

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 248

H.P. 183

House of Representatives, February 16, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative SIMPSON of Casco, Representative LOOK of Jonesboro and Representative O'DEA of Orono.

STATE OF MAINE

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

An Act to Strengthen Land Use Management in Maine's Unorganized Territories.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 **Whereas,** emergencies arise from time to time which pose an
6 immediate threat to public health and safety and to the
7 environment; and

9 **Whereas,** the authority of the Maine Land Use Regulation
10 Commission to act with dispatch to mitigate these emergencies is
11 not clear; and

13 **Whereas,** increasingly large areas of the State are subject
14 to speculative land development; and

15 **Whereas,** provisions of state law have inadvertently allowed
16 such speculative land developments in the unorganized territories
17 to escape state review in a manner inconsistent with the intent
18 of the Legislature; and

21 **Whereas,** this type of development erodes the productive
22 forest and agricultural land base of the State and thus
23 undermines important sectors of the State's economy; and

25 **Whereas,** the lack of appropriate state review frustrates the
26 ability of State Government to fulfill its responsibilities to
27 ensure the public health, safety and welfare; and

29 **Whereas,** in the judgment of the Legislature, these facts
30 create an emergency within the meaning of the Constitution of
31 Maine and require the following legislation as immediately
32 necessary for the preservation of the public peace, health and
33 safety; now, therefore,

35 **Be it enacted by the People of the State of Maine as follows:**

37 **12 MRSA §682, sub-§2,** as amended by PL 1987, c. 885, §1, is
38 further amended to read:

39 **2. Subdivision.** "Subdivision" means a division of an
40 existing parcel of land into 3 or more parcels or lots within any
41 5-year period, whether this division is accomplished by platting
42 of the land for immediate or future sale, or by sale of the land
43 by metes and bounds or by leasing.

45 The term "subdivision" shall also include the division of a new
46 structure or structures on a tract or parcel of land into 3 or
47 more dwelling units within a 5-year period and the division of an
48 existing structure or structures previously used for commercial
49 or industrial use into 3 or more dwelling units within a 5-year
50 period. The area included in the expansion of an existing
51

1 structure is deemed to be a new structure for the purposes of
this paragraph.

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

7 ~~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
9 of this subsection except when the lot or the parcel from which
it was divided is located wholly or partly within the shoreland
11 area as defined in Title 38, section 435 and except as provided
in paragraph A.

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

27 B. ~~The commission shall submit a report by March 15th,~~
29 ~~annually, to the joint standing committee of the Legislature~~
31 ~~having jurisdiction over energy and natural resources. The~~
33 ~~report shall indicate the number and location of lots for~~
which a plan was filed under paragraph A and the number and
location of subsequent divisions requiring review by the
commission.

35 **Emergency clause.** In view of the emergency cited in the
37 preamble, this Act shall take effect when approved.

39
41 **STATEMENT OF FACT**

43 This bill proposes to repeal the 40-acre lot exemption from
45 the law controlling subdivision review in Maine's unorganized
47 territories. The bill preserves the original intent of the
exemption which was to minimize the impact of the subdivision
laws on land sales between owners or commercial forest land for
forestry purposes.