

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 889

H. P. 633

House of Representatives, February 15, 1967

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Brown of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Realty Subdivisions in Municipalities and Unorganized Territory.

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

Sec. 1. R. S., T. 30, § 4956, sub-§ 1, ¶¶ B to E, amended. Paragraphs B to E of subsection 1 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 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, **provided that in the absence of a planning board, if private installations of water supply or sewage disposal, or both, will be involved in the development thereof, and the subdivision is divided into lots of 2 acres or less, the register of deeds shall not record any plat of a proposed subdivision until it has been approved, and the approval noted thereon, by both the State Department of Health and Welfare and the municipal authorities.**

C. Approval of a subdivision ~~is~~ shall be based on its compliance with municipal ordinances and its general reasonableness. **Where no public sewage disposal system or no public water supply system, or neither, is available to a subdivision, lots of no less than 15,000 square feet shall be laid out to provide individual sanitary waste disposal systems and private water supplies, and the distance between private sewage disposal systems and private water supplies shall be at least 100 feet. Approval of a subdivision by the State Department of Health and Welfare shall be based on percolation tests, soil observation holes made in a representative manner over the area to be subdivided and**

recommendations by a registered engineer. The results of such tests and the recommendations shall be submitted in a written report by the party promoting the subdivision to the State Department of Health and Welfare for approval of sewage disposal, before approval of a plot plan by the planning board or municipal officers.

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 municipal authorities and persons subdividing land, relating to private sewerage disposal and water supply problems.

E. The failure of the planning board 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. The State Department of Health and Welfare shall issue a written notice of its decision within 20 days after a proposed subdivision has been submitted, and if its disapproval is indicated, reasons for same shall be listed. 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.

Sec. 2. R. S., T. 30, § 562I, additional. Title 30 of the Revised Statutes is amended by adding a new section 562I, as follows:

§ 562I. Realty subdivisions in unincorporated and unorganized places

A register of deeds shall not record any plat of a proposed subdivision of land into 4 or more lots in any plantation, unincorporated township or other unincorporated or unorganized place in the State until it has been approved by the State Department of Health and Welfare if such subdivision is laid out within 1,000 feet of ponds of 10 acres or more or of fresh water brooks, streams, rivers or salt waters.

Sec. 3. R. S., T. 33, § 652, amended. Section 652 of Title 33 of the Revised Statutes is amended by adding at the end thereof, the following sentence:

Registers shall not record plats of proposed subdivisions of land unless approved in accordance with Title 30, sections 4956 or 562I.