

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 686, L.D. 1775)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2153

8 S.P. 853

In Senate, March 6, 1986

9 Reported by Senator Usher of Cumberland from the Committee on
10 Energy and Natural Resources and printed under Joint Rule 2. Original bill
11 sponsored by Senator Kany of Kennebec. Cosponsored by Senator Brown of
Washington and Senator Trafton of Androscoggin.

12 JOY J. O'BRIEN, Secretary of the Senate

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Amend the State Subsurface Waste
19 Water Disposal Laws.
20

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

23 Sec. 1. 22 MRSA §42, sub-§3, as amended by PL
24 1983, c. 796, §8, is further amended to read:

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

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

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

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

37 3-A. Licensing of persons to evaluate subsurface
38 waste water disposal systems. The department shall
39 adopt rules and regulations providing for qualifica-
40 tion, licensing and relicensing of persons to evalu-
41 ate soils for subsurface sewage waste water disposal.
42 The hearings provided for in subsection 3 shall in-
43 clude consideration of the adoption or change of such
44 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, modi-
6 fy or refuse to issue or renew a license in accord-
7 ance with the Maine Administrative Procedure Act, Ti-
8 tle 5, chapter 375, subchapter V. The Administrative
9 Court shall have the exclusive jurisdiction to sus-
10 pend 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 §42, 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, shall 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. Minimum permit fees shall be es-
18 tablished by rule of the department. The rules of
19 the department in relation to all plumbing or subsur-
20 face waste water disposal shall have full force and
21 effect, provided that, to the extent that a munici-
22 pality has enacted more restrictive ordinances, the
23 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, mecha-
10 nism or apparatus used for those purposes, but does
11 not include any discharge system licensed under Title
12 38, section 414, surface waste water disposal system
13 or any municipal or quasi-municipal sewer or waste
14 water 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 mal-
33 function of the system, the disposal system can be
34 replaced and enlarged to comply with the rules
35 promulgated under Title 22, section 42, and ordi-
36 nances promulgated under this section. No require-
37 ments of these rules and ordinances may be waived for
38 an expanded structure. The department shall prescribe
39 the form of the notice to be recorded in the regis-
40 try of deeds. The notice shall include a site plan
41 showing the exact location of the replacement system,
42 the approximate location of lot lines and the exact

1 location of existing wells serving the lot on which
2 the replacement system will be located and those lo-
3 cated on abutting lots. Copies of the notice shall be
4 sent by certified mail, return receipt requested, to
5 all owners of abutting lots. The person seeking to
6 expand a structure shall be responsible for providing
7 that notice. Following recording of notice as pro-
8 vided in this subsection, it is a violation of this
9 section for any abutting landowner to install a well
10 on his property in a location which would prevent the
11 installation of the replacement septic system. The
12 owner of the lot on which the replacement system will
13 be installed may not erect any structure on the pro-
14 posed site of the replacement system or conduct any
15 other activity which would prevent the use of the
16 designated site for the replacement system. Any per-
17 son who violates this section shall be penalized in
18 accordance with section 4966. The municipality or the
19 department may seek to enjoin violations of this sec-
20 tion. In the prosecution of a violation by a munici-
21 pality, the court may award reasonable attorneys'
22 fees to a municipality if that municipality is the
23 prevailing party, unless the court finds that special
24 circumstances make the award of these fees unjust.

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

26 §3221-A. Legislative intent

27 It is the intent of the Legislature that local
28 jurisdictions have primary responsibility for enforc-
29 ing rules adopted by the Department of Human Services
30 governing the installation and inspection of plumbing
31 and subsurface waste water disposal systems. The
32 adoption of rules by the department does not deny mu-
33 nicipal authority under section 1917 to adopt more
34 restrictive ordinances.

35 Sec. 6. 30 MRSA §3222, sub-§1, as amended by PL
36 1981, c. 38, §4, is further amended to read:

37 1. Appointment, compensation, removal. In every
38 municipality, the municipal officers shall appoint
39 one or more inspectors of plumbing, who may or may
40 not be residents of the municipality for which they
41 are appointed, and who shall ~~hold office for one year~~
42 be appointed pursuant to section 2060, subsection 9.

1 The term of office shall be for one year. An individ-
2 ual properly appointed as plumbing inspector and sat-
3 isfactorily performing the duties may continue in
4 that capacity after the term has expired until re-
5 placed. The municipal officers shall notify the de-
6 partment of the appointment of a plumbing inspector
7 in writing within 30 days of the appointment.

8 Compensation of plumbing inspectors shall be deter-
9 mined by the municipal officers and shall be paid by
10 ~~their~~ the respective municipalities.

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

13 Sec. 7. 30 MRSA §3222, sub-§2, as amended by PL
14 1983, c. 796, §10, is further amended to read:

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

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

1 waste water disposal rules of the department, and he
2 may be authorized by the municipal officers to repre-
3 sent the municipality in District Court pursuant to
4 section 4966.

5 Sec. 8. 30 MRSA §3222, sub-§3, ¶¶E and F, as en-
6 acted by PL 1973, c. 521, §4, are amended to read:

7 E. Keep a complete record of all essential
8 transactions of his office; and

9 F. Perform other duties as provided by municipal
10 ordinance-; and

11 Sec. 9. 30 MRSA §3222, sub-§3, ¶G is enacted to
12 read:

13 G. Investigate complaints of alleged violations
14 relating to plumbing or subsurface waste water
15 disposal and take appropriate action as specified
16 by the department by rule in the State of Maine
17 Enforcement Manual, Procedures for Correcting Vi-
18 olations to the Subsurface Waste Water Disposal
19 and Plumbing Rules.

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

22 Sec. 11. 30 MRSA §3223-A is enacted to read:

23 §3223-A. Permits

24 1. Permit required. A permit is required for
25 the following activities and shall be valid for work
26 commenced within 24 months of issuance of the permit:

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

29 B. The installation of a subsurface waste water
30 disposal system or components, as defined in sec-
31 tion 3221, subsection 4; and

32 C. The conversion of a seasonal dwelling, as de-
33 scribed in this paragraph. Prior to converting a
34 seasonal dwelling which is located in the shore-
35 land zone, as defined in Title 38, section 435,

1 to a year-round or principal dwelling, a conver-
2 sion permit is required from the local plumbing
3 inspector. For the purposes of this paragraph,
4 a seasonal dwelling is a dwelling which has not
5 been utilized as a principal or year-round dwell-
6 ing during the period from 1977 to 1981. Evidence
7 of use as a principal or year-round residence in-
8 cludes, but is not limited to, the listing of
9 that residence as an occupant's legal residence
10 for the purpose of either voting, filing a state
11 tax return or automobile registration or the oc-
12 cupancy of that residence for a period exceeding
13 7 months in any calendar year.

14 This paragraph may not be construed to require a
15 permit for any dwelling which will be occupied
16 seasonally, is not the principal dwelling place
17 of the occupant or has the disposal system lo-
18 cated outside the shoreland zoned area.

19 2. Permit for seasonal conversion. A permit for
20 conversion of a seasonal dwelling to a year-round
21 dwelling shall be issued if one of the following con-
22 ditions is met:

23 A. A subsurface water disposal application, com-
24 pleted after July 1, 1974, exists indicating that
25 the dwelling's waste water disposal system sub-
26 stantially complies with departmental rules and
27 applicable municipal ordinances. In addition,
28 the disposal system shall have been installed
29 with the required permit and certificate of ap-
30 proval;

31 B. A replacement for an existing waste water
32 disposal system has been constructed so that it
33 substantially complies with departmental rules
34 and applicable municipal ordinances;

35 C. The dwelling unit's waste water is connected
36 to an approved sanitary sewer system; or

37 D. A variance has been granted as provided in
38 this paragraph. The owner of a seasonal dwell-
39 ing, upon application, shall be granted a vari-
40 ance from the requirements of this subsection if,
41 based upon the site evaluation, the plumbing in-

1 spector finds that in the event of a malfunction
2 of the existing system a replacement subsurface
3 waste water system can be installed which will be
4 in substantial compliance with departmental rules
5 and applicable municipal ordinances and that the
6 new system will not be likely to endanger the
7 quality of the adjacent water bodies or of adja-
8 cent private water supplies.

9 (1) A notice documenting the finding of the
10 plumbing inspector shall be recorded in the
11 appropriate registry of deeds and sent by
12 certified mail, return receipt requested, to
13 each owner of an abutting lot. The applicant
14 for a variance shall be responsible for pro-
15 viding that notice. The Department of Human
16 Services shall prescribe the form of the no-
17 tice to be used. The notice shall include
18 a site plan showing:

19 (a) The exact location of the replace-
20 ment system;

21 (b) The approximate location of lot
22 lines; and

23 (c) The exact location of existing
24 wells serving the lot on which the re-
25 placement system will be located and
26 those located on abutting lots.

27 (2) Following recording of notice as pro-
28 vided in subparagraph (1), an abutting land-
29 owner may not install a well on his property
30 in a location which would prevent the in-
31 stallation of the replacement septic system.
32 The owner of the lot on which the replace-
33 ment system would be installed may not erect
34 any structure on the proposed site of the
35 replacement system or conduct any other ac-
36 tivity which would prevent the use of the
37 designated site for the replacement system.

38 (3) In the event of a malfunction of a sys-
39 tem for which a variance has been granted,
40 the owner of the converted seasonal dwelling
41 shall obtain a permit and repair or replace

1 the existing subsurface disposal system so
2 as to bring the system into substantial com-
3 pliance with departmental rules and applica-
4 ble municipal ordinances and insure that the
5 system will not endanger the quality of ad-
6 acent water bodies or of adjacent private
7 water supplies. No variance for a new, ex-
8 expanded or replacement subsurface disposal
9 system may be approved within the shoreland
10 zoning area which is less restrictive than
11 the requirements of this paragraph or rules
12 promulgated based on this paragraph. A sea-
13 sonal conversion permit shall not be ap-
14 proved if a holding tank is utilized as a
15 means of waste water disposal or storage.

16 3. Penalties. Any person who installs or orders
17 the installation of any plumbing or subsurface waste
18 water disposal system without the permit required by
19 this section or who otherwise violates this section
20 shall be penalized in accordance with section 4966.
21 The municipality or the department may seek to enjoin
22 violations of this section.

23 4. Fees. The permit required by this section
24 shall be issued upon receipt and approval by the
25 plumbing inspector of a completed application form as
26 prescribed by the Commissioner of Human Services and
27 payment by the applicant of the fee established by
28 the municipality. The fee shall be at least the mini-
29 imum amount determined by rule of the department. One-
30 quarter of the amount of the minimum fee shall be
31 paid through the department to the Treasurer of State
32 to be maintained as a permanent fund and used by the
33 department for the implementing of its plumbing and
34 subsurface waste water disposal rules and the train-
35 ing and certification of local plumbing inspectors.
36 The remainder of the fee shall be paid to the trea-
37 surer of the municipality.

38 Sec. 12. 30 MRSA §3224, as amended by PL 1979,
39 c. 50, is further amended to read:

40 §3224. Approving own work forbidden

41 No inspector of plumbing may inspect or approve
42 any plumbing work, site evaluation or installation of

1 a subsurface disposal system, done by himself, or by
2 any person by whom he is employed, or who is employed
3 by or with him. Any inspector of plumbing who in-
4 spects or approves his own work commits a civil vio-
5 lation for which a forfeiture of not less than \$100
6 nor more than \$500 may be adjudged.

7 Sec. 13. 30 MRSA §3227 is enacted to read:

8 §3227. Department of Human Services; responsibili-
9 ties

10 1. Administration of rules. The Department of
11 Human Services is responsible for assuring the proper
12 administration of the plumbing and subsurface
13 wastewater disposal rules by the municipalities. The
14 department shall assist municipalities in complying
15 with this subchapter and with section 4359.

16 2. Review. The department shall review the ad-
17 ministration of plumbing and subsurface waste water
18 disposal rules and laws in each municipality for com-
19 pliance with this subchapter and with section 4359.
20 This review shall be made on a regular basis and may
21 be made in response to a written complaint from any
22 person as necessary. The department shall inspect
23 the municipality's records and discuss the adminis-
24 tration of the program with the local plumbing in-
25 pector. The local plumbing inspector shall be
26 available during the department's review and shall
27 cooperate in providing all necessary information.
28 The department shall report the results of its review
29 in writing to the municipality and when applicable to
30 the complainant. The written notice shall set forth
31 the department's findings of whether the municipality
32 is in compliance with this subchapter and with sec-
33 tion 4359.

34 3. Violation; penalty. If after review the de-
35 partment finds any violation of this subchapter or
36 with section 4359, it shall notify the municipality
37 that it has 30 days in which to take enforcement ac-
38 tion and specify what action shall be taken in order
39 to achieve compliance. The municipality shall file a
40 plan acceptable to the department setting forth how
41 it will attain compliance. The department shall no-
42 tify the municipality that it will review the municipi-

1 pality for compliance within 60 days of accepting the
2 plan and shall conduct that review. Any municipality
3 which fails to file an acceptable plan with the de-
4 partment or which is in violation of this chapter at
5 the expiration of the 60-day period shall be subject
6 to a civil penalty of not less than \$500. The de-
7 partment shall enforce this section in any court of
8 competent jurisdiction. Every 30-day period that a
9 municipality is in violation of this chapter after
10 review and notification shall constitute a separate
11 offense.

12 Sec. 14. 30 MRSA §4257, as repealed and replaced
13 by PL 1967, c. 429, §5, is repealed and the following
14 enacted in its place:

15 §4257. Sewer connections

16 As may be required by municipal ordinance, the
17 owner of each lot or parcel of land upon which a
18 building has been constructed which abuts upon a
19 street or public way containing a sewer shall connect
20 that building with the sewer and shall cease to use
21 any other method for the disposal of waste water.
22 All such connections shall comply with the applicable
23 municipal ordinance which may provide for a reason-
24 able charge for making the connections.

25 Sec. 15. 30 MRSA §4359, as amended by PL 1981,
26 c. 38, §5, is further amended to read:

27 §4359. Malfunctioning subsurface waste water dispos-
28 al systems; abatement of nuisance

29 Malfunctioning ~~domestic~~ sewage waste water dis-
30 posal units, including septic tanks, cesspools, cis-
31 terns, dry wells, drainage beds, drains, sewer lines
32 and pipes and the like, have become a menace to the
33 health and general welfare of the citizens of this
34 State, and are declared to be a nuisance.

35 1. Abatement procedure. The municipal officers
36 upon complaint of any person or on their own informa-
37 tion shall serve upon the owner or occupant of any
38 premises within that municipality upon which there is
39 a malfunctioning ~~domestic~~ sewage waste water disposal
40 unit, as described in this section, an order to reme-

1 dy such condition within 10 days of service of the
2 order.

3 2. Content of order and service. Such order
4 shall be addressed to the owner of the premises, set-
5 ting forth the date, the fact of the malfunctioning
6 domestic sewage waste water disposal unit and shall
7 contain a notice to remedy the nuisance within 10
8 days. It shall be signed by the municipal officers
9 and personal service shall be made by one of them or
10 may be served by a law enforcement officer. The mu-
11 nicipal officer or law enforcement officer may like-
12 wise serve a tenant or occupant in possession.

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

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

35 Sec. 16. 30 MRSA §4453, as amended by PL 1979,
36 c. 181, is repealed and the following enacted in its
37 place:

38 §4453. Collection of assessments

39 Except for service charges established under sec-
40 tion 4355 which shall be collected as provided in
41 that section, all assessments and charges made under

1 this chapter shall be certified by the municipal of-
2 ficers and filed with the tax collector for collec-
3 tion. A facsimile of the signatures of the municipal
4 officers imprinted at their direction upon any certi-
5 fication of an assessment or charge under this chap-
6 ter shall have the same validity as their signatures.

7 The legislative body of a municipality may adopt
8 an ordinance generally authorizing the assessors and
9 the tax collector to assess and collect those assess-
10 ments and charges over a period of time not to exceed
11 10 years, including expenses involved in the abate-
12 ment by the municipality of malfunctioning domestic
13 waste water disposal units as provided in section
14 4359, subsection 4. The assessors and collector may
15 exercise that authority only where the person as-
16 essed has agreed to that method of assessment and
17 collection in writing and notice of that fact has
18 been recorded in the appropriate registry of deeds.

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

41 Sec. 17. 30 MRSA §4966, first ¶, as enacted by
42 Pl 1983, c. 796, §14, is amended to read:

1 The following provisions shall apply to enforce-
2 ment of land use laws and ordinances or regulations
3 which are administered and enforced primarily at the
4 local level, including shoreland zoning ordinances
5 adopted pursuant to Title 12, sections 4811 to 4817,
6 including those which were state-imposed; the plumb-
7 ing and subsurface waste water disposal rules adopted
8 by the Department of Human Services pursuant to Title
9 22, section 42, including the land area of the State
10 which is subject to the jurisdiction of the Maine
11 Land Use Regulation Commission, laws pertaining to
12 public water supplies, Title 22, sections 2624, 2647
13 and 2648; local ordinances adopted pursuant to Title
14 22, section 2642; local land use ordinances enacted
15 pursuant to section 1917; local building codes
16 adopted pursuant to sections 1917 and 2151; chapter
17 215, subchapter I, Automobile Junkyards and subchap-
18 ter X, Regulation and Inspection of Plumbing; section
19 4359, malfunctioning subsurface waste water disposal
20 systems; the subdivision law and local subdivision
21 ordinances adopted pursuant to section 1917 and sub-
22 division regulations adopted pursuant to section
23 4956; and local zoning ordinances adopted pursuant to
24 section 1917 and in accordance with section 4962.

25 Sec. 18. 38 MRSA §1160, as amended by PL 1981,
26 c. 466, §§6 and 7, is further amended to read:

27 §1160. Connection of private sewers

28 Every building in a sanitary district formed un-
29 der this chapter intended for human habitation or oc-
30 cupancy or with facilities for discharge or disposal
31 of sewage waste water or commercial or industrial
32 waste, which is accessible to a sewer or drain of
33 such district, shall have a sanitary sewer or drain-
34 age system which shall be caused to be connected with
35 such sewer or drain of the district by the owner or
36 person against whom taxes on the premises are as-
37 sessed, in the most direct manner possible, within 90
38 days after receiving request therefor from the dis-
39 trict, or within such further time as the trustees of
40 the district may grant, and, if feasible, with a sep-
41 arate connection for each such building. Existing
42 buildings which are already served by a private sewer
43 or drainage system shall not be required to connect
44 with any sewer or drain of the district so long as

1 the private sewer or drainage system functions in a
2 satisfactory and sanitary manner, and does not vio-
3 late any law or ordinance applicable thereto or any
4 applicable requirement of the State of Maine Plumbing
5 Code, as determined by the municipal plumbing inspec-
6 tor, his alternate, or, in the event that both are
7 trustees or employees of the district, the Division
8 of Health Engineering. A building shall be deemed to
9 be accessible to a sewer or drain of the district for
10 the purposes of this section if such building, or any
11 private sewer or drain directly or indirectly con-
12 nected thereto or carrying sewage waste water or com-
13 mercial or industrial waste therefrom, shall at any
14 point be or come within 200 feet of a sewer or drain
15 of the district; provided that nothing in this sec-
16 tion shall require the owner of any such building to
17 acquire any real property or easement therein for the
18 sole purpose of making such connection.

19 Sec. 19. 38 MRSA §1306, sub-§2, as enacted by PL
20 1983, c. 726, §3, is amended to read:

21 2. On-site disposal of domestic septage; penal-
22 ty. A homeowner may arrange for a septage pumper may
23 to dispose of septage from a residence on property of
24 the owner of the residence at the request of the
25 property owner, a maximum of 2 times a year, provided
26 that the septage is placed at least 300 feet from
27 property boundaries, fresh surface waters, tidal wa-
28 ters, water supplies, streets, highways and perma-
29 nently or seasonally inhabited residential struc-
30 tures. Any homeowner or septage pumper who violates
31 the provisions of this subsection shall be subject to
32 a civil penalty, payable to the municipality, of not
33 more than \$1,000 for each day of violation.

1 STATEMENT OF FACT

2 The purposes of this new draft are to:

3 1. Make a number of typographical and minor
4 technical corrections for the sake of clarity;

5 2. Clarify certain inconsistencies;

6 3. Clarify the procedure and variance require-
7 ments for conversion from a seasonal to a year-round
8 dwelling; and

9 4. To provide authority to the Department of Hu-
10 man Services to review and require towns to upgrade
11 their plumbing enforcement program.

12 5858022786