

MAINE STATE LEGISLATURE

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OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
STATE OF MAINE

New Draft of: H. P. 251, L. D. 365

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1574

H. P. 1142

House of Representatives, April 28, 1961

Reported by Mr. Smith from Committee on Judiciary. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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 domestic sewage disposal units, including 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 upon complaint of any person or on their own information shall serve upon the owner or occupant of any premises within that municipality upon which there is a malfunctioning domestic sewage disposal unit, as described in this section, an order to remedy such condition within 10 days of service of the order.

II. Content of order and service. Such order shall be addressed to the owner of the premises, setting forth the date, the fact of the malfunctioning domestic sewage disposal unit and shall contain a notice to remedy the nuisance within 10 days. It shall be signed by the municipal officers and personal service shall be made by one of them or may be served in the same manner as a municipal court process. The municipal officer may likewise serve a tenant or occupant in possession.

III. Return of service. A return of service indicating the method used and the person served shall be made and filed. 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 10-day period, the municipal officers, or their agents, may enter the premises and cause the malfunction to be adequately remedied. Any actual and direct expenses incurred by a municipality in the abatement of such nuisances may be recovered from the owner by a civil complaint.'