

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1105

H. P. 935

House of Representatives, March 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Curtis of Waldoboro.

Cosponsor: Representative Hutchings of Lincolnville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Site Location Law.

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

Sec. 1. 38 MRSA § 482, sub-§ 5, ¶¶ B and C, as repealed and replaced by PL 1975, c. 712, are amended to read:

B. All the lots are at least 5 acres, and the municipality has adopted additional regulations governing subdivisions pursuant to Title 30, section 4956, and the lots less than 10 acres are of such dimensions as to accommodate within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access; ~~or~~

C. All the lots are at least 5 acres, but do not make up a total of more than 100 acres and the lots less than 10 acres are of such dimensions as to accommodate within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access; **or**

Sec. 2. 38 MRSA § 482, sub-§ 5, ¶ D, is enacted to read:

D. A lot sold to abutting landowners shall not constitute a lot to be included in the total number of lots within a subdivision as defined in this subsection, for the purposes of this chapter.

STATEMENT OF FACT

The purpose of this bill is to bring the state site location law into agreement with the subdivision law, Title 30. Currently, lots sold to abutting landowners can not be considered lots for purposes of creation of a subdivision. This position has the backing of the Maine Municipal Association legal staff and is based on statutory interpretation by our Law Court. If a developer desires to sell lots to abutting landowners, he can not submit a subdivision plan for approval of local officials until 3 lots, in addition to those sold to abutters have been marketed. This is only common sense as Title 30, section 4956, subsection 1, indicates that all contiguous land in the same ownership constitutes a tract. Therefore, when an abutter acquires a lot, whatever its size, it becomes a part of his previously owned property, regardless of its acquisition at a different time.

Site location lots should be treated no differently. A lot sold to an abutting landowner becomes a part of the abutting landowners' existing land and is subject to all existing regulations. No true additional lot is created, only a larger lot owned by the abutter is created.