

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 645

H. P. 528

House of Representatives, February 24, 1977

On motion of Mr. Blodgett of Waldoboro, referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Masterton of Cape Elizabeth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Grant Variances to Single Family Home Owners under the  
Water Pollution Abatement Program.**

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

38 MRSA § 451-A, sub-§ 7, is enacted to read:

7. Power to grant variances to owners of a single family dwelling. The Board of Environmental Protection may grant a variance for a time certain from any statutory water pollution abatement time schedule upon receipt of an application from the owner of a single family dwelling which:

A. Has been used as his dwelling place year round prior to October 1, 1977;

B. Is maintaining a discharge subject to the requirements of sections 413, 414 and 414-A and if the following conditions exist and requirements are met:

(1) The discharge, in the opinion of the Board of Environmental Protection, is not creating a significant danger to the public health, safety and welfare;

(2) The discharge will not differ in kind or be greater in quantity from that which existed prior to October 1, 1977;

(3) The owner of the single family dwelling has a valid waste discharge license;

(4) The owner of the single family dwelling has obtained a certificate of eligibility from a local, county, regional, state or federal agency stating

that the applicant is eligible for an existing program of financial assistance where eligibility is based on income and assets; and

(5) The applicant agrees to seek funds from public agencies or private lending institutions to install an approved wastewater disposal system; and

C. Variances shall be issued for a term certain not to exceed 3 years and may be renewed, except that no variances shall run beyond July 1, 1985. Upon notice of the availability of funds, the licensee shall present to the Department of Environmental Protection for approval an implementation schedule for construction of the required treatment facilities.

Variances may be conditioned upon reasonable and necessary terms relating to appropriate interim measures to be taken by the licensee to obtain adequate funding for the required system.

#### STATEMENT OF FACT

This proposal authorizes the Board of Environmental Protection to grant variances from any statutory water pollution abatement time schedule to low income people. Owners of year-round single family homes who are financially unable to construct sewage disposal systems will have additional time to seek funds from public agencies or private lending institutions. The cost of these systems range between \$2,000 and \$5,000 with the typical cost being in the neighborhood of \$3,000. Low income, for the purpose of this proposal, means eligibility for an existing governmental program of financial assistance in which eligibility is based on income and assets.

The board can issue variances for up to 3 years with renewals permitted until 1985. This is the year that federal law requires all discharges to be properly controlled.