

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2169

6
7 S.P. 813

In Senate, March 2, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsors: Representative Daggett of Manchester, Representative
Mitchell of Vassalboro and Representative Conary of Oakland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Provide Set-back
18 Requirements for Disposal by a Property
19 Owner on His Property of Septage from His
20 Residence.
21

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

24 Sec. 1. 38 MRSA §1304-B, sub-§3, as enacted by
25 PL 1983, c. 380, §1, is amended to read:

26 3. Ordinances. This chapter shall not be con-
27 strued as limiting the authority of any municipality
28 to enact ordinances for the regulation of solid waste
29 or septage disposal, provided that these ordinances
30 are not less stringent than or inconsistent with this
31 chapter or the regulations adopted under this chap-
32 ter.

33 Sec. 2. 38 MRSA §1305, sub-§7 is enacted to
34 read:

1 7. On-site disposal of domestic septage; en-
2 forcement. Municipalities shall enforce the provi-
3 sions of section 1306, subsection 2. Municipalities
4 may recover all costs of enforcement, including at-
5 torneys' fees, from a septage pumper who violates the
6 provisions of that subsection.

7 Sec. 3. 38 MRSA §1306, as repealed and replaced
8 by PL 1981, c. 430, §12, is repealed and the follow-
9 ing enacted in its place:

10 §1306. Prohibition

11 1. General Prohibition. It is unlawful for any
12 person to establish, construct, alter or operate any
13 waste facility without a permit.

14 2. On-site disposal of domestic septage; penal-
15 ty. A septage pumper may dispose of septage from a
16 residence on property of the owner of the residence
17 at the request of the property owner, provided that
18 the septage is placed at least 300 feet from property
19 boundaries, fresh surface waters, tidal waters, water
20 supplies, streets, highways and permanently or
21 seasonally inhabited residential structures. Any
22 septage pumper who violates the provisions of this
23 subsection shall be subject to a civil penalty, pay-
24 able to the municipality, of not more than \$1,000 for
25 each day of violation.

1

STATEMENT OF FACT

2 The purpose of this bill is to reduce the envi-
3 ronmental, health and aesthetic problems stemming
4 from the disposal of domestic septage. The bill re-
5 quires a septage pumper to observe a 300-foot
6 set-back requirement when disposing of his domestic
7 septage on his land or when disposing of a client's
8 domestic septage on the client's land. The set-back
9 requirement applies to roads, property boundaries,
10 all surface waters, water supplies and residential
11 structures. The municipalities are charged with the
12 enforcement of this requirement. The municipalities
13 are also empowered to collect all enforcement costs
14 from violators. The bill allows municipalities to
15 pass ordinances regarding the disposal of septage
16 generally. The Revised Statutes, Title 38, section
17 1306, subsection 1, included in this bill, is already
18 part of existing law and is only included here be-
19 cause of the revised format of section 1306.

20

4909011284