

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 939

H. P. 736

House of Representatives, February 15, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Municipal Regulation of Land Subdivisions.

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

R. S., T. 30, § 4956, repealed and replaced. Section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 4956. Land subdivisions

1. **Defined.** A subdivision shall be the division of a tract or parcel of land into 3 or more lots for the purpose of sale, development or building.

2. **Lot defined.** For the purpose of this section, a lot shall mean a piece of land identified on a plat or set out by metes and bounds and offered for sale or lease to the general public.

3. **Local regulation.** When a municipality has established a planning board, agency or office, such board, agency or office may propose reasonable regulations governing subdivisions and amendments thereto which, after public hearing and adoption by the municipal legislative body, shall control. Where a municipality has not established a planning board, agency or office, the municipal officers may propose reasonable subdivision regulations and amendments thereto which after public hearing and adoption by the municipal legislative body, shall control.

4. **Guidelines.** When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall consider applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. 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;
- E. 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;
- F. Will provide for adequate sewage waste disposal;
- G. 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;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites or irreplaceable areas, provided that said irreplaceable areas are so designated prior to the initial application by the subdividers;
- I. Is in conformance with a duly adopted municipal subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any; and
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards as sections are developed;
- K. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water.

The planning board agency or office, or if none, the municipal officers shall within 45 days, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in this subsection and to protect and preserve the public's health, safety and general welfare. In the event of denial, or approval with conditions, the board, agency, office or municipal officers shall make findings of fact establishing that the proposed subdivision does not meet the foregoing criteria.

5. Enforcement. No person, firm, corporation or other legal entity may convey, offer or agree to convey 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.

Any 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 shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

STATEMENT OF FACT

This Act clarifies the Subdivision Guideline Law.