

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

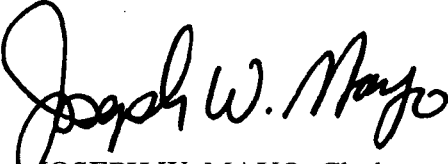
No. 1485

H.P. 1056

House of Representatives, May 3, 1995

An Act to Clarify the Definition of Subdivision.

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


JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.

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

2

3 **Sec. 1. 30-A MRSA §4401, sub-§4, ¶A**, as enacted by PL 1989, c.
4 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 A. In determining whether a tract or parcel of land is
7 divided into 3 or more lots, the first dividing of the tract
8 or parcel is considered to create the first 2 lots and the
9 next dividing of either of these first 2 lots, by whomever
10 accomplished, is considered to create a 3rd lot, ~~unless.~~
11 The first and 2nd dividings are deemed to occur
12 simultaneously and to create 3 lots when, as a result of the
13 splitting off of a legal interest in a portion of the tract
14 or parcel, 2 noncontiguous portions of the tract or parcel
15 remain, whether or not any legal interest in those
16 noncontiguous portions is split off. However, no
17 subdivision is created when:

18

19 (1) Both dividings are accomplished by a subdivider
20 who has retained one of the lots for the subdivider's
21 own use as a single-family residence or for open space
22 land as defined in Title 36, section 1102, for a period
23 of at least 5 years before the 2nd dividing occurs; or

24

25 (2) The division of the tract or parcel is otherwise
26 exempt under this subchapter.

28

STATEMENT OF FACT

30

31 This bill amends the definition of "subdivision" in the laws
32 governing planning and land use regulation. The bill provides
33 that a subdivision is created when a legal interest is split off
34 of a tract or parcel of land and 2 noncontiguous portions of the
35 tract or parcel remain. The bill is in response to the decision
36 of the Maine Supreme Judicial Court in Bakala v. Town of
Stonington, 647 A.2d 85 (Me. 1994).