

L.D. 335

(Filing No. H-329)

STATE OF MAINE HOUSE OF REPRESENTATIVES 115TH LEGISLATURE FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " \mathcal{H} " to H.P. 244, L.D. 335, Bill, "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission"

Amend the bill in subsection 2 by striking out all of the 2nd blocked paragraph (page 1, lines 20 to 26 in L.D.) and inserting in its place the following:

'The-creation-of-a A lot or parcel of at least 40 acres in size
shall <u>is</u> not be counted as a lot for the purpose of this subsection except-when <u>if no portion of</u> the lot or the parcel
frem-which-it-was-divided is located whelly-er-partly within the shereland-area 1,320 feet of the normal high water line of any
<u>great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland</u> as defined in Title 38, section 425
and <u>436-A</u> except as provided in paragraph A, or when the lot or parcel from which it was divided has been subdivided <u>divided</u> into more than 10 lots in-5-years within any 5-year period.'

Further amend the bill in subsection 2 by striking out all of paragraph A (page 1, lines 28 to 40 in L.D.) and inserting in
 its place the following:

36 When 3 to 10 lots each containing at least 40 acres are 'A. created within a 5-year period from -a-parcol-which--is and are located whelly-outside--the--shoreland--area more than 38 1,320 feet of the normal high water line from any great pond 40 or river or more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section 435 436-A, a plan showing the division of the 42 original parcel must be filed by the person creating the 3rd 44 lot with the registry-of-deeds,-the commission and-the-State Tam-Assesser within 60 days of the creation of that lot. \underline{A} 46 registrar of deeds may not record any plan depicting these

Page 1-LR0957(2)

COMMITTEE AMENDMENT "A" to H.P. 244, L.D. 335

lots within the unorganized and deorganized lands of the State, unless the commission's certification that the division is an exception to this subsection is evidenced on the plan. The commission must determine whether the plan gualifies as an exception to this subsection within 15 business days of receipt of the plan. A copy of the certified plan must be filed within 30 days of certification with the State Tax Assessor and the appropriate registry of deeds in the county in which the real estate is located. 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 is 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.'

Further amend the bill by inserting at the end before the 18 statement of fact the following:

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'FISCAL NOTE

22 Costs associated with additional staff time required to review and certify plats or plans will be absorbed by the Maine 24 Land Use Regulation Commission utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment changes the original bill to specify that 32 lots greater than 40 acres created outside and some distance from waterbodies are exempt from review by the Maine Land Use Regulation Commission. These lots are still subject to an 34 existing 10-lot trigger for review. This amendment also requires that plans creating lots subject to this exception must be 36 certified by the commission that they meet these conditions before they can be filed with the appropriate registry of deeds. 38 The commission is required to make that certification within 15 days. The amendment also adds a fiscal note to the bill. 40

Reported by the Committee on Energy and Natural Resources. Reproduced and distributed under the direction of the Clerk of the House. (5/15/91) (Filing No. 329)

Page 2-LR0957(2)