

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 **Sec. 2.** 38 MRSA §482, sub-§5, ¶G-1, as enacted
2 by PL 1987, c. 810, §10, is repealed.

3 **Sec. 3.** PL 1987, c. 810, §11 is repealed and
4 the following enacted in its place:

5 **Sec. 11. Application.** Notwithstanding the
6 Maine Revised Statutes, Title 1, section 302, this Act
7 applies to any subdivision occurring after the date of
8 enactment of this Act, except as otherwise hereinafter
9 provided.

10 Title 12, section 682, subsection 2, does not
11 apply to subdivisions where each of the lots is 40
12 acres or more in size and where the subdivision plat
13 has been recorded with the applicable registry of
14 deeds on or before the date of enactment of this Act.

15 Title 30, section 4956, subsection 1, does not
16 apply to subdivisions where each of the lots is 40
17 acres or more in size and the subdivision has been
18 recorded with the applicable registry of deeds and
19 filed with the municipal reviewing authority on or
20 before the date of enactment of this Act.

21 This Act shall not apply to the parcel of land
22 approximately 343.6 acres in the northwest portion in
23 Township 9 SD which shall not be divided into more
24 than 8 lots and which is subject to a conservation
25 easement to the State, as described in the Agreement
26 between the State and Prentiss & Carlisle Company,
27 Inc., dated April 1, 1988, if that Agreement is
28 enacted into law.

29 **Sec. 5.** PL 1987, c. 812, §18 is amended to read:

30 **Sec. 18. Application.** Notwithstanding the
31 Maine Revised Statutes, Title 1, section 302, this Act
32 applies to developments which are pending before the
33 Department of Environmental Protection on the
34 effective date of this Act, but not determined to be
35 complete by the department prior to on or before
36 the date of enactment or, for those developments which
37 do not require approval by the Department of
38 Environmental Protection under the law in effect on

1 the date of enactment, this Act applies to
2 developments which, prior to on or before the date
3 of enactment, have not had at least one substantive
4 review, as determined by rule adopted by the
5 department, or which have not been determined to be
6 complete by the municipal reviewing authority.

7

STATEMENT OF FACT

8 This bill clarifies, without effecting any
9 substantive change, the application of 2 of the growth
10 management laws enacted at the end of the Second
11 Regular Session. These laws, which, among other
12 changes, modify the so-called 40-acre exemption in the
13 unorganized territory and the organized territory,
14 respectively, were intended to apply to subdivisions
15 applied for or recorded after the enactment dates.
16 Considerable confusion arose, however, as to the
17 meaning of certain language and, as a result,
18 clarification was deemed necessary. The bill states
19 clearly that in the case of the unorganized territory,
20 any subdivision plans recorded on or before the
21 enactment date are exempt. Additionally, the bill
22 states that the Department of Environmental Protection
23 shall determine by rule the meaning of substantive
24 review at the local level.

25

5783050388