

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**Sec. LL-10. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	<b>2001-02</b>
<b>HUMAN SERVICES, DEPARTMENT OF Bureau of Health</b>	
All Other	\$500
Allocates funds to establish the Maine Center for End-of-life Care through outside grants and other sources of funds.	
<b>DEPARTMENT OF HUMAN SERVICES</b>	
<b>TOTAL</b>	<hr/> \$500
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Office of Licensing and Registration</b>	
All Other	\$7,400
Allocates funds for the per diem, travel, advertising and other costs associated with conducting a study of end-of- life related educational requirements for professionals working in end-of-life care.	
<b>DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION</b>	
<b>TOTAL</b>	<hr/> \$7,400
<b>TOTAL ALLOCATIONS</b>	<hr/> \$7,900

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 4, 2001.

**CHAPTER 359**

**S.P. 380 - L.D. 1278**

**An Act to Implement the  
Recommendations of the Task Force  
to Study Growth Management**

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

**Sec. 1. 30-A MRSA §4401, sub-§4, ¶A,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence ~~or for open space land as defined in Title 36, section 1102, that has been the subdivider's principal residence for a period of at least 5 years before immediately preceding the 2nd dividing occurs~~ division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

**Sec. 2. 30-A MRSA §4401, sub-§4, ¶D,** as amended by PL 1991, c. 500, §1, is repealed.

**Sec. 3. 30-A MRSA §4401, sub-§4, ¶¶D-1 to D-6** are enacted to read:

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition.

unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

**Sec. 4. 30-A MRSA §4401, sub-§4, ¶H,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed and the following enacted in its place:

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

- (1) Expands the definition of subdivision to include the division of a structure for commercial or industrial use; or
- (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter.

This paragraph is repealed October 1, 2002.

**Sec. 5. 30-A MRSA §4401, sub-§4, ¶I,** as enacted by PL 1991, c. 500, §2, is amended to read:

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under ~~paragraph D~~ paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest,

does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

**Sec. 6. Application.** This Act does not invalidate any municipal ordinance that expands the definition of "subdivision" if that ordinance took effect prior to the effective date of this Act.

**Sec. 7. Study by State Planning Office.** The Executive Department, State Planning Office shall conduct a study of the status of municipal subdivision ordinances with respect to the local review of subdivisions as defined by municipal ordinance and the process of conducting a title search in the furtherance of a real estate transaction and providing an opinion on the quality of title. At a minimum the study must include: the cataloging of municipal subdivision ordinances according to the definitions of "subdivision" used, an analysis of the legislative history of Maine's subdivision law with a focus on its relationship to home rule authority and a list of possible strategies to coordinate the subdivision review and title search procedures. The office shall consult with interested parties as necessary. The office shall submit its report to the Joint Standing Committee on Natural Resources before December 15, 2001, and the committee is authorized to report out legislation during the Second Regular Session of the 120th Legislature that will properly coordinate the subdivision review and real estate title search procedures.

**Sec. 8. Retroactivity.** This Act applies retroactively to June 1, 2001.

See title page for effective date.

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## CHAPTER 360

H.P. 1223 - L.D. 1664

### An Act to Amend Certain Motor Vehicle Laws

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

**Sec. 1. 29-A MRSA §101, sub-§64-A** is enacted to read:

**64-A. Scooter.** "Scooter" means a device upon which a person may ride consisting of a footboard between 2 end wheels, controlled by an upright steering handle attached to the front wheel and that is propelled by human power or a motor.

**Sec. 2. 29-A MRSA §105, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read: