

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1943

H. P. 1513

House of Representatives, May 16, 1973

Reported by Mr. Huber from Committee on Natural Resources and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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 R. S., T. 30, § 4956, sub-§§ 1 and 2, repealed and replaced. Subsections 1 and 2 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, are repealed and the following enacted in place thereof: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 the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gift is to avoid the objectives of this section.

In determining whether a parcel of land is divided into 3 or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least 5 years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of a subdivision if such a lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this statute.

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, hereinafter called the municipal reviewing authority.

B. Regulations. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions

which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

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

D. Hearing; order. In the event that the municipal reviewing authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, 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 subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

Sec. 2. R. S., T. 30, § 4956, sub-§ 3, ¶ F, amended. Paragraph F 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:

F. Will provide for adequate ~~solid and~~ sewage waste disposal;

Sec. 3. R. S., T. 30, § 4956, sub-§ 3, ¶ H, repealed. 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 repealed.

Sec. 4. 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. 5. 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 sell, lease, or convey for consideration, offer or agree to sell, lease or convey for consideration 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 municipal reviewing authority of the municipality where the sub-

division 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~~ **install services** to any lot in a subdivision for which a plan has not been approved.

Sec. 6. 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 **sells, leases, or conveys for consideration**, offers or agrees to **sell, lease or convey for consideration** 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 **sale, lease or conveyance for consideration**, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

Sec. 7. 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 by the planning board or the municipal officials prior to September 23, 1971 in accordance with laws then in effect nor shall they apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law. The division of a tract or parcel by sale, gift, inheritance, lease or order of court into 3 or more lots and upon which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.