

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1597**

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H. P. 1272

House of Representatives, April 2, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Permit the Board of Environmental Protection to Accept Municipal Subdivision Permits in Lieu of Site Location Review and to Repeal the Minimum Lot Size Requirements.**

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

Sec. 1. 12 MRSA c. 423-A, as enacted by PL 1973, c. 411, § 1 and as amended, is repealed.

Sec. 2. 38 MRSA § 489 is enacted to read:

§ 489. Municipal review of subdivisions

Where a municipality administers a permit program regulating subdivisions in accordance with Title 30, section 4956, such permit program shall be deemed to fulfill the requirements of this Article where:

1. The municipal permit program incorporates substantially the same standards of approval, administration and enforcement as provided by Title 30, section 4956.

2. The specific proposed activities subject to the municipal permit program involve subdivisions which will total less than 100 acres within any 10 year period.

Applicants for approval under section 483 and subsection 2 shall file with the board a duplicate copy of the municipal permit application for subdivision permit. The board shall, with 10 days after receipt of any municipal permit issued hereunder, provide notice of any intent to alter the terms of that permit with regard to this Article. Subsequent to such notice the board shall, within 20 days, issue a final order altering the terms of the municipal permit with regard to this Article, which order may be appealed in the manner now provided by law.

As an alternative to the above procedure, a municipality may submit for review and approval of the board any permit program adopted by local ordinance. Upon approval, subsequent permits issued under the terms of this section shall not be subject to review by the board. Should the board determine, after public hearing, that a municipality has failed to properly administer the terms of its ordinance board approval of that ordinance may be withdrawn.

#### STATEMENT OF FACT

It is the intent of this legislation to allow municipalities to approve subdivision permits on demonstration that the integrity of the site location law is being upheld. This bill also repeals the minimum lot size statute as it is no longer needed subsequent to the implementation of the State Plumbing Code.