



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 550

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**

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.