

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1631

H. P. 1172

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gagnon of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Regulating Underground Waste Disposal to Protect
Public Water Supplies.

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

Sec. 1. R. S., T. 22, § 2438, additional. Title 22 of the Revised Statutes is amended by adding a new section 2438 to read as follows:

§ 2438. Underground disposal

No person, firm, corporation, agency of the State, municipality or quasi-municipal corporation or any other legal entity shall construct, install or maintain any underground waste water or sewage disposal system or otherwise dispose of such waste water or sewage underground in the watershed of any public water supply where:

1. The operation of such system or such disposal of wastes and sewage may cause contamination to a public water supply, or lower the classification of a public water supply as established in Title 38, chapter 3, or in any way be hazardous to a public water supply, or

2. The soils in which such system is constructed or installed are rated at less than "good" or "fair" for septic sewage disposal by the Soil and Water Conservation Commission.

The requirements of this subsection shall not apply to any such system installed and operational prior to the effective date of this Act.

STATEMENT OF FACT

The use of septic tanks as a means of waste disposal is on the steady increase in Maine. The explosion of land development around lakes, rivers

and other sources of public water has been enormous. Generally, public sewage systems have not yet been constructed that will protect such bodies of water in the State, since such actual construction lags far behind the expression of public concern and the recognized dangers.

It is also recognized that only about 15% of the soils in the State are suitable for underground disposal of sewage. In order to protect public water supplies in the State, it is essential that steps be taken now to prohibit such uses where it is clear that waters may be endangered. The primary guide shall be the standards as set by the Soil and Water Conservation Commission of the State.

Use of underground waste systems, typically septic tanks and dispersal fields, would be prohibited where the soil was unsuitable or where the disposal could contaminate a public water supply.