

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 550

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S.P. 172

In Senate, January 31, 2019

**An Act To Amend the Definition of "Subdivision" in the Laws  
Governing Planning and Land Use Regulation for Subdivisions and  
a Provision Excepting the Division of a New or Existing Structure  
from Those Laws Beginning July 1, 2018**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative CAMPBELL of Orrington and  
Senators: FOLEY of York, POULIOT of Kennebec, Representatives: JORGENSEN of  
Portland, TUCKER of Brunswick.

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

2 **Sec. 1. 30-A MRSA §4401, sub-§4, ¶H-2**, as enacted by PL 2017, c. 104, §1, is  
3 amended to read:

4 H-2. This subchapter may not be construed to prevent a municipality from enacting  
5 an ordinance under its home rule authority that otherwise regulates land use activities.

6 A municipality may not enact an ordinance that expands the definition of  
7 "subdivision" except as provided in this subchapter. A municipality that has a  
8 definition of "subdivision" that conflicts with the requirements of this subsection at  
9 the time this paragraph takes effect shall comply with this subsection no later than  
10 January 1, ~~2019~~ 2021. Such a municipality must file its conflicting definition at the  
11 county registry of deeds by June 30, ~~2018~~ 2020 for the definition to remain valid for  
12 the grace period ending January 1, ~~2019~~ 2021. A filing required under this paragraph  
13 must be collected and indexed in a separate book in the registry of deeds for the  
14 county in which the municipality is located.

15 **Sec. 2. 30-A MRSA §4402, sub-§6**, as enacted by PL 2017, c. 104, §4, is  
16 amended to read:

17 **6. Division of new or existing structures.** Beginning July 1, 2018, a division of a  
18 new or existing structure into 3 or more dwelling units whether the division is  
19 accomplished by sale, lease, development or otherwise in a municipality where the  
20 project is subject to an ordinance governing municipal site plan review adopted in  
21 accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A chapter  
22 141.

23 **Sec. 3. Retroactivity.** The provision of this Act that amends Title 30-A, section  
24 4402, subsection 6 applies retroactively to July 1, 2018.

25 **SUMMARY**

26 This bill changes the date by which definitions of "subdivision" that are in municipal  
27 ordinances and that conflict with state law must comply with the definition of  
28 "subdivision" in state law. It also extends the time municipalities have to register an  
29 ordinance with a conflicting definition with the registry of deeds. The bill also removes  
30 cross-references to the site location of development laws in an exemption to municipal  
31 subdivision review and adds a cross-reference to the law governing municipal site plan  
32 review ordinances.