

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 S.P. 172 - L.D. 550

**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**

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

Sec. 1. 30-A MRSA §4401, sub-§4, ¶H-2, as enacted by PL 2017, c. 104, §1, is amended to read:

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, ~~2019~~ 2021. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, ~~2018~~ 2020 for the definition to remain valid for the grace period ending January 1, ~~2019~~ 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

Sec. 2. 30-A MRSA §4402, sub-§6, as enacted by PL 2017, c. 104, §4, is amended to read:

6. Division of new or existing structures. Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review ~~in accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A.~~

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding

stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

Sec. 3. Retroactivity. This Act applies retroactively to June 30, 2018.