

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2175

H. P. 1731

House of Representatives, January 2, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Exemption Date in the Minimum Lot Size Law.

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

R. S., T. 12, § 4807-D, amended. Section 4807-D of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 411 of the public laws of 1973, is amended to read as follows:

§ 4807-D. Exemptions

This chapter shall not apply to any structure in existence and in place on or before ~~January 1, 1972~~ **October 3, 1973**, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B.

STATEMENT OF FACT

The Regular Session of the 106th Legislature clarified the then existing minimum lot size law by writing in guidelines and standards to be used by the Department of Environmental Protection. In the process of rewriting the 3 so-called grandfathered dates, October 1, 1969, January 1, 1970 and January 1, 1972, they were consolidated into the last date appearing in the law, January 1, 1972.

This hoped-for clarification of the grandfather exemption has not been realized. Many persons involved in the sale of real estate and housing have indicated that the January 1, 1972 date is causing hardship, because if strictly interpreted and applied retroactively many legitimate real estate transactions would become illegal. This latter was not the intent of the sponsor or the Department of Environmental Protection. Therefore, the purpose of this bill is to remove any doubt that may exist in regard to the application of the exemption clause.

The October 3, 1973 date is selected as the exemption cut-off date because the law became effective on that date. This date will cause no legal problems for those persons affected by it.