

MAINE STATE LEGISLATURE

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L.D. 2119

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NATURAL RESOURCES

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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Sec. 2. 30-A MRSA §4401, sub-§4, ¶H, as repealed and replaced by PL 2001, c. 359, §4 and affected by §8, is amended to read:

2 H. Nothing in this subchapter may be construed to prevent a
municipality from enacting an ordinance under its home rule
authority that:

- 4 (1) Expands the definition of subdivision
- 6 "subdivision" to include the division of a structure
- 8 for commercial or industrial use; or
- 10 (2) Otherwise regulates land use activities.

12 A municipality may not enact an ordinance that expands the
definition of subdivision ~~except~~-as to include the review of
more divisions than provided for in this subchapter.

14 ~~This paragraph is repealed October 1, 2002.~~

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

18 H-1. If a municipality modifies the definition of
20 "subdivision" in a way that conflicts with the requirements
22 of this subsection, the municipality shall file the local
24 definition at the registry of deeds for the county in which
26 the municipality is located. The local definition is not
28 valid until the date it is filed at the county registry of
30 deeds. Any amendment to the local definition is enforceable
only upon the filing of the amendment at the county registry
of deeds. 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. This paragraph
takes effect July 31, 2002.'

34 **SUMMARY**

36 This amendment is the minority report of the committee.

38 This amendment requires a municipality that adopts a
40 definition of "subdivision" that is different from state law to
42 file the local definition and any amendment to the local
44 definition at the registry of deeds. It 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.