

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2119

S.P. 779

In Senate, February 20, 2002

An Act Relating to Subdivision Review and Title Search Procedures.

Reported by Senator MARTIN for the Joint Standing Committee on Natural Resources pursuant to Public Law 2001, chapter 359.

Reference to the Committee on Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

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

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Sec. 1. 30-A MRSA §4401, sub-§4, ¶H, as repealed and replaced
4 by PL 2001, c. 359, §4 and affected by §8, is repealed and the
following enacted in its place:

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H. This subsection contains the following limits on home
rule authority.

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(1) The definition of "subdivision" is a minimum
definition for all municipalities. Municipalities may
not use their home-rule authority to make the
definition less inclusive, thereby reviewing fewer
divisions than required under the minimum statutory
definition.

(2) Notwithstanding subparagraph 1, municipalities
that have a local comprehensive plan that is consistent
with subchapter II and a zoning ordinance that is
consistent with their comprehensive plan may modify the
definition of "subdivision" to make it more inclusive,
thereby reviewing more divisions than required under
the minimum statutory definition. If a municipality
modifies the definition of "subdivision" pursuant to
this subparagraph:

(a) The modification applies only to the
geographic areas of the municipality designated as
a rural area in accordance with subchapter II,
section 4326.

(b) The geographic boundary of the rural area
must be clearly mapped on a plan that shows parcel
boundaries within the municipality;

(c) When a parcel is split by the geographic
boundary of a rural area, the more inclusive local
definition of "subdivision" applies;

(d) The municipality must record the more
inclusive local definition of "subdivision" and
the parcel map clearly indicating the affected
parcels at the registry of deeds for the county in
which the municipality is located. The more
inclusive local definition is not valid until the
date it and the parcel map are recorded at the
county registry of deeds. Any amendment to the
more inclusive local definition is enforceable
only upon the recording of the amendment at the
county registry of deeds; and

2 (e) The municipality must certify in writing that
3 its zoning ordinance is consistent with its
4 comprehensive plan and this certification must be
5 recorded at the county registry of deeds.

6 (3) Municipalities that have a definition of
7 "subdivision" that conflicts with the requirements of
8 this subsection at the time this subsection takes
9 effect must comply with this subsection no later than
10 January 1, 2006. These municipalities must record
11 their definition at the time this subsection takes
12 effect at the county registry of deeds by June 30, 2003
13 for the definition to remain valid for the grace period
14 ending January 1, 2006.

16 **Sec. 2. 30-A MRSA §4408 is enacted to read:**

18 **§4408. Note on recorded plan or plat**

19 An approved subdivision plat or plan must have a note on the
20 plat or plan that indicates the definition of "subdivision" in
21 effect in the municipality at the time the subdivision is
22 created. The note must be the full language of the local
23 definition, a reference to the statutory definition if that is
24 the locally used definition or a reference to the book and page
25 numbers of the locally adopted definition as recorded at the
26 registry of deeds. A referenced definition may be only a
27 reference to the definition in section 4401, subsection 4,
28 paragraph H or to where the local definition is recorded at the
29 registry of deeds.

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SUMMARY

35 The bill places limits on the ability of municipalities to
36 modify the definition of "subdivision." It also requires that
37 all subdivision plats or plans include a notation that indicates
38 the definition of "subdivision" in effect in the municipality at
39 the time the subdivision is created.
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