

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 596

S.P. 264

In Senate, February 14, 2023

An Act to Exempt Certain Conservation Lots from Municipal Subdivision Review

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 PIERCE of Cumberland.
Cosponsored by Senator: CARNEY of Cumberland, Representative: GRAMLICH of Old Orchard Beach.

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

2 **Sec. 1. 30-A MRSA §4401, sub-§4, ¶J** is enacted to read:

3 J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the
4 division of a tract or parcel of land accomplished by the transfer of any interest in the
5 land to a holder does not create a lot or lots for purposes of this definition if:

6 (1) The transferred interest, as expressed by conservation easement, binding
7 agreement, declaration of trust or otherwise, is to be permanently held for one or
8 more of the following conservation purposes:

9 (a) Retaining or protecting the natural, scenic or open space values of the
10 land;

11 (b) Ensuring the availability of the land for agricultural, forest,
12 recreational or open space use;

13 (c) Protecting natural resources; or

14 (d) Maintaining or enhancing air quality or water quality; and

15 (2) The transferred interest is not subsequently further divided or transferred
16 except to another holder.

17 As used in this paragraph, "holder" has the same meaning as in Title 33, section 476,
18 subsection 2.

19 **SUMMARY**

20 This bill amends the definition of "subdivision" under the laws governing subdivisions
21 to provide that, unless the intent of a transferor is to avoid the objectives of those laws, the
22 division of a tract or parcel of land accomplished by the transfer of any interest in the land
23 to a holder does not create a lot or lots for the purposes of that definition if:

24 1. The transferred interest, as expressed by conservation easement, binding agreement,
25 declaration of trust or otherwise, is to be permanently held for one or more of the following
26 conservation purposes: retaining or protecting the natural, scenic or open space values of
27 the land; ensuring the availability of the land for agricultural, forest, recreational or open
28 space use; protecting natural resources; or maintaining or enhancing air quality or water
29 quality; and

30 2. The transferred interest is not subsequently further divided or transferred except to
31 another holder.

32 Under the bill, a "holder" means a governmental body empowered to hold an interest
33 in real property under the laws of the State or the United States or a nonprofit corporation
34 or charitable trust, the purposes or powers of which include retaining or protecting the
35 natural, scenic or open space values of real property; ensuring the availability of real
36 property for agricultural, forest, recreational or open space use; protecting natural
37 resources; or maintaining or enhancing air or water quality or preserving the historical,
38 architectural, archaeological or cultural aspects of real property.