

# 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)

1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 602

6  
7 H.P. 504

House of Representatives, February 8, 1983

8 Received by the Clerk of the House on February 8, 1983. Referred to the  
9 Committee on Energy and Natural Resources, and ordered printed pursuant to  
Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

Cosponsor: Representative Michaud of East Millinocket.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend the Subdivision Law.  
18

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

21 Sec. 1. 30 MRSA §4956, sub-§1, as repealed and  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

23 1. Defined. A subdivision is the division of a  
24 tract or parcel of land into 3 or more lots within  
25 any 5-year period, which period begins after Septem-  
26 ber 22, 1971, whether accomplished by sale, lease,  
27 development, buildings or otherwise, provided that a  
28 division accomplished by devise, condemnation, order  
29 of court, gift to a person related to the donor by  
30 blood, marriage or adoption, ~~unless the intent of~~  
31 ~~such gift is to avoid the objectives of this section,~~  
32 or by transfer of any interest in land to the owner  
33 of land abutting thereon, shall not be considered to  
34 create a lot or lots for the purposes of this

1 section, unless the intent of that gift, devise,  
2 order of court or transfer is to avoid the objectives  
3 of this section.

4 In determining whether a tract or parcel of land is  
5 divided into 3 or more lots, the first dividing of  
6 such tract or parcel, unless otherwise exempted  
7 herein, shall be considered to create the first 2  
8 lots and the next dividing of either of said first 2  
9 lots, by whomever accomplished, unless otherwise ex-  
10 empted herein, shall be considered to create a 3rd  
11 lot, unless both such dividings are accomplished by a  
12 subdivider who shall have retained one of such lots  
13 for his own use as a single family residence for a  
14 period of at least 5 years prior to such 2nd divid-  
15 ing. Lots of 40 or more acres shall not be counted as  
16 lots.

17 For the purposes of this section, a tract or parcel  
18 of land is defined as all contiguous land in the same  
19 ownership, provided that lands located on opposite  
20 sides of a public or private road shall be considered  
21 each a separate tract or parcel of land unless such  
22 road was established by the owner of land on both  
23 sides thereof.

24 Sec. 2. 30 MRSA §4956, sub-§2, ¶B, as repealed  
25 and replaced by PL 1973, c. 465, §1, is amended to  
26 read:

27 B. The municipal reviewing authority may, after  
28 a public hearing, adopt additional reasonable  
29 regulations, including a more restrictive defini-  
30 tion governing subdivisions which shall control  
31 until amended, repealed or replaced by regula-  
32 tions adopted by the municipal legislative body.  
33 The municipal reviewing authority shall give at  
34 least 7 days' notice of such hearing.

#### 35 STATEMENT OF FACT

36 The first part of this bill broadens the defini-  
37 tion of subdivision to eliminate exemptions presently  
38 included in the definition when transfers are

1 intended to avoid the objectives of the subdivision  
2 law.

3 The second part of this bill gives municipali-  
4 ties the authority to adopt a more restrictive defi-  
5 nition of "subdivision." This provides municipali-  
6 ties with the ability to more closely regulate new  
7 development, if so desired.

8

1508010583