## MAINE STATE LEGISLATURE

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as amenied by FE 1963, c. 772.



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## 115th MAINE LEGISLATURE

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No. 590

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H.P. 407

House of Representatives, February 13, 1991

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

VILLER SALL BOOK REPORTED TO THE SALLEY OF THE SALLEY

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Presented by Representative HASTINGS of Fryeburg.

Cosponsored by Representative LORD of Waterboro and Representative GOULD of Greenville.

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

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision.

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Be it	enacted	bу	the	People	of	the	State	of	Maine	as	follows:
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	30-A	MRS	A §4401,	sub-§4,	¶D,	as	${\tt amended}$	by	PL	1989,	c.	772,
§2,	is fu	rther	${\tt amended}$	to read	l:							
				•								

D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this section. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person net-related-to-the donor of the-exempt-real-estate-by-blood, marriage-or-adoption, then that exempt division creates a lot or lots for the purposes of this subsection, unless that other person:

(1) Is related to the donor of the exempt real estate by blood, marriage or adoption;

- (2) Receives by the transfer a bona fide security interest; or
- (3) Is the successor in interest to the person described in subparagraph (2).

## STATEMENT OF FACT

Currently, if a relative transfers a gift of land to a nonrelative within 5 years, the land may be subject to municipal subdivision review. This bill extends the exemption from subdivision review for gifts to a blood relative to mortgage holders of that land.