

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1232

7 H.P. 875

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 McGowan of Canaan.

11 STATE OF MAINE
12
13

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

17 AN ACT to Amend the State's Zoning Laws.
18

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

21 Sec. 1. 12 MRSA §4815, last ¶, as repealed and
22 replaced by PL 1983, c. 796, §5, is repealed.

23 Sec. 2. 30 MRSA §4956, sub-§4, as amended by PL
24 1983, c. 796, §13, is further amended to read:

25 4. Enforcement. No person, firm, corporation or
26 other legal entity may sell, lease, develop, build
27 upon or convey for consideration, offer or agree to
28 sell, lease, develop, build upon or convey for con-
29 sideration any land in a subdivision which has not
30 been approved by the municipal reviewing authority of
31 the municipality where the subdivision is located and
32 recorded in the proper registry of deeds, nor shall
33 such person, firm, corporation or other legal entity
34 sell or convey any land in such approved subdivision
35 unless at least one permanent marker is set at one

1 lot corner of the lot sold or conveyed. The term
2 "permanent marker" includes but is not limited to the
3 following: A granite monument, a concrete monument,
4 an iron pin or a drill hole in ledge. No subdivision
5 plat or plan shall be recorded by any register of
6 deeds which has not been approved as required. Ap-
7 proval for the purpose of recording shall appear in
8 writing on the plat or plan. ~~No public utility, water~~
9 ~~district, sanitary district or any utility company of~~
10 ~~any kind shall install services to any lot in a sub-~~
11 ~~division for which a plan has not been approved.~~

12 Any person, firm, corporation or other legal entity
13 who sells, leases, develops, builds upon, or conveys
14 for consideration, offers or agrees to sell, lease,
15 develop, build upon or convey for consideration any
16 land in a subdivision which has not been approved as
17 required by this section shall be penalized in ac-
18 cordance with section 4966. The Attorney General,
19 the municipality or the planning board of any munici-
20 pality may institute proceedings to enjoin the viola-
21 tions of this section.

22 All subdivision plats and plans required by this sec-
23 tion shall contain the name and address of the person
24 under whose responsibility the subdivision plat or
25 plan was prepared.

26 STATEMENT OF FACT

27 Present law prohibits any public utility, water
28 district, sanitary district or any utility company of
29 any kind from installing services to any structure
30 that does not have all shoreland zoning permits or to
31 any lot in a subdivision for which a plan has not
32 been approved by the municipality. This well-intended
33 enforcement mechanism has proven unworkable because
34 public utilities and districts do not and cannot
35 without significant expense to ratepayers, check all
36 the necessary records.

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