate, February 16, 1965

Referred to Committee on Towns and Counties. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Shiro of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Realty Subdivisions in Municipalities.

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

R. S., T. 30, § 4956, sub-§ 1, ¶¶ B to E, amended. Paragraphs B to E of subsection 10 of section 4956 of Title 30 of the Revised Statutes are amended to read as follows:

B. A register of deeds shall not record any plat of a proposed subdivision until it has been approved by the planning board **and, if private installations of water supply or sewage disposal or both are involved, or will be involved in the development thereof and if the subdivision is divided into lots of 2 acres or less, by the State Department of Health and Welfare,** and the approval noted on the plat. In a municipality which does not have a planning board, the municipal officers shall act in its stead for the purposes of this section.

C. Approval of a subdivision **by municipal authorities** is based on its compliance with municipal ordinances and its general reasonableness. **Approval of a subdivision by the State Department of Health and Welfare will be based on the availability of water of potable quality for domestic purposes and on the suitability of the proposed lots for the installation of acceptable sewage disposal facilities complying with rules and regulations of the Department of Health and Welfare.**

"Potable water" shall mean water which conforms with applicable standards of the State Department of Health and Welfare. For determining the adequacy of sewage disposal under this section, the State Department of Health and Welfare may require plans of lot layout, a description of topography of the area, a report of soil conditions, the results of percolation tests and a

description of ground water conditions to be submitted for review by the party promoting the subdivision.

D. In a municipality which has an engineer, he shall make a report to the planning board with respect to the grades, drainage, sewerage and road surfacing of a proposed subdivision, before it may be approved. **The State Department of Health and Welfare, upon request, shall consult with local authorities and persons subdividing land relating to private sewage disposal and water supply problems.**

E. The failure of the planning board **or the State Department of Health and Welfare** to issue a written notice of its decision, directed to the applicant, within 30 days after a proposed subdivision has been submitted constitutes its disapproval. An appeal may be taken from the decision of the planning board **or the State Department of Health and Welfare or both** to the Superior Court as provided in section 4954, subsection 2, paragraph B.'