

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 909

H.P. 676 House of Representatives, March 24, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative WARREN of Scarborough.  
Cosponsored by Senator ANDREWS of Cumberland and  
Representative NADEAU of Saco.

STATE OF MAINE

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

1 AN ACT Relating to Allowing Local Planning  
2 Boards to Require a Subdivision  
3 Applicant to Set Aside 20% of Lots to  
4 be Sold at 25% Below Fair Market  
5 Value.  
6

7 Be it enacted by the People of the State of Maine as  
8 follows:

9 Sec. 1. 30 MRS §4956, sub-§3, ¶M, as amended by  
10 PL 1985, c. 794, Pt. A, §2, is further amended to  
11 read:

12 M. Will not, alone or in conjunction with exist-  
13 ing activities, adversely affect the quality or  
14 quantity of ground water; and

15 Sec. 2. 30 MRS §4956, sub-§3, ¶N, as enacted by  
16 PL 1985, c. 794, Pt. A, §2, is amended to read:

1 N. The subdivider will determine, based on the  
2 Federal Emergency Management Agency's Flood  
3 Boundary and Floodway Maps and Flood Insurance  
4 Rate Maps, whether the subdivision is in a  
5 flood-prone area. If the subdivision, or any part  
6 of it, is in such an area the subdivider will de-  
7 termine the 100-year flood elevation and flood  
8 hazard boundaries within the subdivision. The  
9 proposed subdivision plan shall include a condi-  
10 tion of plat approval requiring that principal  
11 structures on lots in the subdivision shall be  
12 constructed with their lowest floor, including  
13 the basement, at least one foot above the  
14 100-year flood elevation; and

15 Sec. 3. 30 MRSa §4956, sub-§3, ¶0 is enacted to  
16 read:

17 O. Has at least 20% of its lots set aside to be  
18 sold at 25% of their fair market value. The mu-  
19 nicipal reviewing authority shall maintain a  
20 waiting list of buyers for the lots set aside  
21 pursuant to this paragraph.

22 STATEMENT OF FACT

23 Maine communities are experiencing a growth prob-  
24 lem and a land-use problem. As land values  
25 skyrocket, people who have lived in communities for  
26 many years are forced to move from those communities  
27 because they cannot afford to purchase a lot of land.

28 This is, in turn, causing a problem for such lo-  
29 cal government agencies as planning boards, zoning  
30 boards, volunteer fire departments, rescue units,  
31 school boards and town councils. Knowledge of a com-  
32 munity and its people and history is essential for  
33 members of these groups. Individuals who have lived  
34 in a community for a period of time have the knowl-  
35 edge necessary to provide the perspective needed to  
36 compliment the other skills needed, skills that can  
37 be present in new residents and old residents.

38 This bill seeks to set up a local-option system  
39 to be a reasonable first step to providing stability

1 to local governments during time of growth pressure.  
2 The bill provides authority to local planning boards  
3 under the home rule ordinance and the state subdivi-  
4 sion law.

5 The bill allows local planning boards, in review-  
6 ing an application for a housing subdivision of 10  
7 lots or more, to require the developer to set aside  
8 20% of the lots to be sold at a price 25% below fair  
9 market value. The local boards shall enact regula-  
10 tions for this procedure, including appraisals of  
11 fair market value. This bill foresees local boards  
12 setting up, among other things, a waiting list which  
13 residents of the municipality could use to sign up to  
14 be allowed to purchase a lot when one becomes availa-  
15 ble.

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