

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
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Be it enacted by the People of the State of Maine, as follows:

30 MRSA § 2411, sub-§ 3, ¶ F, as amended by PL 1971, c. 622, § 104, is further amended to read:

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to Superior Court from any order, relief or denial in accordance with the **Maine Rules of Civil Procedure**, Rule 80B. The hearing before the Superior Court shall be a ~~trial de novo~~ without a jury.

Effective October 24, 1977

CHAPTER 353

AN ACT to Amend the Septic Tank and Cesspool Waste Act.

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

Sec. 1. 30 MRSA § 4104, as amended by PL 1975, c. 126, is repealed.

Sec. 2. 30 MRSA § 4105, as enacted by PL 1973, c. 601, is repealed.

Sec. 3. 38 MRSA c. 13-A is enacted to read:

CHAPTER 13-A

SEPTIC TANK AND CESSPOOL WASTE

AND OTHER WASTE MATERIALS

§ 1320. Septic tank and cesspool waste and other waste materials

1. **Site required.** Each municipality shall provide for the disposal of all waste, refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of such waste or any other fluid hazardous waste. Before making application to the Department of Environmental Protection for approval of any site, such person shall first have a written approval for the site location from the municipality in which it is located. The municipality or the municipal officers authorized to act for the municipality, after hearing, shall approve any such private site if it finds that the site does not constitute a hazard to the health or safety of the residents of the municipality.

2. **Department of Environmental Protection approval.** The location, operation and maintenance of any facility or site used for the disposal of septic tank or cesspool waste or fluid hazardous waste shall be subject to the approval of the Department of Environmental Protection in order to insure

that disposal of wastes at such sites will not contaminate any bodies of water, water supplies or ground water, or constitute a hazard to health or safety, or create a nuisance to any person. Any sewage treatment plant receiving septic tank or cesspool waste on or before the effective date of this section shall not be subject to the prohibition of section 1321 until 180 days after the effective date of this section.

§ 1321 Disposal of certain materials prohibited

1. Prohibition. No person shall dispose of any waste, refuse, effluent, sludge or any other material from any septic tank, cesspool or other treatment process, or dispose of any fluid hazardous waste on any land or soil or at any other site or place within the State other than sites approved in accordance with section 1320, except that any person may bury, plow under or otherwise suitably dispose of on his own land such waste, refuse, effluent, sludge or any other material removed from a septic tank or cesspool serving his residence. This section shall not be construed to prohibit or regulate fluid effluents discharged to leaching fields installed in accordance with the Maine Plumbing Code or discharges licensed under chapter 3.

2. Definition. For the purpose of this section and section 1320, "fluid hazardous waste" shall mean wastes which contain sufficient liquid content to be free flowing and which contain or are composed of any element, compound, substance or material designated by the Board of Environmental Protection, after opportunity for public hearing, as being a hazard to the public health, safety or welfare.

§ 1322. Emergency

If the commissioner finds after investigation that the disposal of any waste with sufficient liquid content to be free flowing, whether or not containing substances designated as hazardous under section 1321, has created or is likely to create a substantial and immediate danger to public health or safety, he may order the person or persons causing the disposal of such waste to immediately cease or prevent the disposal and to remove any such waste already disposed from the disposal site.

Any order issued under this section shall contain findings of fact describing, insofar as possible, the waste being disposed, the site of the disposal and the danger to public health or safety.

Service of the commissioner's findings and order shall be made by the sheriff or some deputy within the county in which the person against whom the order runs resides or maintains a place of business.

The person to whom such an order is directed shall comply therewith immediately. The order may not be appealed to the Superior Court, but any person to whom it is directed may apply to the board for a hearing on the order, which hearing shall be held by the Board within 48 hours after receipt of application therefor. Within 7 days after such hearing, the board shall make findings of fact and continue, revoke or modify the order. The decision of the board may be appealed to the Superior Court.