

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 590

H.P. 407

House of Representatives, February 13, 1991

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

EDWIN H. PERT, Clerk

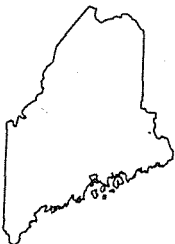
Presented by Representative HASTINGS of Fryeburg.

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

STATE OF MAINE

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.**



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

2
4 30-A MRSA §4401, sub-§4, ¶D, as amended by PL 1989, c. 772,
§2, is further amended to read:

6 D. A division accomplished by devise, condemnation, order
8 of court, gift to a person related to the donor by blood,
10 marriage or adoption or a gift to a municipality or by the
12 transfer of any interest in land to the owner of land
14 abutting that land does not create a lot or lots for the
16 purposes of this definition, unless the intent of the
18 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 ~~not 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:

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

24 (2) Receives by the transfer a bona fide security
26 interest; or

28 (3) Is the successor in interest to the person
described in subparagraph (2).

30 STATEMENT OF FACT

32
34 Currently, if a relative transfers a gift of land to a
36 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.