

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 335

H.P. 244

House of Representatives, February 5, 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 GOULD of Greenville.
Cosponsored by Representative ANDERSON of Woodland.

STATE OF MAINE

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

**An Act to Amend the Subdivision Laws within the Jurisdiction of the
Maine Land Use Regulation Commission.**



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

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4 12 MRSA §682, sub-§2, as amended by PL 1989, c. 772, §1, is further amended to read:

6 2. **Subdivision.** "Subdivision" means a division of an
8 existing parcel of land into 3 or more parcels or lots within any
10 5-year period, whether this division is accomplished by platting
12 of the land for immediate or future sale, or by sale of the land
14 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.

16 The term "subdivision" also includes the division, placement or
18 construction of a structure or structures on a tract or parcel of
land resulting in 3 or more dwelling units within a 5-year period.

20 The creation of a lot or parcel of at least 40 acres in size
22 shall is not be counted as a lot for the purpose of this
subsection except when the lot or the parcel ~~from which it was~~
24 ~~divided~~ is located wholly or partly within the shoreland area as
defined in Title 38, section 435 and except as provided in
paragraph A, or when the lot or parcel from which it was divided
26 has been subdivided into more than 10 lots in 5 years.

28 A. When 3 to 10 lots containing at least 40 acres are
30 created within a 5-year period from a parcel which that is
located wholly outside the shoreland area as defined in
32 Title 38, section 435, a plan showing the division of the
original parcel must be filed by the person creating the 3rd
34 lot with the registry of deeds, the commission and the State
Tax Assessor within 60 days of the creation of that lot.
36 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.
38 Failure to file the plan required by this paragraph is a
violation of this chapter subject to the penalties provided
40 in section 685-C, subsection 8.

42 B. The commission shall submit a report by March 15th,
44 annually, to the joint standing committee of the Legislature
having jurisdiction over energy and natural resources. The
46 report shall must indicate the number and location of lots
and location of subsequent divisions requiring review by the
48 commission.

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STATEMENT OF FACT

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Under current law, the definition of "subdivision" does not include the creation of a lot that is 40 acres or larger in size except when the lot from which it was divided is located within a certain shoreland area. This bill amends that definition to provide that a subdivision does not include the creation of a lot that is 40 acres or larger in size except when the lot that is created is within a certain shoreland area.