

MAINE STATE LEGISLATURE

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L.D. 1229

(Filing No. H-573)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " *b* " to H.P. 872, L.D. 1229, Bill, "AN ACT to Bring into Conformity Municipal and State Subdivision Laws."

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §482, sub-§5, ¶D, as amended by PL 1983, c. 788, §2, is further amended to read:

D. Unless intended to circumvent this Article, the following transactions shall not be considered lots offered for sale or lease to the general public:

(1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer; or

(2) Personal, nonprofit transactions, such as the transfer of lots by gift or devise;
or

Sec. 2. 38 MRSA §482, sub-§5, ¶E, as enacted by PL 1983, c. 788, §3, is amended to read:

E. In those subdivisions which would otherwise not require site location approval, unless intended to circumvent this Article, the following transactions shall not, except as hereinafter provided, be considered lots offered for sale or lease to the general public:

(1) Sale or lease of mainland lots of 1/2 acre or less in size which serve as parking lots and points of access to the water by

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1 boats for island property owners; and

2 (2) Sale or lease of common lots created
3 with a conservation restriction as defined
4 in Title 33, section 667.

5 These exceptions shall not apply, and the subdivi-
6 sion will require site location approval, when-
7 ever the use of a lot described in subparagraph
8 (1) or (2) changes or the lot is offered for sale
9 or lease to the general public without the limi-
10 tations set forth in subparagraph (1) or (2); or

11 Sec. 3. 38 MRSA §482, sub-§5, ¶F is enacted to
12 read:

13 F. Five years after a subdivider establishes a
14 single-family residence for his own use on a lot
15 and actually uses the lot for that purpose during
16 that period, the lot shall not be counted as a
17 lot.'

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STATEMENT OF FACT

2 The original bill added 3 additional exemptions
3 from the definition of "subdivision" which currently
4 exists in the municipal subdivision law to the site
5 location of development law. The original bill also
6 defined the term "parcel" for the purposes of the
7 site location law in a manner similar to the defini-
8 tion under the municipal law. This amendment, which
9 is the result of a study by the joint standing com-
10 mittee on Energy and Natural Resources, deletes from
11 the bill the proposed exemption for transfer to
12 abutters; deletes the definition of "parcel;" deletes
13 the exemption for lots of 40 acres or more; and re-
14 places the exemption after 5 years for a lot created
15 by a subdivider for his own use with new language to
16 clarify that the subdivider must use the lot for 5
17 years as a single-family residence.

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Reported by the Minority of the Committee on Energy and Natural Resources
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