

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2268

S. P. 717

In Senate, February 25, 1976

On motion of Senator Speers of Kennebec, Reconsidered and referred to 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-SIX

**AN ACT to Revise Requirements for Permanent Markers
under the Land Subdivision Law.**

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

30 **MRSA § 4956, sub-§ 4, first sentence**, as last amended by PL 1975, c. 475, § 2, 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 unless the subdivision has been approved by the municipal reviewing authority of the municipality where the subdivision is located, and ~~unless a survey plan thereof showing permanent markers set at all lot corners~~ has been recorded in the proper registry of deeds, ~~nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved subdivision unless permanent markers are set at all lot corners of the lot sold or conveyed.~~

STATEMENT OF FACT

Under existing law, land in subdivisions cannot be conveyed or sold unless a survey plan has been recorded in the registry of deeds showing permanent markers set at all lot corners. This provision of law is considered contradictory to the intent of the legislation and generally unworkable due to the

fact that permanent markers are frequently destroyed in the process of necessary construction of roads and grading on subdivision land. Therefore, it is the purpose of this Act to provide for permanent markers on lots prior to conveyance and sale only and to eliminate the requirement for all markers to be recorded on the survey plan of the subdivision.