

# MAINE STATE LEGISLATURE

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D. OF R.

STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 454, L. D. 1300, Bill, "AN ACT to Improve Enforcement of the Plumbing Code."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §42, sub- §3, ~~————~~ → first ¶, as last amended by PL 1981, c. 38, §§1 and 2, is further amended to read:

The department shall adopt rules and regulations relating to plumbing and subsurface sewage disposal systems and the installation and inspection thereof consistent with Title 30, sections 3221 to 3225 and Title 32, sections 3301 to 3507; and shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules and regulations pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary. ~~The department shall prior to adopting or amending rules and regulations invite participation and receive written comments from other interested state agencies including: The Department of Environmental Protection, the Land-use Regulation Commission, the State Housing Authority, the Soil and Water Conservation Commission and the Plumbing Examining Board.~~

Sec. 2. 22 MRSA §42, sub-§3, 2nd ¶, first sentence, as repealed and replaced by PL 1973, c. 521, §1, is amended to read:

Any person who violates the rules and regulations adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30, section 3221, shall be punished by a fine of not less than \$100 nor more than \$500 for each offense or uses a subsurface sewage disposal system not in compliance with rules applicable at the time of installation or modification commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged.

Sec. 3. 22 MRSA §42, sub-§3, 2nd ¶, as last amended by PL 1977, c. 286, §1, is further amended by adding, after the 2nd sentence, a new sentence to read:

In the prosecution of a violation by a municipality, the court may award reasonable attorney's fees to a municipality if that municipality is the prevailing party.

Sec. 4. 30 MRSA §3223, sub-§1-A is enacted to read:

1-A. Penalties. Any person who installs or orders the installation of any subsurface sewage disposal system without the permit required under this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged.

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Statement of Fact

Section 1 clarifies the authority of the Department of Human Services to establish the minimum acceptable distance between a well and a disposal system. This requirement has existed in the rules for many years. It also deletes an obsolete administrative requirement applying to promulgation of the plumbing code.

Section 2 amends the first section of the bill to make it clear that subsurface sewage disposal systems must only be in compliance with the rules in effect at the time of installation or modification of the system.

Section 3 allows municipalities to recover attorneys' fees in prosecuting violations of the plumbing code or municipal ordinances related to plumbing and subsurface sewage disposal.

Section 4 is the same as section 2 of the original bill.

Reported by the Committee on Energy and Natural Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 13, 1981

(Filing No. S-218)