

MAINE STATE LEGISLATURE

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New Draft of: S. P. 789, L. D. 2272
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2485

S. P. 890

In Senate, February 5, 1974

Reported by Senator Tanous of Penobscot from the Committee on Judiciary
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Real Estate Subdivision Law.

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

Sec. 1. R. S., T. 30, § 4956, sub-§ 1, amended. The first paragraph of subsection 1 of section 4956 of Title 30 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 465 of the public laws of 1973, is amended by adding at the end a new sentence to read as follows:

For the purposes of this section, a lot shall not include a transfer of an interest in land to an abutting landowner, however accomplished.

Sec. 2. R. S., T. 30, § 4956, sub-§ 5, amended. Subsection 5 of section 4956 of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 465 of the public laws of 1973, is amended by adding at the end a new paragraph to read as follows:

The division of a tract or parcel of land and the lot or lots so made, which division or lots when made are not subject to the provisions of this section, shall not become subject to the provisions of this section because of subsequent division of said tract or parcel of land as defined in subsection 1.

STATEMENT OF FACT

Section 1 of this Bill is directed to the situation where one property owner conveys a portion of his land to the current owner of an "abutting" parcel of

land. The amendment to subsection 1 of section 4956 provides that a parcel of land transferred under this limited set of circumstances would not be considered a lot under the subdivision law.

Section 2 of this Bill is directed to the situation where a person buys a lot of land which is part of a larger parcel of land, but at the time of the purchase is not subject to the subdivision laws. The amendment to subsection 5 of section 4956 provides that this property or lot will continue to be exempt from the subdivision law although the tract or larger parcel from which it was originally divided may, at a later date, become subject to that law. Such a lot would only retain its exempt status as long as it was not subdivided in a manner in which would subject it to the subdivision law.