

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 248, Bill, "An Act to Strengthen Land Use Management in Maine's Unorganized Territories"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Sec. 1. 12 MRSA §682, sub-§2, as amended by PL 1987, c. 885, §1, is further amended to read:

2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing. A division accomplished by gift to a person related to the donor by blood, marriage or adoption, unless the intent of that gift is to avoid the objectives of this chapter, does not create a lot or lots for purposes of this definition.

The term "subdivision" shall also include the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph.

~~The creation of a lot or parcel more than 500 acres in size shall not be counted as a lot for the purpose of this subsection.~~

The creation of a lot or parcel of at least 40 ~~but not more than~~ 500 acres in size shall not be counted as a lot for the purpose of this subsection except when the lot or the parcel from which it was divided is located wholly or partly within the shoreland

1 area as defined in Title 38, section 435 and except as provided
2 in paragraph A, or when the lot or parcel from which it was
3 divided has been subdivided into more than 10 lots in 5 years.

5 A. When ~~3 or more~~ to 10 lots containing at least 40 but-~~not~~
6 ~~more-than-500~~ acres are created within a 5-year period from
7 a parcel which is located wholly outside the shoreland area
8 as defined in Title 38, section 435, a plan showing the
9 division of the original parcel must be filed by the person
10 creating the 3rd lot with the registry of deeds, the
11 commission and the State Tax Assessor within 60 days of the
12 creation of that lot. Any subsequent division of a lot
13 created from the original parcel within 10 years of the
14 filing of the plan in the registry of deeds shall be
15 considered a subdivision. Failure to file the plan required
16 by this paragraph is a violation of this chapter subject to
17 the penalties provided in section 685-C, subsection 8.

19 B. The commission shall submit a report by March 15th,
20 annually, to the joint standing committee of the Legislature
21 having jurisdiction over energy and natural resources. The
22 report shall indicate the number and location of lots for
23 which a plan was filed under paragraph A and the number and
24 location of subsequent divisions requiring review by the
25 commission.

27 **Sec. 2. Appropriation.** The following funds are appropriated
28 from the General Fund to carry out the purposes of this Act.

29
30 1990-91

31 **CONSERVATION, DEPARTMENT OF**
32
33 **Maine Land Use Regulation Commission**

35 All Other \$2,000
36
37 Provides funds for increased mailings and
38 public hearings.

41 **FISCAL NOTE**

43 Enactment of this bill will result in a General Fund
44 appropriation to the Department of Conservation, Maine Land Use
45 Regulation Commission, Acct. #01509.1, in the amount of \$2,000
46 for fiscal year 1990-91. This appropriation provides funds for
47 increased mailings and public hearings.'

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STATEMENT OF FACT

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This amendment allows for up to 10 lots of at least 40 acres in size to be created without subdivision review by the Maine Land Use Regulation Commission. In recognition of this higher limit, the 500-acre lot exemption is removed.

Reported by the Majority of the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
6/16/89 (Filing No. H-571)