

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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## CHAPTER 475

## AN ACT to Clarify the Municipal Regulation of Land Subdivision Law.

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

Sec. 1. 30 MRSA § 4956, sub-§ 1, as last amended by PL 1973, c. 700, § 1, is repealed and the following enacted in place thereof:

1. Defined. A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5 years prior to such 2nd dividing. Lots of 40 or more acres shall not be counted as lots.

For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Sec. 2. 30 MRSA § 4956, sub-§ 4, first sentence, as last amended by PL 1973, c. 465, § 5, is further amended to read:

No person, firm, corporation or other legal entity may sell, lease or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision ~~which~~ unless the subdivision has ~~not~~ been approved by the municipal reviewing authority of the municipality where the subdivision is located, and unless a survey plan thereof showing permanent markers set at all lot corners has been recorded in the proper registry of deeds. The term "permanent marker" includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge.

Sec. 3. 30 MRSA § 4956, sub-§ 5, first paragraph, as enacted by PL 1973, c. 465, § 7, is amended to read:

This section shall not apply to proposed subdivisions approved by the planning board or the municipal officials prior to September 23, 1971 in accordance with laws then in effect nor shall they it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan

of which had been legally recorded in the proper registry of deeds prior to September 23, 1971. ~~The division of a tract or parcel by sale, gift, inheritance, lease or order of court into 3 or more lots and upon which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.~~ The division of a tract or parcel as defined by this section into 3 or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.

Sec. 4. 30 MRSA § 4956, sub-§ 5, second paragraph, as enacted by PL 1973, c. 700, § 2, is repealed and the following enacted in place thereof:

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section, shall not become subject to this section by the subsequent dividing of said tract or parcel of land or any portion thereof, however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

Effective October 1, 1975

## CHAPTER 476

### AN ACT Relating to the Prescribing and Dispensing of Drugs.

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

Sec. 1. 32 MRSA § 2806 is enacted to read:

#### § 2806. Prescribing and dispensing of drugs

Every written prescription issued by a physician, osteopath or dentist in this State shall contain in the lower right-hand corner of such prescription form a box at least  $\frac{1}{2}$  inch by  $\frac{1}{2}$  inch.

The following words shall appear to the left of this box: "Any drug which is the generic or chemical equivalent of the drug specified above in this prescription may be dispensed provided that the drug dispensed is listed in the current edition of either the National Formulary or the United States Pharmacopoeia and provided that no check mark (✓) has been handwritten in the box in the right-hand lower corner.

Any pharmacist receiving a prescription in which no check mark (✓) is found in the box provided is authorized to substitute a generic or chemically equivalent drug for the drug specified on the prescription, provided that the substituted drug is listed in the current edition of either the National Formulary or the United States Pharmacopoeia and that the price of the substituted drug does not exceed the price of the drug specified by the prescribing physician, osteopath or dentist.

Any pharmacist who substitutes a generic or chemically equivalent drug under the provisions of this section shall inform the person to whom the drug is dispensed of the substitution. Whenever any substitution is made under