

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Majority

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A " to S.P. 356, L.D. 1175, Bill, "An Act to Remove the Large Lot Exemption from the Definition of "Subdivision" within the Laws Administered by the Maine Land Use Regulation Commission"

Amend the bill in section 1 in subsection 2 by striking out all of the 2nd blocked paragraph (page 1, lines 20 and 21 in L.D.) and inserting in its place the following:

'A lot or parcel is not counted as a lot for the purposes of this subsection if it ~~qualifies under all of the following~~ meets the criteria established in section 682-B or in rules adopted pursuant to section 682-B.'

Further amend the bill by inserting after section 1 the following:

'**Sec. 2. 12 MRSA §682-B** is enacted to read:

§682-B. Lots exempt from review as a subdivision

A lot may be transferred in accordance with this section and does not count as a subdivision unless the intent of the transfer is to avoid the objectives of this chapter.

1. Transfer to a government entity. A lot transferred to a municipal entity, the State, the United States or a nonprofit, tax-exempt nature conservation organization qualifying under the Internal Revenue Code, Section 501(c)(3) and acting on behalf of the State or the United States is not considered a subdivision lot when the following conditions are met.

A. The land is held without further sale or division by the municipal entity, the State or the United States primarily for the conservation and protection of natural resources or

for public outdoor recreation for a period of 20 years following the date of transfer.

B. Prior to transfer, the transferee sends written notice to the commission stating the intended land use.

2. Transfer of lots 1,000 acres and larger. A lot of 1,000 acres or more in size is not considered a subdivision lot when the following conditions are met.

A. The lot is transferred and managed solely for forest or agricultural management activities or conservation.

B. The lot is not further divided for at least 5 years.

C. Prior to transfer, the transferee sends written notice to the commission stating the intended land use.

Primitive recreation may be allowed on a lot transferred in accordance with this subsection.

3. Rule-making authority. The commission may adopt rules to exempt certain types of land transfer from the definition of subdivision. The exemptions must be consistent with the objectives of this chapter. Rules adopted pursuant to this subsection are routine, technical rules pursuant to Title 5, chapter 375, subchapter II-A.'

Further amend the bill by inserting after section 3 the following:

'Sec. 4. Report. The director of the Maine Land Use Regulation Commission shall submit a report to the Joint Standing Committee on Forestry and Conservation by February 1, 1998 on the transfer of parcels of land that are 1,000 acres or more in size and transferred for the purpose of agricultural or forest management activities or conservation.

Sec. 5. Legislative review of transfers. The Joint Standing Committee on Forestry and Conservation shall review land transfers that are exempted from review as subdivisions in accordance with Maine Revised Statutes, Title 12, section 682-B, subsection 2. The committee is authorized to report out a bill during the Second Regular Session of the 118th Legislature to amend the provisions of Title 12, section 682-B, subsection 2 based on its review of land transfers.'

COMMITTEE AMENDMENT "A" to S.P. 356, L.D. 1175

Further amend the bill in section 4 in the last sentence
(page 2, line 18 in L.D.) by striking out the following: "January
1, 1997" and inserting in its place the following: 'May 1, 1997'

Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

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

FISCAL NOTE

Repealing certain lot exemptions will result in
insignificant increases of General Fund revenue from permit fees.

The Maine Land Use Regulation Commission within the
Department of Conservation will incur some minor additional costs
to administer changes in the permitting process, to adopt certain
rules and to submit a required report to the Legislature. These
costs can be absorbed within the commission's existing budgeted
resources.'

SUMMARY

This amendment is the majority report of the committee. It
places in statute certain exemptions to the definition of
subdivision that are currently in rules and standards of the
Maine Land Use Regulation Commission. It directs the director of
the Maine Land Use Regulation Commission to report back to the
committee of jurisdiction on certain transfers and authorizes the
committee to report out legislation next session.

This amendment also adds a fiscal note to the bill.