

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1274

H. P. 1006

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Subdivision Law to Provide for More Housing
in the State.

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

Sec. 1. 12 MRSA § 4813, first ¶, as last repealed and replaced by PL 1973, c. 564, § 5, is amended by adding a new sentence at the end to read:

The Department of Environmental Protection and the Maine Land Use Regulation Commission shall with respect to these shoreland areas adopt said suitable ordinance by July 1, 1976 and prior thereto shall hold a public hearing in each of these municipalities for the purpose of obtaining information as to how each of their respective areas are to be classified.

Sec. 2. 30 MRSA § 4956, sub-§ 2, ¶ B, as last repealed and replaced by PL 1973, c. 465, § 1, is amended by adding at the end the following new paragraph:

No regulation adopted by the municipal reviewing authority or by the municipal legislative body shall be effective if such regulation requires lots to be greater than 80,000 square feet or requires road frontage to be greater than 175 feet.

Sec. 3. 30 MRSA § 4956, sub-§ 2, ¶ D, 2nd ¶, first sentence, as last repealed and replaced by PL 1973, c. 465, § 1, is amended to read:

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 grant-

ing 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; provided if said order is not issued within said time limits, then the proposed subdivision shall be deemed approved and entitled to be recorded in the proper registry of deeds without the approval appearing in writing on said plan.

Sec. 4. 30 MRSA § 4962, sub-§ 1, ¶ I, is enacted to read:

I. No zoning ordinance shall require that lots be greater than 80,000 square feet or require that road frontage be greater than 175 feet.

Sec. 5. 38 MRSA § 483, as last amended by PL 1971, c. 613, § 4, is amended by adding at the end the following new paragraph:

The commission may delegate the approval of a development to a municipal receiving authority or municipal legislative body and may adopt rules and regulations to provide for this delegation.

STATEMENT OF FACT

The purpose of this bill is to amend the various subdivision laws to provide for maximum limits to prevent exclusionary zoning and to make the process of approving subdivisions more efficient.