

# 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 SEVENTH LEGISLATURE

---

---

**Legislative Document**

**No. 1518**

---

---

S. P. 465

In Senate, April 7, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Trotzky of Penobscot.

---

---

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

---

---

### AN ACT to Clarify the Municipal Regulation of Land Subdivision Law.

---

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

Sec. 1. 30 MRSA § 4956, sub-§ 1, as last amended by PL 1973, c. 700, § 1, is repealed and the following enacted in place thereof: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, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5 years prior to such 2nd dividing. Lots of 40 or more acres and lots upon which permanent dwelling structures legally existed prior to September 23, 1971, shall not be counted as lots.

For the purposes of this section, a tract or parcel of land is defined as all contiguous land in single, joint, or common ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

**Sec. 2.** 30 MRSA § 4956, sub-§ 4, first sentence, as last amended by PL 1973, c. 465, § 5, is further amended to read:

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~~ **unless the subdivision has not** been approved by the municipal reviewing authority of the municipality where the subdivision is located, and **unless a survey plan thereof showing markers set at all lot corners has been** recorded in the proper registry of deeds.

**Sec. 3.** 30 MRSA § 4956, sub-§ 5, first paragraph, as enacted by PL 1973, c. 465, § 7, is amended to read:

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~~ it 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~~

**Sec. 4.** 30 MRSA § 4956, sub-§ 5, second paragraph, as enacted by PL 1973, c. 700, § 2, is repealed and the following enacted in place thereof:

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section, shall not become subject to this section by the subsequent dividing of said tract or parcel of land or any portion thereof, however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

### STATEMENT OF FACT

The purpose of this bill is to clarify the meaning of certain provisions of the municipal subdivision law. These provisions are often the subject of conflicting interpretations among the persons most affected by the subdivision law. The amendments are designed to clearly resolve some of these questions.

The bill does not create new exemptions nor does it remove existing exemptions. It does clarify what is a subdivision in the first instance and when certain exemptions apply and when they do not.