

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 477

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H.P. 363 House of Representatives, February 20, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative HARPER of Lincoln.

Cosponsored by Representative HICHBORN of LaGrange and  
Senator PEARSON of Penobscot.

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STATE OF MAINE

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

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1 AN ACT to Require Certified Proof of  
2 Marketable Title to Land in a Proposed  
3 Subdivision Prior to Subdivision  
4 Approval.  
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6 Be it enacted by the People of the State of Maine as  
7 follows:

8 30 MRSA §4956, sub-§4, as amended by PL 1985, c.  
9 206, §2, is further amended to read:

10 4. Enforcement. No person, firm, corporation or  
11 other legal entity may sell, lease, develop, build  
12 upon or convey for consideration, offer or agree to  
13 sell, lease, develop, build upon or convey for con-  
14 sideration any land in a subdivision which has not  
15 been approved by the municipal reviewing authority of  
16 the municipality where the subdivision is located and

1 recorded in the proper registry of deeds, nor shall  
2 such person, firm, corporation or other legal entity  
3 sell or convey any land in such approved subdivision  
4 unless at least one permanent marker is set at one  
5 lot corner of the lot sold or conveyed. The term  
6 "permanent marker" includes but is not limited to the  
7 following: A granite monument, a concrete monument,  
8 an iron pin or a drill hole in ledge. No subdivision  
9 plat or plan shall be recorded by any register of  
10 deeds which has not been approved as required. Any  
11 person, firm, corporation or other legal entity which  
12 applies to a municipality for subdivision approval  
13 shall file certified proof with the municipality that  
14 the person, firm, corporation or legal entity is the  
15 owner of marketable title to the land on the proposed  
16 subdivision. Approval for the purpose of recording  
17 shall appear in writing on the plat or plan. No public  
18 utility, water district, sanitary district or any  
19 utility company of any kind may install services to  
20 any lot in a subdivision, unless written authorization  
21 attesting to the validity and currency of all  
22 local permits required under this chapter has been  
23 issued by the appropriate municipal officials. Fol-  
24 lowing installation of service, the company or dis-  
25 trict shall forward the written authorization to the  
26 municipal officials indicating that installation has  
27 been completed.

28 Any person, firm, corporation or other legal entity  
29 who sells, leases, develops, builds upon, or conveys  
30 for consideration, offers or agrees to sell, lease,  
31 develop, build upon or convey for consideration any  
32 land in a subdivision which has not been approved as  
33 required by this section shall be penalized in ac-  
34 cordance with section 4966. The Attorney General,  
35 the municipality or the planning board of any munici-  
36 pality may institute proceedings to enjoin the viola-  
37 tions of this section.

38 All subdivision plats and plans required by this sec-  
39 tion shall contain the name and address of the person  
40 under whose responsibility the subdivision plat or  
41 plan was prepared.

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STATEMENT OF FACT

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The purpose of this bill is to require that anyone seeking subdivision approval provide proof that they are the owner of marketable title to the land in the proposed subdivision.

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