

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 371, L.D. 516, Bill, "An Act to Impose a Statute of Limitations for Violations of Municipal Subdivision Ordinances"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 30-A MRSA 4402, sub-§3, as amended by PL 1997, c. 51, §1, is further amended to read:

3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971; or

Sec. 2. 30-A MRSA §4402, sub-§4, as enacted by PL 1997, c. 51, §2, is amended to read:

4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration; or

Sec. 3. 30-A MRSA §4402, sub-§5 is enacted to read:

5. Subdivisions in existence for at least 20 years. A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:

A. That has been enjoined pursuant to section 4406;

B. For which approval was expressly denied by the municipal

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reviewing authority, and record of the denial was recorded in the appropriate registry of deeds;

C. For which a lot owner was denied a building permit under section 4406, and record of the denial was recorded in the appropriate registry of deeds; or

D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Judicial Department may realize some minor savings from reductions of workload and administrative costs associated with the minimal number of cases that will no longer be filed in the court system. Reductions in the collection of fines may decrease General Fund revenue by minor amounts.'

SUMMARY

This amendment provides that the 20-year statute of limitations does not apply to a subdivision that has been enjoined, or to a subdivision that has been disapproved by the municipal reviewing authority, denied a building permit or subject to an enforcement action, provided a record of the disapproval, denial or action has been recorded in the appropriate registry of deeds. The amendment also adds a fiscal note to the bill.

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