

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1388

H.P. 1031

House of Representatives, March 5, 2001

An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Representative SULLIVAN of Biddeford.

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

4 **Sec. 1. 12 MRSA §685-B**, as amended by PL 1999, c. 333, §§12
to 17, is further amended by enacting at the end a new paragraph
to read:

6 Determinations made under this section in connection with
8 the review and approval of a permit application are final and are
not subject to judicial review.

10 **Sec. 2. 30-A MRSA §4403, sub-§6-A** is enacted to read:

12 **6-A. Finality.** Decisions made by the municipal reviewing
14 authority under subsection 5 are final and are not subject to
judicial review.

16 **Sec. 3. 30-A MRSA §4403, sub-§8** is enacted to read:

18 **8. Building permit; conclusive presumption.** Absent fraud
20 or false information, the issuance of a permit for a building by
a code enforcement officer creates a conclusive presumption that
22 the lot in question does not create and is not part of an
unapproved subdivision, if:

24 A. Thirty days have elapsed since the issuance of the
26 building permit; and

28 B. The permit applicant gives written notice of the permit
30 application to all abutting landowners, mortgagors and lien
holders of record. The written notice must include notice
32 of the right of the abutting landowner, mortgagor or lien
holder of record to appeal the issuance of the permit within
34 30 days of the permit issuance.

36 **SUMMARY**

38 This bill provides that subdivision decisions made by a
40 municipality or by the Maine Land Use Regulation Commission are
final and are not subject to judicial review. The bill also
42 provides that the issuance of a building permit creates a
conclusive presumption that the lot in question does not create
44 an unapproved subdivision provided that 30 days have elapsed
since the issuance of the permit and written notice of the permit
application was given to abutters, mortgagors and lien holders.