

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1617

H.P. 1195

House of Representatives, May 16, 2003

An Act To Improve Subdivision Standards

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: DUNLAP of Old Town, JACKSON of Fort Kent, LEMOINE of Old Orchard
Beach, McKEE of Wayne, RICHARDSON of Brunswick, TOBIN of Windham, Senators:
EDMONDS of Cumberland, SAWYER of Penobscot.

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

4 Sec. 1. 12 MRSA §685-B, sub-§4-A is enacted to read:

6 4-A. Subdivision of liquidated timberland. When
8 considering an application pursuant to subsection 4, the
10 commission may not approve an application for subdivision if it
12 finds that:

14 A. Within 5 years prior to the date of the subdivision
16 application, the land proposed for subdivision was used
18 primarily as timberland;

20 B. Within 5 years prior to the date of the subdivision
22 application, the land proposed for subdivision changed
24 ownership;

26 C. The proposed subdivision would convert the primary use
28 of the land from timberland to nontimberland use; and

30 D. The land being subdivided exceeds 100 acres by itself or
32 in conjunction with other divisions that were created out of
34 the same parcel of record within 5 years prior to the date
36 of the subdivision application and that resulted in the
38 conversion of the primary use of the lots from timberland to
40 nontimberland use.

42 Sec. 2. 30-A MRSA §4404, sub-§18, as amended by PL 1997, c.
44 226, §3, is further amended to read:

46 18. Lake phosphorus concentration. The long-term
48 cumulative effects of the proposed subdivision will not
50 unreasonably increase a great pond's phosphorus concentration
during the construction phase and life of the proposed
subdivision; and

Sec. 3. 30-A MRSA §4404, sub-§19, as enacted by PL 1997, c.
226, §4, is amended to read:

19. Impact on adjoining municipality. For any proposed
subdivision that crosses municipal boundaries, the proposed
subdivision will not cause unreasonable traffic congestion or
unsafe conditions with respect to the use of existing public ways
in an adjoining municipality in which part of the subdivision is
located; and

Sec. 4. 30-A MRSA §4404, sub-§20 is enacted to read:

20. Subdivision of liquidated timberland. For any proposed
subdivision that involves land located outside of a designated

2 growth area pursuant to section 4326, subsection 3-A, paragraph A:

4 A. Within 5 years prior to the date of the subdivision
6 application, the land proposed for subdivision was not used
8 primarily as timberland;

10 B. Within 5 years prior to the date of the subdivision
12 application, the land proposed for subdivision did not
14 change ownership;

16 C. The proposed subdivision would not convert the primary
18 use of the land from timberland to nontimberland use; and

20 D. The land being subdivided does not exceed 100 acres by
22 itself or in conjunction with other divisions that were
24 created out of the same parcel of record within 5 years
26 prior to the date of the subdivision application and that
28 resulted in the conversion of the primary use of the lots
30 from timberland to nontimberland use.

32 SUMMARY

34 This bill prohibits subdivisions that convert the primary
36 use of the land from timberland to nontimberland use in
situations when the land being subdivided has changed ownership
in the 5 years preceding the subdivision application, when the
subdivision would convert the primary use of the land from
timberland to nontimberland use and when the subdivision exceeds
100 acres alone or in conjunction with other similar divisions
created within 5 years out of the same parcel of land that
resulted in conversion of the primary use of those subdivisions
from timberland to nontimberland use. This bill applies to
subdivisions reviewed by the Maine Land Use Regulation Commission
and applies to subdivisions reviewed by a municipal reviewing
authority.