

MAINE STATE LEGISLATURE

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L.D. 57

2

(Filing No. H-14)

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STATE OF MAINE

4

HOUSE OF REPRESENTATIVES

5

113TH LEGISLATURE

6

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 54, L.D. 57,
8 Bill, "AN ACT Concerning the Fees Recoverable by a
9 Municipality in a Nuisance Abatement."

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Amend the bill in subsection 4, in the 8th line
(page 1, line 31 in L.D.) by striking out the word
"may" and inserting in its place the following: 'may
shall'

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Further amend the bill in subsection 4, in the
9th, 10th and 11th lines (page 1, line 32 and page 2,
lines 1 and 2 in L.D.) by striking out the underlined
sentence and inserting in its place the underlined
sentence 'The costs, including reasonable attorneys
fees, to create and prosecute an action to collect
expenses following such a civil complaint, shall also
be recovered from the owners.'

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STATEMENT OF FACT

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First, this amendment requires that expenses in-
curred by a municipality for the repair of a
malfunctioning private septic system be recovered
from the owner of the system. In the past, such re-
covery has been allowed, but not required.

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Second, it was a purpose of the original bill to
make clear that attorneys fees and other legal costs
could be collected both for abating the septic system
problem and for legal action that might be necessary
in collecting the cost of the abatement. There was
some concern as to whether the existing legislation
is sufficiently precise on the latter point. This
amendment removes the wording that the original bill
used to accomplish the clarification and substitutes

COMMITTEE AMENDMENT "A" to H.P. 54, L.D. 57

1 wording which is believed to be clearer. It also
2 makes this collection mandatory, not permissible.

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Reported by the Committee on State and Local Government
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