

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 869

S.P. 300

In Senate, March 23, 1987

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

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator RANDALL of Washington.

Cosponsored by Representative LOOK of Jonesboro,
Representative FARREN of Cherryfield, Representative VOSE of
Eastport.

STATE OF MAINE

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

AN ACT Relating to the State Subdivision Law.

1
2

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

5 30 MRSa §4956, sub-§1, as enacted by PL 1983, c.
6 458, §10, is amended to read:

7 1. Defined. A subdivision is the division of a
8 tract or parcel of land into 3 or more lots within
9 any 5-year period, which period begins after Septem-
10 ber 22, 1971, whether accomplished by sale, lease,
11 development, buildings or otherwise, provided that a
12 division accomplished by devise, condemnation, order
13 of court, gift to a person related to the donor by
14 blood, marriage or adoption, unless the intent of
15 such gift is to avoid the objectives of this section,
16 or by transfer of any interest in land to the owner

1 of land abutting thereon, shall not be considered to
2 create a lot or lots for the purposes of this sec-
3 tion.

4 In determining whether a tract or parcel of land is
5 divided into 3 or more lots, the first dividing of
6 such tract or parcel, unless otherwise exempted here-
7 in, shall be considered to create the first 2 lots
8 and the next dividing of either of said first 2 lots,
9 by whomever accomplished, unless otherwise exempted
10 herein, shall be considered to create a 3rd lot, un-
11 less both such dividings are accomplished by a subdivi-
12 der who shall have retained one of such lots for
13 his own use as a single family residence for a period
14 of at least 5 years prior to such 2nd dividing. ~~Lots~~
15 ~~of 40 or more acres shall not be counted as lots.~~

16 For the purposes of this section, a tract or parcel
17 of land is defined as all contiguous land in the same
18 ownership, provided that lands located on opposite
19 sides of a public or private road shall be considered
20 each a separate tract or parcel of land unless such
21 road was established by the owner of land on both
22 sides thereof.

23 A "densely developed area" is defined as any commer-
24 cial, industrial or compact residential area of 10 or
25 more acres with an existing density of at least one
26 principal structure per 2 acres. A principal struc-
27 ture is defined as any building other than one which
28 is used for purposes wholly incidental or accessory
29 to the use of another building on the same premises.

30 STATEMENT OF FACT

31 The purpose of this bill is to allow local review
32 of large lot subdivisions by repealing the language
33 which removes lots of 40 or more acres from local re-
34 view.

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