

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 640, L.D. 871, Bill, "An Act to Confirm when Site Location of Development Approval Is Unnecessary"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 38 MRSA §482, sub-§5, ¶E, as amended by PL 1991, c. 500, §3, is further amended to read:

E. Unless intended to circumvent this article, the following transactions may not be considered lots offered for sale or lease to the general public:

- (1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer;
- (2) Personal, nonprofit transactions, such as the transfer of lots by gift or devise; or
- (3) Grant of a bona fide security interest in the whole lot or subsequent transfer of the whole lot by the original holder of the bona fide security interest or that person's successor in interest; and

Sec. 2. 38 MRSA §482, sub-§5, ¶F, as repealed and replaced by PL 1987, c. 812, §§7 and 18, is amended to read:

F. In those subdivisions which that would otherwise not require site location approval, unless intended to circumvent this article, the following transactions shall may not, except as provided, be considered lots offered for sale or lease to the general public:

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(1) Sale or lease of common lots created with a conservation easement as defined in Title 33, section 476, provided that the Department--of--Environmental Protection department is made a party; and

Sec. 3. 38 MRSA §482, sub-§5, ¶H is enacted to read:

H. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review under this article, provided that the land was not owned by the permit holder at the time the department approved the subdivision. Further division of the transferred land must be reviewed under this article.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The revised process of approving certain site location of development applications will result in an insignificant reduction of dedicated revenues to the Department of Environmental Protection from permit fees.

As a result of the revised process for approving certain site location of development applications, the Department of Environmental Protection will experience some insignificant cost savings.'

STATEMENT OF FACT

This amendment alters the exemption for transfer of contiguous lots by developers. It provides that transfer of contiguous lots by developers is only exempt if the land being transferred was not owned by the developer when that person obtained the subdivision permit from the Department of Environmental Protection under the site location of development laws. It also provides that further division of the transferred land must be reviewed under the site location of development laws.

Reported by the Committee on Energy and Natural Resources
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