

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

contrary to the rules and regulations promulgated by the commissioner or fails to keep records required by the commissioner.

Any person, firm or corporation aggrieved by any order under this section may, by petition, appeal within 30 days to the Superior Court where said person resides, or where the firm or corporation is located. Such petition shall, in substance, state the findings by the commissioner and the grounds of appeal, and said court shall consider said proceedings de novo and the parties thereto shall have right of exception and appeal as in civil matters.

Humane societies' shelters and shelters approved by the commissioner under section 3406 shall be exempt from the licensing provisions of this section, but shall be subject to any rules and regulations promulgated by the commissioner as to sanitation, enclosure, records, health requirements and such other procedures as he may deem necessary.

Upon written complaint made to the Commissioner of Agriculture by any person, firm or corporation, alleging violation of this section, or any of the rules and regulations pursuant thereto by any licensee, the Commissioner of Agriculture shall cause an investigation to be made upon matters related in said complaint.

Any person, firm or corporation maintaining a pet shop or boarding kennel without having obtained a license for the same, or after any license has been revoked or suspended, shall be punished by a fine of not more than \$50 per day.

Sec. 2. **Effective date.** This Act shall become effective January 1, 1972.

Effective January 1, 1972

Chapter 454

AN ACT Relating to Municipal Regulation of Land Subdivisions.

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

R. S., T. 30, § 4956, repealed and replaced. Section 4956 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 4956. Land subdivisions

1. **Defined.** A subdivision shall be the division of a tract or parcel of land into 3 or more lots for the purpose of sale, development or building.

2. **Local regulation.** When a municipality has established a planning board, agency or office, such board, agency or office may adopt regulations governing subdivisions which shall control until superseded by provisions adopted by the legislative body of the municipality. Where a municipality has not established a planning board, agency or office, the municipal officers may adopt subdivision regulations which shall control until superseded by provisions adopted by the legislative body of the municipality.

3. Guidelines. When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

F. Will provide for adequate solid and sewage waste disposal;

G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

H. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;

I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

J. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and

K. The subdivider has adequate financial and technical capacity to meet the above stated standards.

L. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

The planning board agency or office, or if none, the municipal officers, shall issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in this subsection, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the person proposing the subdivisions.

4. Enforcement. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been

approved by the planning board, agency or office, or if none exists, by the municipal officers in the municipality where the subdivision is located, and recorded in the proper registry of deeds. No subdivision plat or plan shall be recorded by any register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

Effective September 23, 1971

Chapter 455

AN ACT to Make Municipal Planning Legislation Consistent with Home Rule.

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

Sec. 1. R. S., T. 30, c. 213, sub-c. V, additional. Chapter 213 of Title 30 of the Revised Statutes, as amended, is further amended by adding a new subchapter V to read as follows:

SUBCHAPTER V

BOARD OF APPEALS

§ 2411. Board of Appeals

1. Establishment. A municipality may establish a board of appeals and the municipal officers shall appoint the members and determine their compensation. It is intended that all boards of appeals established subsequent to the effective date of this Act be governed by this section.

2. Organization.

A. The board shall consist of 5 or 7 members, serving staggered terms of at least 3 and not more than 5 years. The board shall elect annually a chairman and secretary from its membership.

B. A municipal officer may not serve as a member.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.