

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 595

H. P. 467

House of Representatives, February 4, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Simpson of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Municipal Regulation of Land Subdivisions.

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

Sec. 1. R. S., T. 30, § 4956, sub-§ 1, ¶ C, repealed and replaced. Paragraph C of subsection 1 of section 4956 of Title 30 of the Revised Statutes, as last amended by section 2 of chapter 365 of the public laws of 1969, is repealed and the following enacted in place thereof:

C. Before granting approval of a subdivision the planning board shall find that the subdivision:

(1) Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level; and in relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

(2) Does have sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Will not cause unreasonable highway or public road congestion or

unsafe conditions with respect to use of the highways or public roads existing or proposed;

- (6) Will provide for adequate solid and sewage waste disposal;
- (7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- (8) Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
- (9) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
- (10) Is in conformance with a duly adopted development plan, land use plan or land capability plan;
- (11) The subdivider has adequate financial and technical capacity to meet the above stated standards.

In all instances the burden shall be upon the person proposing the subdivision to affirmatively demonstrate to the planning board that each of the criteria listed in this paragraph for approval has been met, and that the public's health, safety and general welfare will be adequately protected.

The planning board shall issue an order denying or granting approval of a proposed subdivision or granting such approval upon such terms and conditions as the planning board may deem advisable to achieve the criteria listed in this paragraph for approval and to protect and preserve the public's health, safety and general welfare.

Sec. 2. R. S., T. 30, § 4956, sub-§ 1, ¶ G, amended. Paragraph G of subsection 1 of section 4956 of Title 30 of the Revised Statutes is amended to read as follows:

G. A person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land ~~by reference to a plat in a subdivision~~ which has not been approved as required by this section, and recorded by the proper register of deeds, may be enjoined by any municipality or by the Attorney General from the conveyance, offering or agreement to convey. A person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section and recorded by the proper register of deeds shall be punished by a fine of not less than \$1,000 and not more than \$5,000 for each such conveyance, offering or agreement to convey.

STATEMENT OF FACT

The purpose of this bill is to provide standards whereby municipalities may judge the acceptability of subdivisions. At the present time none exist in

this section. In addition the law would plug certain loopholes that presently allow developers to sell by metes and bounds rather than by lot number and thus avoid the original intent of the section. This amendment would also permit the Attorney General to act when a local municipality was unable to take legal action to protect itself. Criminal penalties are also added where none now exist.