

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1229

6
7 H.P. 872

House of Representatives, April 9, 1985

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Stevens of Bangor.

11 Cosponsored by Representative Jackson of Harrison, Senator Trafton of
Androscoggin and Senator Danton of York.

12 STATE OF MAINE
13

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

17 AN ACT to Bring into Conformity Municipal and
18 State Subdivision Laws.
19

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

22 38 MRSA §482, sub-§5, as amended by PL 1983, c.
23 788, §§1 to 3, is further amended to read:

24 5. Subdivision. A "subdivision" is the division
25 of a parcel of land into 5 or more lots to be offered
26 for sale or lease to the general public during any
27 5-year period if such lots make up an aggregate land
28 area of more than 20 acres except for the following:

29 A. All the lots are at least 10 acres in size;

30 B. All the lots are at least 5 acres, and the
31 municipality has adopted additional regulations
32 governing subdivisions pursuant to Title 30, sec-
33 tion 4956, and the lots less than 10 acres are of
34 such dimensions as to accommodate within the

1 boundaries of each a rectangle measuring 200 feet
2 and 300 feet, which abuts at one point the prin-
3 cipal access way or the lots have at least 75
4 feet of frontage on a cul-de-sac which provides
5 access;

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

14 D. Unless intended to circumvent this Article,
15 the following transactions shall not be consid-
16 ered lots offered for sale or lease to the gener-
17 al public:

18 (1) Sale or lease of lots to an abutting
19 owner or to a spouse, child, parent, grand-
20 parent or sibling of the developer; ~~e*~~

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

24 (3) Sale, lease or transfer of any interest
25 in land to the owner of land abutting there-
26 on regardless of when, how or from whom that
27 owner acquired the abutting land;

28 E. In those subdivisions which would otherwise
29 not require site location approval, unless in-
30 tended to circumvent this Article, the following
31 transactions shall not, except as hereinafter
32 provided, be considered lots offered for sale or
33 lease to the general public:

34 (1) Sale or lease of mainland lots of 1/2
35 acre or less in size which serve as parking
36 lots and points of access to the water by
37 boats for island property owners; and

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

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

7 F. For the purposes of this section, a parcel of
8 land is defined as all contiguous land in the
9 same ownership, provided that lands located on
10 opposite sides of a public or private road shall
11 be considered each a separate parcel of land un-
12 less that road was established by the owner of
13 land on both sides of the road subsequent to Jan-
14 uary 1, 1970;

15 G. Lots of 40 or more acres shall not be counted
16 as lots; or

17 H. Five years after the creation of a single
18 family residence lot by a subdivider for his own
19 use, that lot shall not be counted as a lot.

20

STATEMENT OF FACT

21 The purpose of this bill is to apply certain ex-
22 emptions under the municipal subdivision law to the
23 state site location of development law.

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