

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-261)

COMMITTEE AMENDMENT "A" to H.P. 388, L.D. 478, Bill, "AN ACT
to Establish Warranty Standards for Subsurface Sewage Disposal Systems."

Amend the Bill by striking everything after the enacting clause
and inserting ^{in its place} the following:

'10 MRSA c.219 is enacted to read:

CHAPTER 219
WARRANTY STANDARDS FOR
SEWAGE DISPOSAL SYSTEMS

§1481. Definitions

As used in this chapter, unless the context otherwise indi-
cates, the following words shall have the following meanings.

1. Purchaser. "Purchaser" means an individual or indivi-
duals who purchase a sewage disposal system in connection with an
existing dwelling or as part of a new residential dwelling.

2. Seller. "Seller" means any individual, firm, association,
partnership or corporation who sells sewage disposal systems, as
defined in this chapter, for use in connection with an existing
residential dwelling or as part of a new residential dwelling and
who selected and installed or contracted for the installation of
the system.

3. Sewage disposal system. "Sewage disposal system" shall mean any system which is intended for disposing of wastes or waste waters on or beneath the surface of the earth, but shall not include the individual components of such a system which by themselves are not intended to dispose of such waste or waste waters.

\$1482. Warranty

The warranty from the seller, as defined in section 1481, shall be set forth in writing and shall be delivered to the purchaser at the time of purchase. The written warranty shall include the name, address and phone number of the seller.

The seller and purchaser may provide by agreement specifications for use in the written warranty, which may include the number and kind of appliances and plumbing facilities discharging into the system and the number of household residents the system will accommodate. ~~The design capacity of and the care~~

and maintenance instructions for the subsurface sewage disposal system shall be set forth in the document.

The seller of any sewage disposal system warrants to the original purchaser for a period of (two) years from the date of purchase that the sewage disposal system:

Defects.

1. / is free from any substantial defects in material or workmanship;

Specifications.

2. / will meet any specifications or requirements represented by the seller to the purchaser;

Fitness.

3. / is fit for the purpose for which it is intended to be used; and

Repairs.

4. / will be repaired or replaced by the seller to the extent necessary to meet the obligations set forth in subsections 1, 2 and 3.

§1483. Notice

The purchaser shall give notice in writing of any malfunction or failure of the sewage disposal system warranted.

§1484. Exclusions

The warranty provided in this chapter shall not apply if the sewage disposal system has been operated in a manner which could reasonably be expected to lead to a malfunction thereof.

§1485. Cumulative Remedies; prohibition against waiver

The warranty under this chapter shall be in addition to and not in derogation of all other rights and privileges which such purchaser may have under any other law or instrument. The seller shall not require the purchaser to waive his rights under this chapter and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

§1486. Violation as unfair trade practice

Any violation of this chapter shall constitute a violation of Title 5, chapter 10, Unfair Trade Practice Laws.

STATEMENT OF FACT
amendment

The purpose of this / is to provide purchasers of sewage disposal systems with a warranty extending 2 years from the date of the purchase of the system.

Reported by the Majority of the Committee on Natural Resources.

Reproduced and distributed under the direction of the Clerk of the House.

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