

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 696

6
7 H.P. 544

House of Representatives, February 10, 1983

8 Referred to the Committee on Energy and Natural Resources, sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Stevens of Bangor.

Cosponsors: Representative Jackson of Harrison and Representative
11 McGowan of Pittsfield.

12 STATE OF MAINE
13

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

17 AN ACT Relating to Ownership of Land
18 Adjoining Public Ways under the Law Defining
19 Subdivision.
20

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

23 38 MRSA §482, sub-§3-B is enacted to read:

24 3-B. Parcel of land. "Parcel of land" means all
25 contiguous land in the same ownership, provided that
26 lands located on opposite sides of a public or pri-
27 vate road shall be considered each a separate parcel
28 of land, unless the road was established by the owner
29 of land on both sides of the road.

1 STATEMENT OF FACT

2 Under present law, a person wishing to divide a
3 parcel of land into 5 or more lots may be subject to
4 2 subdivision statutes: The Revised Statutes, Title
5 30, section 4956, municipal subdivision review and
6 the site location law, Revised Statutes, Title 38,
7 section 481. Municipal subdivision review specifies
8 that land on 2 sides of a public or private way
9 should be considered 2 separate parcels for the pur-
10 pose of subdivision review. In the site location
11 law, administered by the Department of Environmental
12 Protection, there are no such provisions. The
13 department has used inconsistent standards to deter-
14 mine whether parcels intersected by roads should be
15 considered one or 2 lots.

16 In 1977, the department stated "where it is clear
17 that the road dividing a parcel of land is owned by
18 the municipal or State Government, rather than based
19 on an easement, the land on either side is considered
20 separately for subdivision purposes." Because of the
21 antiquity of many roads in the State and the lack of
22 adequate records, it may be impossible to determine
23 the origin and technical legal status of whether a
24 road is "owned" by the town or State, or is only an
25 easement interest.

26 This bill amends the site location law defini-
27 tions so that a parcel of land intersected by a road
28 is treated similarly under both the site location law
29 and municipal subdivision review.

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