

MAINE STATE LEGISLATURE

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ONE - HUNDREDTH LEGISLATURE

Legislative Document

No. 365

H. P. 251

House of Representatives, January 17, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Matheson of Mexico.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to the Control of Malfunctioning Disposal Systems.

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

R. S., c. 96, § 150-A, additional. Chapter 96 of the Revised Statutes, as amended, is further amended by adding a new section to be numbered 150-A, to read as follows:

'Sec. 150-A. Purpose, nuisance. Malfunctioning private sewage disposal units, including but not limited to septic tanks, cesspools, cisterns, dry wells, drainage beds and the like, have become a menace to the health and general welfare of the citizens of this State, and are declared to be a nuisance.

I. Abatement procedure. The municipal officers of any municipality upon complaint of any person or on their own information shall serve upon the owner or occupant of any premises upon which there is a malfunctioning private sewage disposal unit, as described in this section, an order to remedy such condition within 24 hours of service of the order.

II. Content of order. Such order shall be addressed to the owner of the premises, setting forth the date, the fact of the malfunctioning private sewage disposal unit and shall contain a notice to remedy within 24 hours. It shall be signed by the municipal officers and shall be served by one of them or may be served in the same manner as a municipal court process.

III. Service. A return of service indicating the method used and the person served shall be made to the municipal officers. When service is to be made upon a tenant or occupant, the order shall name such person in addition to the name of the true owner.

IV. Abatement. In the event that the nuisance is not abated within the 24-hour period, the municipal officers may enter the premises and cause the malfunction to be adequately remedied. Any expenses incurred by a municipality in the abatement of such nuisances, plus a penalty charge of \$50, may be recovered from the owner or occupant served under subsection III. In the event that these charges are not paid within 30 days, the method of collection set forth in chapter 96, section 134 shall be used.

V. Action to recover expenses. If the occupant or tenant complies with the order or reimburses the municipality for the expenses incurred, such occupant or tenant may recover his expenses from the owner by civil action or may reimburse himself from rents or profits due or to become due to the owner. Lack of actual notice to the owner shall not be a defense to any action to recover expenses.'