

MAINE STATE LEGISLATURE

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(After Deadline)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 780

H.P. 628 House of Representatives, February 16, 1983

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

Cosponsor: Representative Michaud of E. Millinocket.

STATE OF MAINE

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

AN ACT to Amend the Municipal Planning
and Zoning Law.

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

Sec. 1. 30 MRSA §4956, sub-§4, as amended by PL 1981, c. 195, is further amended to read:

4. Enforcement. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds, nor shall ~~such~~ that person, firm, corporation or other legal entity sell or convey any land in ~~such~~ that approved

1 subdivision unless at least one permanent marker is
2 set at one lot corner of the lot sold or conveyed.
3 The term "permanent marker" includes, but is not
4 limited to, the following: A granite monument, a con-
5 crete monument, an iron pin or a drill hole in ledge.
6 No subdivision plat or plan shall be recorded by any
7 register of deeds which has not been approved as re-
8 quired and meets the minimum standards of section
9 4960. Approval for the purpose of recording shall
10 appear in writing on the plat or plan. No public
11 utility, water district, sanitary district or any
12 utility company of any kind shall may install ser-
13 vices to any lot in a subdivision for which a plan
14 has not been approved.

15 Any person, firm, corporation or other legal entity
16 who sells, leases, develops, builds upon, or conveys
17 for consideration, offers or agrees to sell, lease,
18 develop, build upon or convey for consideration any
19 land in a subdivision which has not been approved as
20 required by this section shall be punished by a fine
21 of not more than \$1,000 for each such occurrence. The
22 Attorney General, the municipality, the planning
23 board of any municipality or the appropriate municip-
24 al officers may institute proceedings to enjoin the
25 violations of this section and, if a violation is
26 found by the court, the municipality, municipal plan-
27 ning board or the appropriate municipal officers may
28 be allowed attorney fees.

29 All subdivision plats and plans required by this
30 section shall contain the name and address of the
31 person under whose responsibility the subdivision
32 plat or plan was prepared.

33 Sec. 2. 30 MRSA §4960 is enacted to read:

34 §4960. Minimum standards for recording a subdivision
35 plat or plan

36 1. Minimum standards. Subdivision plats and
37 plans shall meet the following minimum standards,
38 counties, municipalities and other state statutes may
39 require more strict standards.

40 2. Material. All plats and plans shall be
41 drawn with ink upon strong linen cloth or polyester
42 film with archival photographic image.

1 3. Caption. The plat or plan shall have a
2 title or name which shall be contained in the caption
3 and the caption shall also provide the following
4 information:

5 A. County, city, town or village, land district
6 and land lot. If the property lies within a par-
7 ticular subdivision, the subdivision shall also
8 be given;

9 B. The date of plat or plan preparation;

10 C. The scale shall be stated; and

11 D. The name and signature of the person who pre-
12 pared the plat or plan and the person under whose
13 direction the field measurements were made.

14 4. Size. Plats or plans prepared for recording
15 in the registry of deeds shall not be less than 8 1/2
16 inches by 11 inches and not larger than 24 inches by
17 35 inches.

18 5. Data. Plats and plans shall be made in ac-
19 cordance with the standards of good drafting proce-
20 dures and shall show the following information:

21 A. The direction and distance from a permanent
22 point of reference to a point on the boundary of
23 the individual survey, and such additional data
24 as may be required to reestablish the boundary
25 point from the point of reference with the same
26 degree of accuracy required of the parcel survey;

27 B. Bearings of all lines or angles at all cor-
28 ners and angle points of the boundary or lot
29 lines and distances of all boundary or lot lines
30 and area of the parcels expressed in acres,
31 square feet or square meters;

32 C. The width of all recorded rights-of-way adja-
33 cent to or crossing the property;

34 D. Easements and apparent encroachments;

35 E. In the case of curved lines, pertinent data
36 such as radius, arc length, delta angle, chord

1 length, chord bearing and tangent shall be given
2 for both regular and irregular curves;

3 F. All land lot lines, land district lines, land
4 section lines and city and county boundaries
5 intersecting or adjacent to the property shall be
6 indicated by lines drawn upon the plat or plan
7 with appropriate words and figures;

8 G. All corner markers and markers of pertinent
9 reference shall be fully described. Monuments
10 and markers found on site shall be fully de-
11 scribed and recorded on the plat or plan. De-
12 scription of markers and monuments shall indicate
13 their material or type and shall be constructed
14 of a permanent material, such as iron, steel,
15 concrete or stone. Markers or monuments estab-
16 lished by or under the direction of a registered
17 land surveyor shall have that individual's regis-
18 tration number permanently affixed thereon;

19 H. An arrow shall be shown on the plat or plan
20 to indicate the principal meridian, and a nota-
21 tion shall be made as to the reference of bear-
22 ings to magnetic north, astronomic north or grid
23 north. A grid north reference shall indicate the
24 zone;

25 I. All linear distances shown on plats or plans
26 shall be horizontal. Distances based upon the
27 state grid system shall be stated as ground level
28 distances. The grid factor used shall be stated
29 on the plan or plat;

30 J. All angular directions shown on plats or
31 plans shall be represented in degrees and min-
32 utes. Where plats state or surveys require accu-
33 racy in excess of one in 5,000, the angular
34 direction shall be represented in degrees, min-
35 utes and seconds. All angular directions shall
36 be referenced to the principal meridian;

37 K. A statement shall be shown on the plat or
38 plan to indicate the type of equipment used to
39 obtain the linear and angular measurement used in
40 the preparation of the plat or plan; and

