

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 663

H. P. 520

House of Representatives, February 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Lewis of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Subdivision Law.

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

Sec. 1. 30 MRSA § 4956, sub-§ 1, first paragraph, as repealed and replaced by PL 1975, c. 475, § 1, is amended to read:

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 divide, condemnation, **implied threat of condemnation, partition among common owners**, 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 the 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.

Sec. 2. 30 MRSA § 4956, sub-§ 1, as repealed and replaced by PL 1975, c. 475, § 1, is amended by adding a new paragraph at the end to read:

A single building having more than one use shall be considered to be occupying only one lot for the purposes of this section. Accessory buildings to that building shall not be considered additional buildings.

Sec. 3. 30 MRSA § 4956, sub-§ 3, as amended by PL 1973, c. 465, §§ 2-4, is further amended by adding at the end a new paragraph to read:

For subdivisions created after September 22, 1971 and before July 1, 1979 the municipal reviewing authority shall approve such subdivisions upon application if they are in conformance with criteria, regulations and ordinances in effect at the time of the creation of the subdivision.

Sec. 4. 30 MRSA § 4956, sub-§ 4, first paragraph, 2nd sentence, as enacted by PL 1975, c. 475, § 2, is amended to read:

The term "permanent marker" includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge, **each so placed so as not to be readily removed.**

Sec. 5. 30 MRSA § 4956, sub-§ 5, as last amended by PL 1977, c. 696, § 227, is further amended by adding at the end a new paragraph to read:

For subdivisions created by the sale or division of a single lot all actions under subsection 4 shall be commenced within 2 years of the creation of the subdivision.

STATEMENT OF FACT

This bill clarifies several aspects of the subdivision law, and creates provisions for correcting illegal subdivisions inadvertently created through ignorance of the complex subdivision law. In sections 1 and 2, subdivisions created under implied threat of condemnation and by partition among common owners are exempted from the law in this section, and it makes it clear that a single building with more than one use constitutes only one lot. Section 3 requires that after the fact application for subdivisions meet criteria in effect at the time of the creation of the subdivision. Section 4 provides that markers on lot corners be placed so as not to be readily removed. Section 5 establishes a 2-year statute of limitations on subdivisions created by the sale of a single lot.