

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1175

S.P. 356

In Senate, February 25, 1997

An Act to Remove the Large Lot Exemption from the Definition of "Subdivision" within the Laws Administered by the Maine Land Use Regulation Commission.

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative GOOLEY of Farmington and
Representatives: BERRY of Livermore, BROOKS of Winterport, BULL of Freeport,
DESMOND of Mapleton, FOSTER of Gray, PEAVEY of Woolwich, SAMSON of Jay,
WHEELER of Eliot.

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

2
4 **Sec. 1. 12 MRSA §682, sub-§2**, as repealed and replaced by PL 1991, c. 687, §1, is amended to read:

6 **2. Subdivision.** "Subdivision" means a division of an
8 existing parcel of land into 3 or more parcels or lots within any
10 5-year period, whether this division is accomplished by platting
12 of the land for immediate or future sale, or by sale of the land
14 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.

16 The term "subdivision" also includes the division, placement or
18 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.

20 ~~A lot or parcel is not counted as a lot for the purposes of this~~
22 ~~subsection if it qualifies under all of the following criteria:~~

24 ~~A. The lot is at least 40 acres in size;~~

26 ~~B. No portion of the lot is located within 1,320 feet of~~
28 ~~the normal high water line of any great pond or river or~~
~~within 350 feet of the upland edge of a coastal or~~
~~freshwater wetland as defined in Title 38, section 436-A;~~

30 ~~C. The original parcel from which the lot was divided is~~
32 ~~divided into an aggregate of no more than 10 lots within any~~
~~5-year period; and~~

34 ~~D. When 3 to 10 lots of at least 40 acres in size are~~
36 ~~created within any 5-year period, a plan is recorded in~~
38 ~~accordance with section 685-B, subsection 6-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.~~

40 **Sec. 2. 12 MRSA §685-B, sub-§6-A**, as enacted by PL 1991, c.
42 687, §2, is repealed.

44 **Sec. 3. 38 MRSA §480-Q, sub-§7-A, ¶D**, as enacted by PL 1989,
46 c. 838, §6, is amended to read:

48 D. Any road construction is not used to access development
50 but is used primarily for forest management activities,
unless the road is removed and the site restored to its
prior natural condition. Roads must be the minimum feasible

2 width and total length consistent with forest management
activities. This exemption does not apply to roads that
4 provide access to development in a subdivision as defined in
Title 30-A, section 4401, subsection 4, for the organized
6 portions of the State, or Title 12, section 682, subsection
~~2, including divisions of land exempted by Title 12, section~~
~~682, subsection 2, paragraph A,~~ for portions of the State
8 under the jurisdiction of the Maine Land Use Regulation
Commission.

10
12 **Sec. 4. Transition.** For the purposes of the Maine Revised
Statutes, Title 12, chapter 206-A, this Act applies to any
14 division of land, including by sale, lease, other conveyance or
plating, occurring after the effective date of this Act, except
16 as otherwise provided in this section. This Act does not apply
to a sale, lease or other conveyance of a lot or lots shown on a
18 plan recorded in accordance with Title 12, section 685-B,
subsection 6-A prior to January 1, 1997.

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SUMMARY

24 This bill removes the large lot exemption from the
definition of "subdivision" within the laws administered by the
26 Maine Land Use Regulation Commission. The creation of these lots
by certain developers has been found to be counterproductive to
28 the commission's ability to direct where development is most
appropriate within the commission's jurisdiction. The creation
30 of these lots has also been found to unnecessarily remove a large
amount of land from forest production potential.