

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1775  
6

7 S.P. 686

In Senate, January 8, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint 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 Cosponsored by Senator Brown of Washington and Senator Trafton of  
Androscoggin.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the State Subsurface Waste  
18 Water Disposal Laws.  
19

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

22 Sec. 1. 22 MRSA §42, sub-§3, as amended by PL  
23 1983, c. 796, §8, is further amended to read:

24 3. Plumbing and subsurface waste water disposal.  
25 The department shall adopt minimum rules relating to  
26 plumbing and subsurface sewage disposal systems and  
27 the installation and inspection thereof consistent  
28 with Title 30, sections 3221 to 3225 chapter 215,  
29 subchapter X, and Title 32, sections 3301 to 3507  
30 chapter 49, but this does not preempt the authori-  
31 ty of municipalities under Title 30, section 1917, to  
32 adopt more restrictive ordinances; and shall hold  
33 hearings on the first Tuesday of February of each  
34 year for the purpose of considering changes in the  
35 rules pertaining to plumbing and subsurface sewage  
36 disposal systems and the installation and inspection

1       thereof. These rules may regulate the location of  
2       water supply wells to provide minimum separation dis-  
3       tances from subsurface sewage disposal systems. The  
4       department may require a deed covenant or deed re-  
5       striction when determined necessary.

6       Any person who violates the rules adopted under this  
7       subsection, or who violates a municipal ordinance  
8       adopted pursuant to Title 30, section 3221, or uses a  
9       subsurface sewage waste water disposal system not in  
10      compliance with rules applicable at the time of in-  
11      stallation or modification shall be penalized in ac-  
12      cordance with the provisions of Title 30, section  
13      4966. Enforcement of the rules shall be the respon-  
14      sibility of the municipalities rather than the de-  
15      partment. The department or a municipality may seek  
16      to enjoin violations of the rules or municipal ordi-  
17      nances. In the prosecution of a violation by a mu-  
18      nicipality, the court shall award reasonable attor-  
19      ney's fees to a municipality if that municipality is  
20      the prevailing party, unless the court finds that  
21      special circumstances make the award of these fees  
22      unjust. The rules adopted by the department shall  
23      provide with respect to the repair and replacement of  
24      any part or parts of existing subsurface sewage dis-  
25      posal systems serving family dwellings inhabited by  
26      no more than 2 individual families that the local  
27      plumbing inspector may waive the site evaluation re-  
28      quirements, provided that the waiver will not result  
29      in violations of other regulations or ordinances  
30      adopted pursuant to the Plumbing Code. He may not  
31      waive the site evaluation requirement for disposal  
32      systems within 100 feet of any pond or river subject  
33      to shoreline zoning laws.

34            Sec. 2. 22 MRSA §42, sub-§3-A, as repealed and  
35      replaced by PL 1981, c. 38, §3, is amended to read:

36            3-A. Licensing of persons to evaluate subsurface  
37      waste water disposal systems. The department shall  
38      adopt rules and regulations providing for qualifica-  
39      tion, licensing and relicensing of persons to evalu-  
40      ate soils for subsurface sewage waste water disposal.  
41      The hearings provided for in subsection 3 shall in-  
42      clude consideration of the adoption or change of such  
43      those rules and regulations.

1 This ~~The~~ department shall investigate or cause to be  
2 investigated all cases or complaints of noncompliance  
3 with or violations of this section and the rules and  
4 ~~regulations~~ adopted pursuant to this section. The  
5 department has the authority to grant or amend, modify  
6 or refuse to issue or renew a license in accordance  
7 with the Maine Administrative Procedure Act, Title  
8 5, chapter 375, subchapter V. The Administrative  
9 Court shall have the exclusive jurisdiction to suspend  
10 or revoke the license of any person who is found  
11 guilty of noncompliance with or violation of the  
12 rules and ~~regulations~~ adopted pursuant to this sub-  
13 section or subsection 3.

14 The department may charge applicants no more than \$60  
15 for examination to become a licensed site evaluator.  
16 The department shall charge a biennial site evaluator  
17 license fee of \$40. A licensed site evaluator who is  
18 employed by the department to administer this section  
19 and does not practice for the public is exempt from  
20 the licensee fee requirement. Appropriate rules shall  
21 be adopted by the department defining the appropriate  
22 financial procedure. The fees shall be paid to the  
23 Treasurer of State to be maintained as a permanent  
24 fund and used by the department for carrying out its  
25 plumbing and subsurface waste water disposal rules  
26 and site evaluation program.

27 Sec. 3. 22 MRSA §22, sub-§3-B, as enacted by PL  
28 1979, c. 390, is amended to read:

29 3-B. Inspection of plumbing and subsurface waste  
30 water disposal systems. The department shall adopt  
31 rules and ~~regulations~~ providing for the inspection of  
32 plumbing facilities and subsurface waste water dis-  
33 posal systems. In municipalities, the municipal offi-  
34 cers shall provide for the appointment of one or more  
35 plumbing inspectors. In plantations, the assessors  
36 shall appoint plumbing inspectors in accordance with  
37 Title 30, section 3222. In the unorganized areas of  
38 the State, the department shall appoint plumbing in-  
39 spectors or act in the capacity of a plumbing inspec-  
40 tor until a person is appointed.

41 ~~The department may reimburse plumbing inspectors in~~  
42 ~~the unorganized areas for expenses incurred in the~~  
43 ~~performance of their duties.~~

1           Sec. 4. 30 MRSA §3221, as amended by PL 1979, c.  
2 627, is repealed and the following enacted in its  
3 place:

4       §3221. Plumbing regulations

5           1. Municipal ordinances. Municipalities may  
6 adopt and, if adopted, may enforce ordinances which  
7 are more restrictive than rules governing plumbing or  
8 subsurface waste water disposal systems adopted by  
9 the Department of Human Services. The department may  
10 provide technical assistance to municipalities in the  
11 development and adoption of ordinances under this  
12 subchapter.

13           2. State rules. No ordinance enacted by a munic-  
14 ipality may be less restrictive than the rules of the  
15 department relating to plumbing or subsurface waste  
16 water disposal systems as promulgated pursuant to Ti-  
17 tle 22, section 42, provided that all permit fees  
18 shall be determined by rules of the department. The  
19 rules of the department in relation to all plumbing  
20 or subsurface waste water disposal shall have full  
21 force and effect, provided that, to the extent that a  
22 municipality has enacted more restrictive ordinances,  
23 the provisions of those ordinances shall prevail.

24           3. Plumbing defined. For the purposes of this  
25 subchapter, "plumbing" means the installation, alter-  
26 ation or replacement of pipes, fixtures and other ap-  
27 paratus for bringing in potable water, removing waste  
28 water and the piping connections to heating systems  
29 using water. Except for the initial connection to a  
30 potable water supply and the final connection that  
31 discharges indirectly into a public sewer or waste  
32 water disposal system, the following are excluded  
33 from this definition:

34           A. Any piping, equipment or material used exclu-  
35 sively for manufacturing or industrial processes;

36           B. The installation or alteration of automatic  
37 sprinkler systems used for fire protection and  
38 standpipes connected to automatic sprinkler sys-  
39 tems or overhead;

40           C. Building drains outside the foundation wall  
41 or structure;

1 D. Like fixtures replaced at the same location  
2 without alteration of pipes; or

3 E. Sealing of leaks within an existing line.

4 4. Subsurface waste water disposal system. "Sub-  
5 surface waste water disposal system" means any system  
6 for disposing of wastes or waste waters on or beneath  
7 the surface of the earth, including, but not limited  
8 to, septic tanks, drainage fields, grandfathered  
9 cesspools, holding tanks or any other fixture, mechan-  
10 ism or apparatus used for those purposes, but do not  
11 include any discharge system licensed under Title 38,  
12 section 414, surface waste water disposal system or  
13 any municipal or quasi-municipal sewer or waste water  
14 treatment system.

15 No person may erect a structure that requires a sub-  
16 surface waste water disposal system until documenta-  
17 tion has been provided to the municipal officers that  
18 the disposal system can be constructed in compliance  
19 with regulations promulgated under Title 22, section  
20 42, and this section.

21 For purposes of this section, "expansion" means the  
22 enlargement or change in use of a structure using an  
23 existing subsurface waste water disposal system that  
24 brings the total structure into a classification that  
25 requires larger subsurface waste water disposal sys-  
26 tem components under regulations promulgated by Title  
27 22, section 42, and this section.

28 No person may expand a structure using a subsurface  
29 waste water disposal system until documentation has  
30 been provided to the municipal officers and a notice  
31 of the documentation recorded in the appropriate reg-  
32 istry of deeds that in the event of a future malfunc-  
33 tion of the system the disposal system can be re-  
34 placed and enlarged to comply with the rules promul-  
35 gated under Title 22, section 42, and ordinances  
36 promulgated under this section. No requirements of  
37 these rules and ordinances may be waived for an ex-  
38 expanded structure. The department may prescribe the  
39 form of the notice to be recorded in the registry of  
40 deeds, which shall include a site plan showing the  
41 exact location of the replacement system, location of  
42 lot lines and location of existing wells serving the

1 lot on which the replacement system will be located  
2 and those located on abutting lots. Copies of the no-  
3 tice shall be sent by certified mail, return receipt  
4 requested, to all owners of abutting lots. After  
5 that, it will be a violation of this section of any  
6 abutter to install a well on his property in a loca-  
7 tion which would prevent the installation of the re-  
8 placement septic system. The owner of the lot on  
9 which the replacement system may be install may not  
10 erect any structure on the proposed site of the re-  
11 placement system or conduct any other activity which  
12 would prevent the use of the designated site. Any  
13 person who violates this section shall be penalized  
14 in accordance with section 4966. The municipality or  
15 the department may seek to enjoin violations of this  
16 section. In the prosecution of a violation by a mu-  
17 nicipality, the court may award reasonable attorneys'  
18 fees to a municipality if that municipality is the  
19 prevailing party, unless the court finds that special  
20 circumstances make the award of these fees unjust.

21 Sec. 5. 30 MRSA §3221-A is enacted to read:

22 §3221-A. Legislative intent

23 It is the intent of the Legislature that local  
24 jurisdictions shall have primary responsibility for  
25 enforcing rules adopted by the Department of Human  
26 Services governing the installation and inspection of  
27 plumbing and subsurface waste water disposal systems.  
28 The adoption of rules by the department does not deny  
29 municipal authority under section 1917 to adopt more  
30 restrictive ordinances.

31 Sec. 6. 30 MRSA §3222, sub-§1, as amended by PL  
32 1981, c. 38, §4, is further amended to read:

33 1. Appointment, compensation, removal. In every  
34 municipality, the municipal officers shall appoint  
35 one or more inspectors of plumbing, who may or may  
36 not be residents of the municipality for which they  
37 are appointed, and who shall ~~held office for one year~~  
38 be appointed pursuant to section 2060, subsection 9.  
39 The term of office shall be for one year. An individ-  
40 ual properly appointed as plumbing inspector and sat-  
41 isfactorily performing the duties may continue in  
42 that capacity after the term has expired until re-

1 placed. The municipal officers shall notify the de-  
2 partment of the appointment of a plumbing inspector  
3 in writing within 30 days of the appointment.

4 Compensation of plumbing inspectors shall be deter-  
5 mined by the municipal officers and shall be paid by  
6 their respective municipalities.

7 A plumbing inspector may be removed for cause by the  
8 municipal officers, after notice and hearing.

9 Sec. 7. 30 MRSA §3222, sub-§2, as amended by PL  
10 1983, c. 796, §10, is further amended to read:

11 2. Certification. No person may hold the office  
12 of plumbing inspector unless he is currently certi-  
13 fied as qualified by the Commissioner of Human Ser-  
14 vices. Certification of plumbing inspectors shall be  
15 in accordance with the standards set by the commis-  
16 sioner, and shall be for a period of 3 years, unless  
17 sooner revoked or suspended by the Administrative  
18 Court upon complaint by the commissioner on grounds  
19 of fraud, negligence, misconduct or incompetence in  
20 the performance of his duties. The commissioner may  
21 grant temporary certification for a period not to ex-  
22 ceed 6 months. ~~The department shall publish semiannu-~~  
23 ~~ally a list of certified plumbing inspectors.~~

24 The commissioner shall establish certification stan-  
25 dards and a program to certify plumbing inspectors  
26 appointed under this section; code enforcement offi-  
27 cers, as set forth in section 4966 and in Title 12,  
28 section 4812-C; and Department of Environmental Pro-  
29 tection employees, set forth in Title 38, section  
30 342, subsection 7, as being familiar with court pro-  
31 cedures. Certification shall be for a period of 3  
32 years unless sooner revoked or suspended by the Ad-  
33 ministrative Court upon complaint by the commissioner  
34 on grounds of fraud, negligence, misconduct or incom-  
35 petence in the performance of his duties. After be-  
36 ing certified by the commissioner under this para-  
37 graph, a plumbing inspector may serve civil process  
38 on persons who violate the plumbing and subsurface  
39 waste water disposal rules of the department, and he  
40 may be authorized by the municipal officers to repre-  
41 sent the municipality in District Court pursuant to  
42 section 4966.



1           Sec. 8. 30 MRSA §3222, sub-§3, ¶G is enacted to  
2 read:

3           G. Investigate complaints of alleged violations  
4 relating to plumbing or subsurface waste water  
5 disposal and take appropriate action as specified  
6 by the department by rule in the State of Maine  
7 Enforcement Manual, Procedures for Correcting Vi-  
8 olations to the Subsurface Waste water Disposal  
9 and Plumbing Rules.

10          Sec. 9. 30 MRSA §3223, as amended by PL 1985, c.  
11 135, is repealed.

12          Sec. 10. 30 MRSA §3223-A is enacted to read:

13 §3223-A. Permits

14          1. Permit required. A permit is required and  
15 shall be valid for 24 months for the following activ-  
16 ities:

17          A. The installation of plumbing into a building  
18 as defined in section 3221, subsection 3;

19          B. The installation of a subsurface waste water  
20 disposal system or components as defined in sec-  
21 tion 3221, subsection 4;

22          C. The conversion of a seasonal dwelling as de-  
23 scribed in this paragraph. Any person, prior to  
24 converting a seasonal dwelling to a year-round or  
25 principal dwelling may obtain a conversion permit  
26 from the local plumbing inspector when the dwell-  
27 ing is located in an area zoned under Title 12,  
28 chapter 424, mandatory shoreland zoning. For the  
29 purposes of this paragraph, a seasonal dwelling  
30 is a dwelling which has not been utilized as a  
31 principal or year-round dwelling during the peri-  
32 od from 1977 to 1981. Evidence of use as a prin-  
33 cipal or year-round residence includes, but is  
34 not limited to, the listing of that residence as  
35 an occupant's legal residence for the purpose of  
36 either voting, filing a state tax return or auto-  
37 mobile registration or the occupancy of that re-  
38 sidence for a period exceeding 7 months in any  
39 calendar year.

1 This subsection shall not be construed to require  
2 a permit for any dwelling which will be occupied  
3 seasonally, is not the principal dwelling place  
4 of the occupant or has the disposal system lo-  
5 cated outside the shoreland zoned area. A permit  
6 for conversion of a seasonal dwelling to a  
7 year-round dwelling shall not be issued unless  
8 one of the following conditions is met:

9 (1) A subsurface waste water disposal ap-  
10 plication, completed after July 1, 1974,  
11 shall indicate that the dwelling's waste wa-  
12 ter disposal system substantially complies  
13 with departmental rules and applicable mu-  
14 nicipal ordinances. In addition, the dispos-  
15 al system shall have been installed with the  
16 required permit and certificate of approval;

17 (2) A replacement for an existing waste wa-  
18 ter disposal system shall be constructed so  
19 that it substantially complies with depart-  
20 mental rules and applicable municipal ordi-  
21 nances;

22 (3) The dwelling unit's waste water is con-  
23 ected to an approved sanitary sewer system;  
24 or

25 (4) A variance has been granted. The owner  
26 of a seasonal dwelling, upon application,  
27 may be granted a variance from the require-  
28 ments of this subsection if, based upon the  
29 site evaluation, the plumbing inspector  
30 finds that in the event of a malfunction of  
31 the existing system a replacement subsurface  
32 waste water system can be installed which  
33 will be in substantial compliance with de-  
34 partmental rules and applicable municipal  
35 ordinances and that the new system will not  
36 be likely to endanger the quality of the ad-  
37 jacent water bodies or of adjacent private  
38 water supplies. A notice documenting the de-  
39 cision of the plumbing inspector shall be  
40 recorded in the appropriate registry of  
41 deeds and sent by certified mail, return re-  
42 ceipt requested, to each owner of an abut-  
43 ting lot. The Department of Human Services

1 shall prescribe the form of the notice to be  
2 used, which shall include a site plan show-  
3 ing the exact location of the replacement  
4 system, location of lot lines and location  
5 of existing wells serving the lot on which  
6 the replacement system will be located and  
7 those located on abutting lots. Thereafter,  
8 it shall be a violation of this section for  
9 any abuttor to install a well on his proper-  
10 ty in a location which would prevent the in-  
11 stallation of the replacement septic system.  
12 The owner of the lot on which the replace-  
13 ment system may be installed may not erect  
14 any structure on the proposed site of the  
15 replacement system or conduct any other ac-  
16 tivity which would prevent the use of the  
17 designated site. Any person who violates  
18 this section shall be penalized in accord-  
19 ance with section 4966. The municipality or  
20 the department may seek to enjoin violations  
21 of this section. In the prosecution of a vi-  
22 olation by a municipality the court shall  
23 award reasonable attorneys' fees to a munic-  
24 ipality if that municipality is the prevail-  
25 ing party, unless the court finds that spe-  
26 cial circumstances make the award of these  
27 fees unjust.

28 In the event of a malfunction, the owner of  
29 the converted seasonal dwelling shall repair  
30 or replace the existing subsurface disposal  
31 system so as to bring the system into sub-  
32 stantial compliance with departmental rules  
33 and applicable municipal ordinances and in-  
34 sure that the system will not endanger the  
35 quality of adjacent water bodies or of adja-  
36 cent private water supplies. No variance for  
37 a new, expanded or replacement subsurface  
38 disposal system will be approved within the  
39 shoreland zoning area which is less restric-  
40 tive than the requirements of this paragraph  
41 or rules promulgated based on this para-  
42 graph. A seasonal conversion permit shall  
43 not be approved if a holding tank is uti-  
44 lized as a means of waste water disposal or  
45 storage.

1           2. Penalties. Any person who installs or orders  
2 the installation of any plumbing or subsurface waste  
3 water disposal system without the permit required un-  
4 der this section shall be penalized in accordance  
5 with section 4966.

6           3. Fees. The permit required by this section  
7 shall be issued upon receipt by the plumbing inspec-  
8 tor of a completed application form as prescribed by  
9 the Commissioner of Human Services and payment by the  
10 applicant of the fee established by the municipality.  
11 The fee shall be at least the minimum amount deter-  
12 mined by rule of the department. One-quarter of the  
13 amount of the minimum fee shall be paid through the  
14 department to the Treasurer of State to be maintained  
15 as a permanent fund and used by the department for  
16 the implementing of its plumbing and subsurface waste  
17 water disposal rules and the training and certifica-  
18 tion of local plumbing inspectors. The remainder of  
19 the fee shall be paid to the treasurer of the munici-  
20 pality and used exclusively for carrying out the  
21 rules in the municipality.

22           Sec. 11. 30 MRSA §3224, as amended by PL 1979,  
23 c. 50, is further amended to read:

24           §3224. Approving own work forbidden

25           No inspector of plumbing may inspect or approve  
26 any plumbing work, site evaluation or installation of  
27 a subsurface disposal system, done by himself, or by  
28 any person by whom he is employed, or who is employed  
29 by or with him. ~~Any inspector of plumbing who in-~~  
30 ~~spects or approves his own work commits a civil vio-~~  
31 ~~lation for which a forfeiture of not less than \$100~~  
32 ~~nor more than \$500 may be adjudged.~~

33           Sec. 12. 30 MRSA §4257, as repealed and replaced  
34 by PL 1967, c. 429, §5, is repealed and the following  
35 enacted in its place:

36           §4257. Sewer connections

37           On or after the placing in operation of a subsur-  
38 face waste water disposal system, the owner, tenant  
39 or occupant of each lot or parcel of land within the  
40 municipality which abuts upon a street or other pub-

1 lic way containing a sewer which is connected with  
2 such waste water disposal system and upon which lot  
3 or parcel a building has been constructed for resi-  
4 dential, commercial or industrial use shall, as may  
5 be so required by the municipal ordinance, connect  
6 that building with the sewer and shall cease to use  
7 any other method for the disposal of waste water or  
8 other polluting matter. All such connections shall  
9 comply with relevant provisions of the municipal or-  
10 dinance which may provide for a charge for making any  
11 such connection in such reasonable amount as the mu-  
12 nicipal officers may fix and establish.

13       Sec. 13. 30 MRSA §4359, as amended by PL 1981,  
14 c. 38, §5, is further amended to read:

15 §4359. Malfunctioning subsurface waste water dispos-  
16 al systems; abatement of nuisance

17       Malfunctioning domestic sewage waste water dis-  
18 posal units, including septic tanks, cesspools, cis-  
19 terns, dry wells, drainage beds, drains, sewer lines  
20 and pipes and the like, have become a menace to the  
21 health and general welfare of the citizens of this  
22 State, and are declared to be a nuisance.

23       1. Abatement procedure. The municipal officers  
24 upon complaint of any person or on their own informa-  
25 tion shall serve upon the owner or occupant of any  
26 premises within that municipality upon which there is  
27 a malfunctioning domestic sewage waste water disposal  
28 unit, as described in this section, an order to reme-  
29 dy such condition within 10 days of service of the  
30 order.

31       2. Content of order and service. Such order  
32 shall be addressed to the owner of the premises, set-  
33 ting forth the date, the fact of the malfunctioning  
34 domestic sewage waste water disposal unit and shall  
35 contain a notice to remedy the nuisance within 10  
36 days. It shall be signed by the municipal officers  
37 and personal service shall be made by one of them or  
38 may be served by a law enforcement officer. The mu-  
39 nicipal officer or law enforcement officer may like-  
40 wise serve a tenant or occupant in possession.

1           3. Return of service. A return of service indi-  
2           cating the method used and the person served shall be  
3           made and filed. When service is to be made upon a  
4           tenant or occupant, the order shall name such person  
5           in addition to the name of the true owner.

6           4. Abatement. In the event that the nuisance is  
7           not abated within the 10-day period, the municipal  
8           officers, or their agents, may enter the premises and  
9           cause the malfunction to be adequately remedied. Any  
10          actual and direct expenses, to include reasonable at-  
11          torney's fees if a municipality is the prevailing  
12          party, incurred by a municipality in the abatement of  
13          such nuisances may be recovered from the owner by a  
14          civil complaint. In the alternative to collect such  
15          expenses, a special tax may be assessed by the assess-  
16          sors against the land on which the waste water dis-  
17          posal unit is located for the amount of such ex-  
18          penses, and such amount shall be included in the next  
19          annual warrant to the tax collector of said town for  
20          collection, and shall be collected in the same manner  
21          as other state, county and municipal taxes are col-  
22          lected.

23           Sec. 14. 30 MRSA §4453, as amended by PL 1979,  
24           c. 181, is repealed and the following enacted in its  
25           place:

26           §4453. Collection of assessments

27           Except for service charges established under sec-  
28           tion 4355 which shall be collected as provided in  
29           that section, all assessments and charges made under  
30           this chapter shall be certified by the municipal of-  
31           ficers and filed with the tax collector for collec-  
32           tion. A facsimile of the signatures of the municipal  
33           officers imprinted at their direction upon any certi-  
34           fication of an assessment or charge under this chap-  
35           ter shall have the same validity as their signatures.

36           The legislative body of a municipality may adopt  
37           an ordinance generally authorizing the assessors and  
38           the tax collector to assess and collect those assess-  
39           ments and charges over a period of time not to exceed  
40           10 years, including expenses involved in the abate-  
41           ment by the municipality of malfunctioning domestic  
42           waste water disposal units as provided in section

1 4359, subsection 4. The assessors and collector may  
2 exercise that authority only where the person as-  
3 essed has agreed to that method of assessment and  
4 collection in writing and notice of that fact has  
5 been recorded in the appropriate registry of deeds.

6 The municipal officers shall annually file with  
7 the collector a list of installment payments due the  
8 municipality which shall be collected with interest  
9 at a rate determined by the municipal officers. If  
10 the person assessed within 30 days after written no-  
11 tice of the total amount of the assessments and  
12 charges, or annual installment payment and interest  
13 fails, neglects or refuses to pay the municipality  
14 the expense incurred, a special tax in the amount of  
15 the total unpaid assessment and charges may be as-  
16 essed by the municipal assessors upon each or parcel  
17 of land so assessed and buildings upon the lot or  
18 parcel of land and the assessment shall be included  
19 in the next annual warrant to the tax collector for  
20 collection and shall be collected in the same manner  
21 as state, county and municipal taxes are collected.  
22 Interest at the rate of 12% per year on the unpaid  
23 portion of assessments and charges due the municipal-  
24 ity shall accrue from the 30th day after written no-  
25 tice to the person assessed and shall be added to and  
26 become part of the special tax when committed to the  
27 tax collector.

28 Sec. 15. 30 MRSA §4966, first ¶, as enacted by  
29 PL 1983, c. 796, §14, is amended to read:

30 The following provisions shall apply to enforce-  
31 ment of land use laws and ordinances or regulations  
32 which are administered and enforced primarily at the  
33 local level, including shoreland zoning ordinances  
34 adopted pursuant to Title 12, sections 4811 to 4817,  
35 including those which were state-imposed; the plumb-  
36 ing and subsurface waste water disposal rules adopted  
37 by the Department of Human Services pursuant to Title  
38 22, section 42, including the land area of the State  
39 which is subject to the jurisdiction of the Maine  
40 Land Use Regulation Commission, laws pertaining to  
41 public water supplies, Title 22, sections 2624, 2647  
42 and 2648; local ordinances adopted pursuant to Title  
43 22, section 2642; local land use ordinances enacted  
44 pursuant to section 1917; local building codes

1 adopted pursuant to sections 1917 and 2151; chapter  
2 215, subchapter I, Automobile Junkyards and subchap-  
3 ter X, Regulation and Inspection of Plumbing; section  
4 4359, malfunctioning subsurface waste water disposal  
5 systems; the subdivision law and local subdivision  
6 ordinances adopted pursuant to section 1917 and sub-  
7 division regulations adopted pursuant to section  
8 4956; and local zoning ordinances adopted pursuant to  
9 section 1917 and in accordance with section 4962.

10 Sec. 16. 38 MRSA §1160, as amended by PL 1981,  
11 c. 466, §§6 and 7, is further amended to read:

12 §1160. Connection of private sewers

13 Every building in a sanitary district formed under  
14 this chapter intended for human habitation or oc-  
15 cupancy or with facilities for discharge or disposal  
16 of sewage waste water or commercial or industrial  
17 waste, which is accessible to a sewer or drain of  
18 such district, shall have a sanitary sewer or drain-  
19 age system which shall be caused to be connected with  
20 such sewer or drain of the district by the owner or  
21 person against whom taxes on the premises are as-  
22 sessed, in the most direct manner possible, within 90  
23 days after receiving request therefor from the dis-  
24 trict, or within such further time as the trustees of  
25 the district may grant, and, if feasible, with a sep-  
26 arate connection for each such building. Existing  
27 buildings which are already served by a private sewer  
28 or drainage system shall not be required to connect  
29 with any sewer or drain of the district so long as  
30 the private sewer or drainage system functions in a  
31 satisfactory and sanitary manner, and does not vio-  
32 late any law or ordinance applicable thereto or any  
33 applicable requirement of the State of Maine Plumbing  
34 Code, as determined by the municipal plumbing inspec-  
35 tor, his alternate, or, in the event that both are  
36 trustees or employees of the district, the Division  
37 of Health Engineering. A building shall be deemed to  
38 be accessible to a sewer or drain of the district for  
39 the purposes of this section if such building, or any  
40 private sewer or drain directly or indirectly con-  
41 nected thereto or carrying sewage waste water or com-  
42 mercial or industrial waste therefrom, shall at any  
43 point be or come within 200 feet of a sewer or drain  
44 of the district; provided that nothing in this sec-



1 tion shall require the owner of any such building to  
2 acquire any real property or easement therein for the  
3 sole purpose of making such connection.

4 Sec. 17. 38 MRSA §1306, sub-§2, as enacted by PL  
5 1983, c. 726, §3, is amended to read:

6 2. On-site disposal of domestic septage; penai-  
7 ty. A septage pumper may dispose of septage from a  
8 residence on property of the owner of the residence  
9 at the request of the property owner, a maximum of 2  
10 times a year, provided that the septage is placed at  
11 least 300 feet from property boundaries, fresh sur-  
12 face waters, tidal waters, water supplies, streets,  
13 highways and permanently or seasonally inhabited res-  
14 idential structures. Any septage pumper who violates  
15 the provisions of this subsection shall be subject to  
16 a civil penalty, payable to the municipality, of not  
17 more than \$1,000 for each day of violation.

1

STATEMENT OF FACT

2       This bill is the result of a comprehensive review  
3 of existing laws affecting subsurface waste water  
4 disposal. As a cosmetic measure, it is desirable to  
5 change the term "sewage" to "waste water" and that  
6 change is made throughout the bill. In addition, the  
7 bill makes a number of changes to update existing  
8 law.

9       The bill amends the rule making authority of the  
10 Department of Human Services over plumbing and sub-  
11 surface waste water disposal systems. It provides  
12 that the department is to adopt minimum rules which  
13 the municipalities shall enforce and may exceed in  
14 restrictiveness by ordinance and deletes the respon-  
15 sibility of the department to reimburse local plumb-  
16 ing inspectors in unorganized areas.

17       The bill amends municipal plumbing laws by estab-  
18 lishing that the department's plumbing and subsurface  
19 waste water disposal rules are the minimum rules for  
20 each municipality, that municipalities are reserved  
21 ordinance authority to the extent they are more re-  
22 strictive than the state laws and that it is the in-  
23 tent of the Legislature that each municipality comply  
24 with and enforce the rules.

25       The bill repeals existing outdated and inconsis-  
26 tent language and replaces it with language consistent  
27 with other law and current practice.

28       The bill clarifies existing law, provides for  
29 filing of notice of expansion of a subsurface waste  
30 water disposal system in the registry of deeds and  
31 prohibits an abutting landowner from installing a new  
32 well which would prevent the installation of a re-  
33 placement septic system after filing of that notice.

34       The bill clarifies that local plumbing inspectors  
35 must be sworn into office; imposes a requirement that  
36 municipalities notify the department when a plumbing  
37 inspector is appointed; deletes the requirement that  
38 the department publish a list of plumbing inspectors;  
39 and clarifies the authority and responsibilities of  
40 local plumbing inspectors to investigate violations.

1           The bill reorganizes the existing law on permits,  
2 expands the law on conversion of seasonal dwellings  
3 by defining "principal residence," requires evidence  
4 that suitable soils exist to install a replacement  
5 system, requires filing of notice of a variance for  
6 seasonal conversion in the registry of deeds and pro-  
7 hibits an abutting land owner from installing a new  
8 well which would prevent intallation of a replacement  
9 septic system after filing of that notice.

10           This bill clarifies the retrictions on the duties  
11 of local pulumbing inspectors and deletes the penalty  
12 for violation because penalties are provided in the  
13 Maine Revised Statutes, Title 30, section 4966.

14           This bill makes technical changes int he munici-  
15 pal lows governing plumbing and subsurface wastewater  
16 disposal systems.

17           This bill limits to 2 times a year the number of  
18 times a septage pumper may dispose of septage from a  
19 residence on that property.

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