



## 115th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-1992**

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.

EDWIN H. PERT, Clerk

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

STATE OF MAINE

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

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

Contra Settorm

Printed on recycled paper

| <ul> <li>Sec. 1. 12 MRSA §662, sub-\$2, as amended by PL 1991, c. 306,</li> <li>is repealed and the following enacted in its place:</li> <li>2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metas and bounds or by leasing. A division accomplished by gift to a person related to the donor by blood, marriage or adoption, unless the intext of that gift is to avoid the objectives of this definition.</li> <li>The term "subdivision" also includes the division, placement or 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.</li> <li>A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria:</li> <li>A. The lot is at least 40 acres in size;</li> <li>B. No portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within any 5-year period; and</li> <li>C. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and</li> <li>D. When 3 to 10 lots of at least 40 acres in size are created within 10 years of the recording of the plan in the registry of deeds is considered a subdivision.</li> <li>Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>A. When 3 to 10 lots each containing at least 40 acres are created within 1.320 feet of the registry of deeds is considered as ubdivision.</li> <li>Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>A. When 3 to 10 lots each containing at least 40 acres are created within any 5-year period and are located more than 1.320 feet from the original parcel where the land is located.</li> <li>A. When 3 to 10 lots each containing at least 40 acres are created within 1.5 year period and are located more th</li></ul> |     | Be it enacted by the People of the State of Maine as follows:           |
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| <ul> <li>is repealed and the following enacted in its place:</li> <li>2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land 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.</li> <li>The term "subdivision" also includes the division, placement or 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.</li> <li>A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria:</li> <li>A. The lot is at least 40 acres in size;</li> <li>B. No portion of the lot is located within 1,320 feet of 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;</li> <li>C. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and</li> <li>D. When 3 to 10 lots of at least 40 acres in size are created within any 5-year period and subsection.</li> <li>Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>A. When 3 to 10 lots each containing at least 40 acres are located within any subsequent division of a lot created from the original parcel within a 5-year period, and are located more than 10 lots within any 5-year period.</li> <li>A. Men 3 to 10 lots each containing at least 40 acres are created within any subsequent division plan required. A copy of each land division plan must be recording of the plan in the registry of deeds is considered a subdivision.</li> </ul>   | 2   | Sec. 1. 12 MRSA §682, sub-§2, as amended by PL 1991, c. 306,            |
| <ul> <li>existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by isale of the land by metes and hounds 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.</li> <li>16 The term "subdivision" also includes the division, placement or 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.</li> <li>20 A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria:</li> <li>21 A. The lot is at least 40 acres in size;</li> <li>22 A. The lot is at least 40 acres in size;</li> <li>24 B. No portion of the lot is located within 1,320 feet of 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;</li> <li>30 C. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period, and</li> <li>34 D. When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with section 685-B, subsection 6-A, pargraph A, Any subsequent division f 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.</li> <li>36 Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>37 6-A. Recording of land division plan required. A copy of each land division plan met be recorded in the registry of deeds is considered.</li> <li>39 A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1.320 feet from the normal high water line</li></ul>   | 4   |   |
| <ul> <li>5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land 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.</li> <li>The term "subdivision" also includes the division, placement or 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.</li> <li>A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria:</li> <li>A. The lot is at least 40 acres in size:</li> <li>B. No portion of the lot is located within 1,320 feet of 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;</li> <li>C. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period, and</li> <li>D. When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a plan is recorded in 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.</li> <li>Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>6.A. Meen 3 to 10 lots each containing at least 40 acres are created within a 5-year period, and subsequent division plan required. A copy of each land division plan must be recorded in the registry of deeds of the county where the land is located.</li> <li>A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are conted more than 1,320 feet from the normal high water line of any great pond or river and mor</li></ul>  | 6   |   |
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| <ul> <li>accordance with section 685-B, subsection 6-A, paragraph A.<br/>Any subsequent division of a lot created from the original<br/>parcel within 10 years of the recording of the plan in the<br/>registry of deeds is considered a subdivision.</li> <li>Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>6-A. Recording of land division plan required. A copy of<br/>each land division plan must be recorded in the registry of deeds<br/>of the county where the land is located.</li> <li>A. When 3 to 10 lots each containing at least 40 acres are<br/>created within a 5-year period and are located more than<br/>1,320 feet from the normal high water line of any great pond<br/>or river and more than 250 feet from the upland edge of a<br/>coastal or freshwater wetland as defined in Title 38,</li> </ul>   | 34  |   |
| <ul> <li>38 parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision.</li> <li>40</li> <li>40</li> <li>42</li> <li>6-A. Recording of land division plan required. A copy of each land division plan must be recorded in the registry of deeds of the county where the land is located.</li> <li>46</li> <li>46</li> <li>48 created within a 5-year period and are located more than 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,</li> </ul>   | 36  | accordance with section 685-B, subsection 6-A, paragraph A.             |
| <ul> <li>40 Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:</li> <li>42 6-A. Recording of land division plan required. A copy of</li> <li>44 each land division plan must be recorded in the registry of deeds of the county where the land is located.</li> <li>46</li> <li>46 A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 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,</li> </ul>  | 38  | parcel within 10 years of the recording of the plan in the              |
| <ul> <li>6-A. Recording of land division plan required. A copy of</li> <li>each land division plan must be recorded in the registry of deeds of the county where the land is located.</li> <li>A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 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,</li> </ul>  | 40  |   |
| <ul> <li>44 <u>each land division plan must be recorded in the registry of deeds</u><br/>of the county where the land is located.</li> <li>46</li> <li>46 <ul> <li>48 <u>created within a 5-year period and are located more than</u><br/>1,320 feet from the normal high water line of any great pond<br/>or river and more than 250 feet from the upland edge of a<br/>coastal or freshwater wetland as defined in Title 38,</li> </ul></li></ul>   | 42  | Sec. 2. 12 MINSA 9005-1, Sub-90-A is enacted to read:                   |
| of the county where the land is located.4646484864865050505050506506666778899 <th>л.</th> <th></th>   | л.  |   |
| <ul> <li>A. When 3 to 10 lots each containing at least 40 acres are</li> <li>48 created within a 5-year period and are located more than</li> <li>1,320 feet from the normal high water line of any great pond</li> <li>50 or river and more than 250 feet from the upland edge of a</li> <li>coastal or freshwater wetland as defined in Title 38,</li> </ul>  | 44  | of the county where the land is located                                 |
| <ul> <li>48 created within a 5-year period and are located more than</li> <li>1,320 feet from the normal high water line of any great pond</li> <li>50 or river and more than 250 feet from the upland edge of a</li> <li>coastal or freshwater wetland as defined in Title 38,</li> </ul>  | 46  |   |
| 50 <u>or river and more than 250 feet from the upland edge of a</u><br>coastal or freshwater wetland as defined in Title 38,  | 48  | created within a 5-year period and are located more than                |
| <u>coastal or freshwater wetland as defined in Title 38,</u>  | 50  | or river and more than 250 feet from the upland edge of a               |
|   | 52  | <u>coastal or freshwater wetland as defined in Title 38,</u>            |

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parcel must be filed by the person creating the 3rd lot with the commission within 60 days of the creation of that lot. 2 A register of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the 4 State, unless the commission's certification that the division qualifies under section 682, subsection 2, paragraph 3 is evidenced on the plan. The commission must determine whether the plan qualifies under section 682, subsection 2, paragraph 3 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. 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.

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

## STATEMENT OF FACT

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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