

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

NO. 57
6

7 H.P. 54 House of Representatives, January 26, 1987
8 Reference to the Committee on State and Local Government
9 suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative McHenry of Madawaska.

10 Cosponsored by Senator Tuttle of York, Representative
Ridley of Shapleigh and Representative Willey of Hampden.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning the Fees Recoverable by a
18 Municipality in a Nuisance Abatement.
19

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

22 30 MRSA §4359, sub-§4, as amended by PL 1985, c.
23 612, §15, is further amended to read:

24 4. Abatement. In the event that the nuisance is
25 not abated within the 10-day period, the municipal
26 officers, or their agents, may enter the premises and
27 cause the malfunction to be adequately remedied. Any
28 actual and direct expenses, to include reasonable
29 ~~attorney's~~ attorneys fees if a municipality is the
30 prevailing party, incurred by a municipality in the
31 abatement of such nuisances may be recovered from the
32 owner by a civil complaint. Direct expenses shall in-

1 clude reasonable attorneys fees and other costs in-
2 curred to create and prosecute a collection action.
3 In the alternative to collect such expenses, a spe-
4 cial tax may be assessed by the assessors against the
5 land on which the waste water disposal unit is lo-
6 ated for the amount of such expenses, and such
7 amount shall be included in the next annual warrant
8 to the tax collector of said the town for collection,
9 and shall be collected in the same manner as other
10 state, county and municipal taxes are collected. In-
11 terest as determined by the municipality pursuant to
12 Title 36, section 505, in the year in which the spe-
13 cial tax is assessed shall accrue on all unpaid bal-
14 ances of any special tax beginning on the 60th day
15 after the day of commitment of the special tax to the
16 collector. The interest shall be added to and become
17 part of the tax.

18 STATEMENT OF FACT

19 When an owner or occupant refuses to abate a
20 malfunctioning septic system, the municipal officers
21 are given authority by current law to take whatever
22 actions are necessary to cause the malfunction to be
23 remedied. Municipalities have had difficulty recover-
24 ing their costs when the direct action is taken.

25 This bill enables municipalities to turn the col-
26 lection over to an attorney and recover these costs
27 or to collect interest on the special tax that the
28 law already authorizes them to assess. These changes
29 should make those costs more easily recoverable.

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