

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 220

H.P. 148

House of Representatives, January 31, 1991

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 HASTINGS of Fryeburg.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

An Act to Preempt the Definition of Subdivision.

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

2  
3 Sec. 1. 30-A MRSA §4401, sub-§4, ¶H, as enacted by PL 1989, c.  
4 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 H. ~~Nothing~~ Except that a municipality may not adopt an  
7 ordinance that includes a definition of subdivision that is  
8 more stringent than this subsection, nothing in this  
9 subchapter may be construed to prevent a municipality from  
10 enacting an ordinance under its home rule authority which  
11 expands--the--definition--of--subdivision--to--include--the  
12 division-of-a-structure-for-commercial-or-industrial-use-or  
13 which that otherwise regulates land use activities.

14  
15 Sec. 2. 30-A MRSA §4403, sub-§2, as enacted by PL 1989, c.  
16 104, Pt. A, §45 and Pt. C, §10, is amended to read:

17 2. Regulations; review procedure. ~~The~~ Except as provided  
18 in section 4401, subsection 4, the municipal reviewing authority  
19 may, after a public hearing, adopt, amend or repeal additional  
20 reasonable regulations governing subdivisions which--shall that  
21 control until amended, repealed or replaced by regulations  
22 adopted by the municipal legislative body. The municipal  
23 reviewing authority shall give at least 7 days' notice of this  
24 hearing.

25  
26 A. The regulations may provide for a multi-stage  
27 application or review procedure consisting of no more than 3  
28 stages:

- 29  
30 (1) Preapplication sketch plan;  
31  
32 (2) Preliminary plan; and  
33  
34 (3) Final plan.

35  
36 Each stage must meet the time requirements of subsections 4  
37 and 5.  
38

39  
40  
41 **STATEMENT OF FACT**

42  
43 This bill repeals municipal authority to adopt ordinances  
44 that expand the definition of subdivision beyond the definition  
45 established in the law.  
46