

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 836

S. P. 289

In Senate, February 14, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Shute of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Disposal of Septic Tank or Cesspool Waste.

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

R. S., T. 30, §§ 4104 and 4105, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections, 4104 and 4105, to read as follows:

§ 4104. Septic tank and cesspool waste

Every municipality within the State shall provide a site for the disposal of all waste, refuse, effluent, sludge or any other materials from all septic tanks and cesspools located within the municipality. The obligation of the municipality to provide such a disposal site shall be deemed to be satisfied if and as long as a sewage treatment plant, which is capable of accepting such materials, exists within the municipality, or the municipality or part of the municipality is in a sanitary district and the municipality has contracted with the district for the acceptance of such materials. The location, operation and maintenance of any such site other than a sewage treatment plant shall be subject to the approval of the Board of Environmental Protection in order to insure that disposal of wastes at such sites will not contaminate any bodies of water, water supplies, ground water, constitute a hazard to health, safety or create a nuisance to any person.

§ 4105. Disposal of certain materials prohibited

No person, firm, corporation or other legal entity shall dispose of any waste, refuse, effluent, sludge or any other materials from a septic tank or cesspool on any land or soil or at any other site or place within the State of Maine other than that site provided pursuant to section 4104 by the munic-

pality wherein such septic tank or cesspool is located. Any person who violates this section shall upon conviction be punished by a fine of not less than \$500 nor more than \$1,000.

The Superior Court shall have jurisdiction to restrain or enjoin violations of this section, and to enter decrees requiring the removal of waste matter deposited in or on any land or soil within the State in violation of this section.

STATEMENT OF FACT

The proposal would require municipalities to provide a site for disposal of septic tank and cesspool waste generated within the municipality. Since some municipalities presently prohibit any dumping within their boundaries it is common practice to dispose of such sludge outside the municipality where the waste is produced. Such disposal is done without regard to environmental effects or nuisance conditions created. This bill would require municipalities to deal intelligently with whatever waste is produced by their citizens rather than causing the undesirable materials to be disposed of in neighboring municipalities. Municipalities that have sewer facilities or participate in a sanitary district would satisfy the requirements of this bill.

The remedies provision of the statute allows any person to obtain equitable relief should a violation of the provision occur.