



## **119th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-1999**

Legislative Document

No. 1457

H.P. 1035

House of Representatives, February 23, 1999

An Act to Decrease Restrictions on the Sale of Land.

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

OSEPH W. MAYO, Clerk

Presented by Representative CLOUGH of Scarborough. Cosponsored by Senator KONTOS of Cumberland and Representatives: BUCK of Yarmouth, LABRECQUE of Gorham, MAYO of Bath, McKENNEY of Cumberland, MURPHY of Kennebunk, SNOWE-MELLO of Poland, TOBIN of Windham, WHEELER of Eliot.

## Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 30-A MRSA §4401, sub-§4, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read: 4 6 Α. In determining whether a tract or parcel of land is 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 next dividing of either of these first 2 lots, by whomever 10 accomplished, is considered to create a 3rd lot, unless: 12 (1)Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space 14 land as defined in Title 36, section 1102, for a period 16 of at least 5 years before the 2nd dividing occurs; er 18 The division of the tract or parcel is otherwise (2) exempt under this subchapter. ; or 20 (3) Both dividings are accomplished by a subdivider 22 who has owned the lot to be divided for a period of at least 5 years before the first dividing occurs and both 24 dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a 26 structure may be built pursuant to the applicable municipal ordinance. 28 Sec. 2. Retroactivity. This Act applies retroactively to a 30 date 5 years prior to the effective date of this Act. 32 34

SUMMARY

36 This bill permits a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a 38 subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be 40 divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each 42 dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill adds language making the Act 44 retroactive to a date 5 years prior to the effective date of the 46 Act.