

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1297

H.P. 951

House of Representatives, March 11, 2003

An Act To Amend the Subdivision Laws

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, SUSLOVIC of Portland, TOBIN of Windham, TWOMEY of Biddeford, Senator: SAWYER of Penobscot.

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

4 **Sec. 1. 38 MRSA §482, sub-§5, ¶¶F and H,** as repealed and replaced by PL 1993, c. 680, Pt. A, §35, are amended to read:

6 F. In those subdivisions that would otherwise not require site location approval, unless intended to circumvent this article, the following transactions may not, except as provided, be considered lots offered for sale or lease to the general public:

12 (1) Sale or lease of common lots created with a conservation easement as defined in Title 33, section 14 476, provided that the department is made a party; and

16 H. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review under this article, provided that the land was not owned by the permit holder at the time the department approved the subdivision. Further division of the transferred land must be reviewed under this article; and

22 **Sec. 2. 38 MRSA §482, sub-§5, ¶I** is enacted to read:

24 I. An unauthorized subdivision lot in existence for at least 20 years may not be counted as a lot unless:

28 (1) Approval of the subdivision has been denied by a municipal or state authority within 20 years of the 30 unauthorized subdivision's existence; or

32 (2) The lot or parcel has been the subject of an enforcement action or order within 20 years of the 34 unauthorized subdivision's existence.

36 **SUMMARY**

38 This bill excludes from the definition of subdivision under 40 the Department of Environmental Protection's site location of development laws an unauthorized subdivision lot in existence for 42 at least 20 years that was not the subject of a denial of approval or an enforcement action within 20 years of the 44 unauthorized subdivision's existence.