

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1613

H.P. 1159

House of Representatives, May 10, 1989

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

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.  
Cosponsored by Representative HIGGINS of Scarborough.

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STATE OF MAINE

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

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An Act to Clarify Provisions of the Subdivision Law.

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

3           **Sec. 1. 30-A MRSA §4401, sub-§4, ¶C,** as enacted by PL 1989, c.  
104, Pt. A, §45, is amended to read:

5           C. A lot of 40 or more acres shall not be counted as a lot,  
7           except:

9           (1) When the lot or parcel from which it was divided  
11           is located entirely or partially within any shoreland  
area as defined in Title 38, section 435, or a  
13           municipality's shoreline zoning ordinance; or

15           (2) When a municipality has, by ordinance, or the  
municipal reviewing authority has, by regulation,  
17           elected to count lots of 40 or more acres as lots for  
the purposes of this subchapter when the parcel of land  
being divided is located entirely outside any shoreland  
19           area as defined in Title 38, section 435, or a  
municipality's shoreline zoning ordinance.

21           **Sec. 2. 30-A MRSA §4551, sub-§2, ¶D,** as enacted by PL 1987, c.  
23           737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6;  
c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to  
25           read:

27           D. In all instances, the burden of proof is upon the  
persons proposing the subdivisions. In issuing its  
29           decision, the reviewing authority shall make findings of  
fact establishing that the proposed subdivision does or does  
31           not meet the criteria described in paragraph C. In  
addition, whenever the initial approval or any subsequent  
33           amendment of a subdivision is based in part on the granting  
of a variance from any of the applicable subdivision  
35           approval standards, that fact shall be expressly noted on  
the face of the subdivision plan to be recorded in the local  
37           registry of deeds or, in the case of an amendment if no  
amended plan is to be recorded, a certificate indicating the  
39           name of the current property owner, identifying the property  
owner, identifying the property by reference to the last  
41           recorded deed in its chain of title and indicating the fact  
that a variance, including any conditions on the variance,  
43           has been granted and the date of the granting shall be  
prepared in recordable form and shall be recorded in the  
45           local registry of deeds within 30 90 days of the final  
subdivision approval or the variance shall be invalid. No  
47           rights may accrue to the variance recipient or the  
recipient's heirs, successors or assigns unless the  
49           recording is made within the 30 90 days.

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