

MAINE STATE LEGISLATURE

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L.D. 2119

DATE: *March 15, 2002* (Filing No. S-472)

NATURAL RESOURCES

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 779, L.D. 2119, Bill, "An Act Relating to Subdivision Review and Title Search Procedures"

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 §4401, sub-§4, ¶C, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10 and amended by c. 326, §1, is further amended to read:

C. A lot of 40 or more acres shall not must be counted as a lot, except:

(1) -- When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

Sec. 2. 30-A MRSA §4401, sub-§4, ¶H, as repealed and replaced by PL 2001, c. 359, §4 and affected by §8, is repealed.

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Sec. 3. 30-A MRSA §4401, sub-§4, ¶H-1 is enacted to read:

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

(1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or

(2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph is not a recording in the books of records at the registry of deeds; it is a posting for public availability as tax maps are held and made available for public inspection.'

SUMMARY

This amendment is the majority report of the committee.

This amendment provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. The amendment also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.