

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2242

H.P. 1588

House of Representatives, January 28, 1992

Submitted by the Department of Conservation pursuant to Joint Rule 24.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANDERSON of Woodland.  
Cosponsored by Senator LUDWIG of Aroostook.

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STATE OF MAINE

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

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**An Act to Clarify the Subdivision Definition under Maine Land Use  
Regulation Commission Laws.**

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

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4       **Sec. 1. 12 MRSA §682, sub-§2**, as amended by PL 1991, c. 306,  
is repealed and the following enacted in its place:

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 A lot or parcel is not counted as a lot for the purposes of this  
22 subsection if it qualifies under all of the following criteria:

24       A. The lot is at least 40 acres in size;

26       B. No portion of the lot is located within 1,320 feet of  
28 the normal high water line of any great pond or river or  
within 250 feet of the upland edge of a coastal or  
freshwater wetland as defined in Title 38, section 436-A;

30       C. The original parcel from which the lot was divided is  
32 divided into an aggregate of no more than 10 lots within any  
5-year period; and

34       D. When 3 to 10 lots of at least 40 acres in size are  
36 created within any 5-year period, a plan is recorded in  
38 accordance with section 685-B, subsection 6-A, paragraph A.  
Any subsequent division of a lot created from the original  
parcel within 10 years of the recording of the plan in the  
registry of deeds is considered a subdivision.

40       **Sec. 2. 12 MRSA §685-B, sub-§6-A** is enacted to read:

42       **6-A. Recording of land division plan required.** A copy of  
44 each land division plan must be recorded in the registry of deeds  
46 of the county where the land is located.

48       A. When 3 to 10 lots each containing at least 40 acres are  
50 created within a 5-year period and are located more than  
52 1,320 feet from the normal high water line of any great pond  
or river and more than 250 feet from the upland edge of a  
coastal or freshwater wetland as defined in Title 38,  
section 436-A, a plan showing the division of the original

2 parcel must be filed by the person creating the 3rd lot with  
3 the commission within 60 days of the creation of that lot.  
4 A register of deeds may not record any plan depicting these  
5 lots within the unorganized and deorganized lands of the  
6 State, unless the commission's certification that the  
7 division qualifies under section 682, subsection 2,  
8 paragraph 3 is evidenced on the plan. The commission must  
9 determine whether the plan qualifies under section 682,  
10 subsection 2, paragraph 3 within 15 business days of receipt  
11 of the plan. A copy of the certified plan must be filed  
12 within 30 days of certification with the State Tax Assessor  
13 and the appropriate registry of deeds in the county in which  
14 the real estate is located. Failure to file the plan  
15 required by this paragraph is a violation of this chapter  
16 subject to the penalties provided in section 685-C,  
17 subsection 8.

18 B. The commission shall submit a report by March 15th,  
19 annually, to the joint standing committee of the Legislature  
20 having jurisdiction over energy and natural resources. The  
21 report must indicate the number and location of lots for  
22 which a plan was filed under this subsection and the number  
23 and location of subsequent divisions requiring review by the  
24 commission.

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#### STATEMENT OF FACT

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This bill clarifies the definition of the term "subdivision" under the Maine Land Use Regulation Commission laws but does not change the intent of Public Law 1991, chapter 306.

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