

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 604

H.P. 449 House of Representatives, March 3, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Berwick.

Cosponsored by Senator TUTTLE of York, Representatives  
ROLDE of York and WHITCOMB of Waldo.

STATE OF MAINE

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

1 AN ACT to Strengthen the Subdivision Laws.  
2

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

5 Sec. 1. 30 MRS A §4956, as amended by PL 1985, c.  
6 794, Pt. A, §2, is repealed.

7 Sec. 2. 30 MRS A §4956-A is enacted to read:

8 §4956-A. Land subdivisions

9 1. Definitions. As used in this chapter, unless  
10 the context otherwise indicates, the following terms  
11 have the following meanings.

12 A. " Subdivision" means the division of a tract  
13 or parcel of land into 3 or more lots, or of a

1 building into 3 or more units, or of 2 buildings  
2 on a single tract or parcel of land into 3 or  
3 more units, within any 5-year period, which peri-  
4 od begins after September 23, 1971, whether ac-  
5 complished by sale, lease, development, buildings  
6 or otherwise, provided that a division accom-  
7 plished by devise, condemnation, order of court,  
8 gift to a person related to the donor by blood,  
9 marriage or adoption, or by transfer of any in-  
10 terest in land to the owner of land abutting  
11 thereon, unless the intent of the gift or trans-  
12 fer is to avoid the objectives of this section,  
13 shall not be considered to create a lot or lots  
14 for the purposes of this section.

15 In determining whether a tract or parcel of land  
16 is divided into 3 or more lots, the first divid-  
17 ing of such tract or parcel, unless otherwise ex-  
18 empted in this paragraph, shall be considered to  
19 create the first 2 lots and the next dividing of  
20 either of the first 2 lots, by whomever accom-  
21 plished, unless otherwise exempted in this para-  
22 graph, shall be considered to create a 3rd lot,  
23 unless both dividings are accomplished by a sub-  
24 divider who shall have retained one of the lots  
25 for his own use as a single family residence for  
26 a period of at least 5 years prior to the 2nd di-  
27 viding. Lots of 40 or more acres shall not be  
28 counted as lots.

29 For the purposes of this section, a tract or par-  
30 cel of land is defined as all contiguous land in  
31 the same ownership, provided that, for lands lo-  
32 cated on opposite sides of a public or private  
33 road, each shall be considered a separate tract  
34 or parcel of land, unless the road was estab-  
35 lished by the owner of land on both sides of the  
36 road.

37 B. "Densely developed area" means any commercial,  
38 industrial or compact residential area of 10 or  
39 more acres with an existing density of at least  
40 one principal structure per 2 acres. A principal  
41 structure is defined as any building other than  
42 one which is used for purposes wholly incidental  
43 or accessory to the use of another building on  
44 the same premises.

1 C. In accordance with Title 12, section 402,  
2 outstanding river segments shall include:

3 (1) The Aroostook River from the Canadian  
4 border to the Masardis and T.10, R.6,  
5 W.E.L.S. townline, excluding the segment in  
6 T.9, R.5, W.E.L.S.;

7 (2) The Carrabassett River from the Kenne-  
8 bec River to the Carrabassett Valley and Mt.  
9 Abram Township townline;

10 (3) The Crooked River from its inlet into  
11 Sebago Lake to the Waterford and Albany  
12 Township townline;

13 (4) The Damariscotta River from the Route 1  
14 bridge in Damariscotta to the dam at  
15 Damariscotta Mills;

16 (5) The Dennys River from the Route 1  
17 bridge to the outlet of Meddybemps Lake, ex-  
18 cluding the western shore in Edmunds Town-  
19 ship and No. 14 Plantation;

20 (6) The East Machias River, including the  
21 Maine River, from 1/4 of a mile above the  
22 Route 1 bridge to the East Machias and T.18,  
23 E.D., B.P.P. townline, from the T.19, E.D.,  
24 B.P.P. and Wesley townline to the outlet of  
25 Crawford Lake, and from the No. 21 Planta-  
26 tion and Alexander townline to the outlet of  
27 Pocomoonshine Lake, excluding Hadley Lake,  
28 Lower Mud Pond and Upper Mud Pond;

29 (7) The Fish River from the bridge at Fort  
30 Kent Mills to the Fort Kent and Wallagrass  
31 Plantation townline, from the T.16, R.6,  
32 W.E.L.S. and Eagle Lake townline to the Ea-  
33 gle Lake and Winterville Plantation  
34 townline, and from the T.14, R.6, W.E.L.S.  
35 and Portage Lake townline to the Portage  
36 Lake and T.13, R.7, W.E.L.S. townline, ex-  
37 cluding Portage Lake;

38 (8) The Kennebago River from its inlet into  
39 Cupsuptic Lake to the Rangeley and Lower  
40 Cupsuptic Township townline;

- 1                   (9) The Kennebec River from Thorns Head  
2                   Narrows in North Bath to the Edwards Dam in  
3                   Augusta, excluding Perkins Township, and  
4                   from the Route 148 bridge in Madison to the  
5                   Caratunk and The Forks Plantation townline,  
6                   excluding the western shore in Concord Town-  
7                   ship, Pleasant Ridge Plantation and Carrying  
8                   Place Township and excluding Wyman Lake;
- 9                   (10) The Machias River from the Route 1  
10                   bridge to the Northfield and T.19, M.D.,  
11                   B.P.P. townline;
- 12                   (11) The Mattawamkeag River from the  
13                   Penobscot River to the Mattawamkeag and  
14                   Kingman Township townline, and from the Reed  
15                   Plantation and Bancroft townline to the East  
16                   Branch in Haynesville;
- 17                   (12) The Narraguagus River from the ice dam  
18                   above the railroad bridge in Cherryfield to  
19                   the Beddington and Devereaux Township  
20                   townlines, excluding Beddington Lake;
- 21                   (13) The Penobscot River, including the  
22                   Eastern Channel, from Sandy Point in  
23                   Stockton Springs to the Veazie Dam and its  
24                   tributary the East Branch of the Penobscot  
25                   from the Penobscot River to the East  
26                   Millinocket and Grindstone Township  
27                   townline;
- 28                   (14) The Piscataquis River from the  
29                   Penobscot River to the Monson and Blanchard  
30                   Plantation townline;
- 31                   (15) The Pleasant River from the bridge in  
32                   Addison to the Columbia and T.18, M.D.,  
33                   B.P.P. townline, and from the T.24, M.D.,  
34                   B.P.P. and Beddington townline to the outlet  
35                   of Pleasant River Lake;
- 36                   (16) The Rapid River from the Magalloway  
37                   Plantation and Upton townline to the outlet  
38                   of Pond in the River;
- 39                   (17) The Saco River from the Little Ossipee  
40                   River to the New Hampshire border;

1                   (18) The St. Croix River from the Route 1  
2                   bridge in Calais to the Calais and Baring  
3                   Plantation townline, from the Baring Planta-  
4                   tion and Baileyville townline to the  
5                   Baileyville and Fowler Township townline,  
6                   and from the Lambert Lake Township and  
7                   Vanceboro townline to the outlet of Spednik  
8                   Lake, excluding Woodland Lake and Grand  
9                   Falls Flowage;

10                   (19) The St. George River from the Route 1  
11                   bridge in Thomaston to the outlet of Lake  
12                   St. George in Liberty, excluding White Oak  
13                   Pond, Seven Tree Pond, Round Pond, Sennebec  
14                   Pond, Trues Pond, Stevens Pond and Little  
15                   Pond;

16                   (20) The St. John River from the Van Buren  
17                   and Hamlin Plantation townline to the Fort  
18                   Kent and St. John Plantation townline, and  
19                   from the St. John Plantation and St. Francis  
20                   townline to the Allagash and St. Francis  
21                   townline;

22                   (21) The Sandy River from the Kennebec Riv-  
23                   er to the Madrid and Township E townline;

24                   (22) The Sheepscot River from the railroad  
25                   bridge in Wiscasset to the Halldale Road in  
26                   Montville, excluding Long Pond and Sheepscot  
27                   Pond, including its tributary the West  
28                   Branch of the Sheepscot from its confluence  
29                   with the Sheepscot River in Whitefield to  
30                   the outlet of Branch Pond in China;

31                   (23) The West Branch Pleasant River from  
32                   the East Branch in Brownville to the  
33                   Brownville and Williamsburg Township  
34                   townline; and

35                   (24) The West Branch Union River from the  
36                   Route 181 bridge in Mariaville to the outlet  
37                   of Great Pond in the Town of Great Pond.

38                   2. Municipal review and regulation. Municipal  
39                   review and regulation shall be governed by the fol-  
40                   lowing provisions.

1           A. All requests for subdivision approval shall  
2           be reviewed by the municipal planning board,  
3           agency or office, or, if none, by the municipal  
4           officers in this section called the municipal re-  
5           viewing authority. A municipality may by ordi-  
6           nance or charter designate another board or com-  
7           mission as the municipal reviewing authority.

8                   (1) If any portion of a subdivision crosses  
9                   the municipal boundaries, approval from the  
10                  the reviewing authority in each municipality  
11                  shall be required. The reviewing authori-  
12                  ties from each municipality shall meet  
13                  jointly to discuss the application.

14           B. The municipal reviewing authority may, after  
15           a public hearing, adopt, amend and repeal addi-  
16           tional reasonable regulations governing subdivi-  
17           sions which shall control until amended, repealed  
18           or replaced by regulations adopted by the munici-  
19           pal legislative body. The municipal reviewing au-  
20           thority shall give at least 7 days' notice of the  
21           hearing.

22                   (1) The regulations may provide for a  
23                   multistage application or review procedure.  
24                   Each stage shall meet the time requirements  
25                   in paragraph E.

26                   (2) The regulations may call for subdivi-  
27                   sion development plans containing restric-  
28                   tive covenants, height restrictions, side  
29                   yard and setback requirements or other per-  
30                   missible forms of land use controls for pur-  
31                   poses of protecting and assuring access to  
32                   direct sunlight for solar energy systems.

33           C. On all matters concerning subdivision review,  
34           the municipal reviewing authority shall maintain  
35           a permanent record of all its meetings, proceed-  
36           ings and correspondence.

37           D. Upon receiving an application, the municipal  
38           reviewing authority shall issue a dated receipt  
39           to the applicant. Within 30 days from receipt of  
40           an application, the municipal reviewing authority  
41           shall notify the applicant in writing either that

1 the application is a complete application or, if  
2 the application is incomplete, the specific addi-  
3 tional material needed to make a complete appli-  
4 cation. After the municipal reviewing authority  
5 has determined that a complete application has  
6 been filed, it shall notify the applicant and be-  
7 gin its full evaluation of the proposed subdivi-  
8 sion.

9 If the proposed subdivision is within 500 feet of  
10 a municipal boundary, has a public road from an-  
11 other municipality as its primary access or is  
12 located over a mapped sand and gravel aquifer  
13 which crosses municipal boundaries, the municipal  
14 reviewing authority shall notify the clerk and  
15 the reviewing authority in the affected municipi-  
16 palities of the application and the date and time  
17 of any public hearing on the application. If re-  
18 quested by the affected municipalities, a joint  
19 meeting or hearing shall be held.

20 E. In the event that the municipal reviewing au-  
21 thority determines to hold a public hearing on an  
22 application for subdivision approval, it shall  
23 hold that hearing within 30 days of receipt of a  
24 completed application, give notice of the date,  
25 time and place of that hearing to the person mak-  
26 ing the application and publish the notice in a  
27 newspaper of general circulation in the municipi-  
28 pality in which the subdivision is proposed to be  
29 located, at least 2 times, the date of the first  
30 publication to be at least 7 days prior to the  
31 hearing.

32 The municipal reviewing authority shall, within  
33 30 days of a public hearing, or within 60 days of  
34 receiving a completed application if no hearing  
35 is held, or within such other time limit as may  
36 be otherwise mutually agreed to, issue an order  
37 denying or granting approval of the proposed sub-  
38 division or granting approval upon such terms and  
39 conditions as it deems advisable to satisfy the  
40 criteria listed in subsection 3, to satisfy any  
41 other regulations adopted by the reviewing au-  
42 thority and to protect and preserve the public's  
43 health, safety and general welfare. In all in-  
44 stances, the burden of proof shall be upon the



1 persons proposing the subdivisions. In issuing  
2 its decision, the reviewing authority shall make  
3 findings of fact establishing that the proposed  
4 subdivision does or does not meet the require-  
5 ments of this paragraph.

6 3. Guidelines. When promulgating any subdivi-  
7 sion regulations and when reviewing any subdivision  
8 for approval, the reviewing authority shall consider  
9 the following criteria and before granting approval  
10 shall determine that:

11 A. The proposed subdivision, alone or in con-  
12 junction with other activities, existing or pro-  
13 posed:

14 (1) Will not result in undue water or air  
15 pollution. In making this determination, the  
16 reviewing authority shall at least consider  
17 the elevation of land above sea level and  
18 its relation to the flood plains, the nature  
19 of soils and subsoils and their ability to  
20 adequately support waste disposal, the slope  
21 of the land and its effect on effluents the  
22 availability of streams for disposal of ef-  
23 fluents and the applicable state and local  
24 health and water resource regulations;

25 (2) Has sufficient water available for con-  
26 sumption and firefighting purposes;

27 (3) Will not place a demand on an existing  
28 water supply beyond the current capacity or  
29 planned improvements, if that water supply  
30 is to be utilized. In making this determi-  
31 nation, the reviewing authority shall at  
32 least consider the safe yield of the source,  
33 pumping and distribution capacities; pres-  
34 sure and volume necessary for firefighting  
35 purposes; and seasonal fluctuations in de-  
36 mand within the system;

37 (4) Will not cause unreasonable soil ero-  
38 sion or an increase in surface water flow  
39 rates, velocities and volumes beyond those  
40 currently existing off the tract or parcel,  
41 unless adequate storm water control facili-

1 ties exist or are to be constructed. In  
2 making this determination, the reviewing au-  
3 thority shall at least consider the nature  
4 of the soils on the site, the proximity of  
5 water bodies, the slopes on the site; the  
6 extent of construction activities proposed;  
7 the increase in impermeable areas proposed;  
8 the on-site storm water management facili-  
9 ties proposed; or the existence of any down-  
10 stream storm water management facilities and  
11 existing or approved upstream developments;

12 (5) Will not cause unreasonable highway or  
13 public road congestion or unsafe conditions  
14 with respect to use of the highways or pub-  
15 lic roads existing or proposed. In making  
16 this determination, the reviewing authority  
17 shall at least consider existing traffic  
18 conditions, existing highway or road capaci-  
19 ties and planned improvements, seasonal  
20 fluctuations in traffic counts, the location  
21 of proposed streets and driveways and the  
22 design and construction specifications of  
23 proposed streets and intersections;

24 (6) Will provide for adequate sewage and  
25 solid waste disposal. In making this deter-  
26 mination, the reviewing authority shall at  
27 least consider the suitability of soils for  
28 on-site wastewater disposal, the availabili-  
29 ty of off-site treatment facilities, whether  
30 off-site treatment facilities are operating  
31 in compliance with their licenses, the long-  
32 term availability of licensed solid waste  
33 disposal facilities and whether the solid  
34 waste disposal facility is in compliance  
35 with its license;

36 (7) Will not cause an unreasonable burden  
37 on the ability of a municipality to dispose  
38 of solid waste and sewage, if municipal ser-  
39 vices are to be utilized. In making this  
40 determination, the reviewing authority shall  
41 at least consider the type and volume of  
42 wastes to be generated; the expected  
43 lifespan of the municipal solid waste dis-  
44 posal facility; the capacity of the sewage

1 treatment facility, collection lines and  
2 pumps; and whether existing disposal or  
3 treatment facilities are operating in com-  
4 pliance with their licenses;

5 (8) Will not have an undue adverse effect  
6 on the scenic or natural beauty of the area,  
7 aesthetics, historic sites, identified high  
8 value wildlife habitats, rare and irreplace-  
9 able natural areas or any public rights for  
10 physical or visual access to the shoreline.  
11 In making this determination, the reviewing  
12 authority shall at least consider the view  
13 of the property from state highways and nav-  
14 igable water bodies; the architectural char-  
15 acter of the proposed subdivision in rela-  
16 tionship to the surrounding architecture;  
17 the proximity of the proposed subdivision to  
18 registered critical areas; the proximity of  
19 the proposed subdivision to registered his-  
20 toric sites, districts or buildings; the ef-  
21 fect on areas identified as high value wild-  
22 life or fisheries habitats; the effect on  
23 areas identified as habitats for rare or en-  
24 dangered species; the existence of any pub-  
25 lic rights of access to the shoreline of a  
26 body of water; and the effect upon the view  
27 of a body of water from a public facility;

28 (9) Is in conformance with a duly adopted  
29 subdivision regulation or ordinance, compre-  
30 hensive plan, development plan, capital im-  
31 provement plan or land use plan, if any. In  
32 making this determination, the reviewing au-  
33 thority shall at least consider the location  
34 of the proposed subdivision in relationship  
35 to the availability of services or plans to  
36 expand services; location of the proposed  
37 subdivision in relationship to designated  
38 open spaces, growth areas and rural areas;  
39 and compliance with any performance stan-  
40 dards or design criteria;

41 (10) Whenever situated, in whole or in  
42 part, within 250 feet of any pond, lake,  
43 river or tidal waters, will not adversely  
44 affect the quality of that body of water or

1 unreasonably affect the shoreline of that  
2 body of water. In making this determina-  
3 tion, the reviewing authority shall at least  
4 consider the need for a vegetative buffer  
5 strip along the shoreline adequate to mini-  
6 mize the visual impact of the subdivision  
7 and provide suitable wildlife habitats;

8 Furthermore, when lots in a subdivision have  
9 frontage on an outstanding river segment,  
10 the proposed subdivision plan shall require  
11 principal structures to have a combined lot  
12 shore frontage and setback of 500 feet from  
13 the normal high-water mark. To avoid  
14 circumventing the intent of this provision,  
15 whenever a proposed subdivision adjoins a  
16 shoreland strip narrower than 250 feet which  
17 is not lotted, the proposed subdivision  
18 shall be reviewed as if lot lines extended  
19 to the shore. These frontage and set-back  
20 provisions shall not apply either within ar-  
21 eas zoned as general development or its  
22 equivalent under shoreland zoning, Title 38,  
23 section 442, or within areas designated by  
24 ordinance as densely developed. The deter-  
25 mination of which areas are densely devel-  
26 oped shall be based on a finding that exist-  
27 ing development meets the definition in sub-  
28 section 1 on the effective date of this sec-  
29 tion;

30 (11) Will not adversely affect the quality  
31 or quantity of ground water. In making this  
32 determination, the reviewing authority shall  
33 at least consider the location of mapped  
34 sand and gravel aquifers, sizes of lots with  
35 subsurface waste water disposal systems, ex-  
36 pected ground water withdrawals, expected  
37 losses in recharge, the nature of waste  
38 likely to enter ground water, and the sepa-  
39 ration between subsurface waste water dis-  
40 posal systems and the seasonal high water  
41 table; and

42 (12) Will not place an unreasonable burden  
43 on the ability of the municipality or quasi-  
44 municipal districts to provide services or

1 place a demand for services which exceeds  
2 the ability of existing facilities, such as  
3 but not limited to education, recreation and  
4 public safety, provided that the municipali-  
5 ty has adopted and is following a capital  
6 improvement plan. In making this determina-  
7 tion, the reviewing authority shall at least  
8 consider the adequacy of existing capital  
9 facilities to serve the proposed subdivi-  
10 sion; the expected demand for services from  
11 the proposed subdivision; and adopted plans  
12 for improvements to capital facilities. In  
13 making this determination, it shall not con-  
14 sider the impacts of the proposed subdivi-  
15 sion on the municipal operating budget or  
16 the relative value of the projected tax rev-  
17 enue from the proposed subdivision to the  
18 costs of providing services to the proposed  
19 subdivision. This determination shall not  
20 be used as a criterion for denial of an ap-  
21 plication for subdivision approval, but only  
22 for the placing of conditions of approval on  
23 the timing of its development;

24 B. The subdivider has adequate financial and  
25 technical capacity to meet the standards of this  
26 subsection and to construct the subdivision as  
27 approved; and

28 C. The subdivider has determined, based on the  
29 Federal Emergency Management Agency's Flood  
30 Boundary and Floodway Maps and Flood Insurance  
31 Rate Maps, whether the subdivision is in a  
32 flood-prone area. If the subdivision, or any part  
33 of it, is in such an area, the subdivider has to  
34 determine the 100-year flood elevation and flood  
35 hazard boundaries within the subdivision. The  
36 proposed subdivision plan shall include a condi-  
37 tion of plat approval requiring that principal  
38 structures on lots in the subdivision shall be  
39 constructed with their lowest floor, including  
40 the basement, at least one foot above the  
41 100-year flood elevation.

42 4. Enforcement. No person, firm, corporation or  
43 other legal entity may sell, lease, develop, build  
44 upon or convey for consideration, or offer or agree

1 to do so, any land in a subdivision which has not  
2 been approved by the municipal reviewing authority of  
3 the municipality where the subdivision is located and  
4 recorded in the proper registry of deeds, nor may  
5 that person, firm, corporation or other legal entity  
6 sell or convey any land in that approved subdivision  
7 unless at least one permanent marker is set at one  
8 lot corner of the lot sold or conveyed. The term  
9 "permanent marker" includes, but is not limited to, a  
10 granite monument, a concrete monument, an iron pin or  
11 a drill hole in ledge. No subdivision plat or plan  
12 may be recorded by any register of deeds which has  
13 not been approved as required. Approval for the pur-  
14 pose of recording shall appear in writing on the plat  
15 or plan. No public utility, water district, sanitary  
16 district or any utility company of any kind may in-  
17 stall services to any lot in a subdivision, unless  
18 written authorization attesting to the validity and  
19 currency of all local permits required under this  
20 chapter has been issued by the appropriate municipal  
21 officials. Following installation of service, the  
22 company or district shall forward the written autho-  
23 rization to the municipal officials indicating that  
24 installation has been completed.

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

36 Any person, firm, corporation or other legal entity  
37 who, after receiving approval from the municipal re-  
38 viewing authority and recording the plat or plan at  
39 the registry of deeds, constructs or develops the  
40 subdivision in a manner other than depicted on the  
41 approved plans shall be penalized in accordance with  
42 section 4966.

43 All subdivision plats and plans required by this sec-  
44 tion shall contain the name and address of the person

1 under whose responsibility the subdivision plat or  
2 plan was prepared.

3 5. Exemptions. This section does not apply to  
4 proposed subdivisions approved by the planning board  
5 or the municipal officials prior to September 23,  
6 1971 in accordance with laws then in effect nor shall  
7 it apply to subdivisions as defined by this section  
8 in actual existence on September 23, 1971, that did  
9 not require approval under prior law or to a subdivi-  
10 sion as defined by this section, a plan of which had  
11 been legally recorded in the proper registry of deeds  
12 prior to September 23, 1971. This section does not  
13 apply to the division of a building or buildings, if  
14 the division was in actual existence on September 1,  
15 1987. The division of a tract or parcel, as defined  
16 by this section, into 3 or more lots and upon all of  
17 which lots permanent dwelling structures legally ex-  
18 isted prior to September 23, 1971, is not a subdivi-  
19 sion.

20 The dividing of a tract or parcel of land and the lot  
21 or lots so made are not subject to this section. The  
22 lot or lots shall not become subject to this section  
23 by the subsequent dividing of that tract or parcel of  
24 land or any portion thereof; however, the municipal  
25 reviewing authority shall consider the existence of  
26 such previously created lot or lots in reviewing a  
27 proposed subdivision created by such subsequent di-  
28 viding.

29 6. Revisions to existing plat or plan. Any ap-  
30 plication for subdivision approval which constitutes  
31 a revision or amendment to a subdivision plan which  
32 has been previously approved shall indicate that fact  
33 on the application and shall identify the original  
34 subdivision plan being revised or amended. In re-  
35 viewing such an application, the municipal reviewing  
36 authority shall make finding of facts establishing  
37 that the proposed revisions do or do not meet the  
38 criteria of subsection 2.

39 If a subdivision plat or plan is presented for re-  
40 ording to a register of deeds and that plat or plan  
41 is a revision or amendment to an existing plat or  
42 plan, the register shall indicate on the index for  
43 the original plat or plan that it has been superseded

1 by another plat or plan and shall reference the book  
2 and page or cabinet and sheet on which the new plat  
3 or plan is recorded. In addition, the register shall  
4 ensure that the book and page or cabinet and sheet on  
5 which the original plat or plan is recorded is refer-  
6 enced on the new plat or plan.

7 STATEMENT OF FACT

8 The purpose of this bill is to make changes in  
9 the state subdivision law which is currently Maine  
10 Revised Statutes, Title 30, section 4956. This bill  
11 enacts a new section 4956-A.

12 The definition of subdivision is changed to  
13 clearly include the division of a building and to in-  
14 clude transfers to abutters if the intent is to avoid  
15 review.

16 If a subdivision crosses town boundaries, approv-  
17 al from each municipality and a joint meeting of the  
18 planning boards is required by this bill.

19 Multistage review, as most towns with regulations  
20 have adopted, is expressly authorized, as is notifi-  
21 cation of neighboring towns when a subdivision may  
22 impact the infrastructure or resources of that town.

23 The cumulative impact reference that is currently  
24 part of the criterion on ground water is applicable  
25 to all criteria in this bill.

26 Many of the existing criteria are made more spe-  
27 cific by indicating items which the planning board is  
28 to consider, as is currently done for air and water  
29 pollution; for example, the effect on wildlife  
30 habitats is included as a criterion, and the effect  
31 on municipal services is included as a criterion if  
32 the municipality has adopted and is following a capi-  
33 tal improvement plan.

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