

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 655

H. P. 502

House of Representatives, February 6, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Simpson of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Amend Municipal Regulation of Land Subdivision Law.

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

Sec. 1. R. S., T. 30, § 4956, sub-§§ 1 and 2, repealed and replaced. Subsections 1 and 2 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, are repealed and the following enacted in place thereof:

1. **Defined.** A subdivision is a division of a tract or parcel of land into 3 or more lots, within any 2-year period, for the purpose of sale, lease, development or building.

2. **Municipal review and regulation.**

A. Reviewing authority. All requests for subdivision approval shall be reviewed by the municipal planning board, agency or office, or if none, by the municipal officers.

B. Regulations. The municipal reviewing authority may adopt regulations governing subdivisions which shall control until amended, repealed or replaced by provisions adopted by the municipal legislative body. The reviewing authority shall give at least 7 days' public notice of a meeting at which subdivision regulations are adopted.

C. Record. On all matters concerning subdivision review, the reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

D. Order. The reviewing authority shall, after public notice and hearing, issue an order denying or granting approval of the proposed subdivision or granting approval upon terms and conditions it deems advisable to satisfy the criteria listed in subsection 3 and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the person proposing the subdivisions.

An order granting approval or conditional approval shall be filed in the registry of deeds of the county and shall be part of the plat plan, if any. An order denying approval shall state the reasons or basis therefor.

Sec. 2. R. S., T. 30, § 4956, sub-§ 3, ¶ H, amended. Paragraph H of subsection 3 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, is amended to read as follows:

H. ~~Will not~~ **Is located so as not to place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;**

Sec. 3. R. S., T. 30, § 4956, sub-§ 3, amended. The last paragraph of subsection 3 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, is repealed.

Sec. 4. R. S., T. 30, § 4956, sub-§ 4, amended. Subsection 4 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, is amended to read as follows:

4. Enforcement. No person, firm, corporation or other legal entity may ~~convey sell or lease~~, offer or agree to ~~convey sell or lease~~ any land in a subdivision which has not been approved by the planning board, agency or office, or if none exists, by the municipal officers in the municipality where the subdivision is located, and recorded in the proper registry of deeds. No subdivision plat or plan shall be recorded by any register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved.

Sec. 5. R. S., T. 30, § 4956, amended. The last paragraph of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, is amended to read as follows:

Any person, firm, corporation or other legal entity who ~~conveys~~ **sells or leases**, offers or agrees to ~~convey sell or lease~~ any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such ~~conveyance sale or lease~~, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

Sec. 6. R. S., T. 30, § 4956, sub-§ 5, additional. Section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public

laws of 1971, is amended by adding a new subsection 5, to read as follows:

5. Exemptions. This section shall not apply to proposed subdivisions approved prior to September 23, 1971 in accordance with laws then in effect nor shall they apply to subdivisions as defined by this section in existence on September 23, 1971 that did not require approval under prior law. The division by sale of 3 or more lots which were held in common ownership and upon which permanent dwelling structures existed on each lot prior to September 23, 1971 is not a subdivision.

STATEMENT OF FACT

The purpose of this bill is to correct ambiguities and inequities in the present law.