

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1915

H.P. 1412 House of Representatives, October 9, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.
EDWIN H. PERT, Clerk
Presented by Representative HOLLOWAY of Edgecomb.

STATE OF MAINE

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

AN ACT to Clarify the Law Affecting the
Transfer of Shoreland Property.

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4 Emergency preamble. Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, ambiguities in recently enacted law re-
8 garding transfers of certain types of property in the
9 shoreland zone may seriously impede timely transfer
10 of the properties and impose serious hardships on
11 property owners; and

12 Whereas, in the judgment of the Legislature,
13 these facts create an emergency within the meaning of
14 the Constitution of Maine and require the following
15 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore;

3 Be it enacted by the People of the State of Maine as
4 follows:

5 **Sec. 1. 30 MRSA §3223-B, sub-§1, as enacted by**
6 **PL 1987, c. 381, is amended to read:**

7 1. Inspection. The disposal system has been in-
8 spected within the preceding 180 days by a person li-
9 icensed pursuant to Title 22, section 42, and not
10 found to be malfunctioning; and who shall report his
11 findings and provide any documentation as required by
12 rules adopted by the Department of Human Services.

13 The Department of Human Services shall adopt rules on
14 or before April 1, 1988, governing the scope of the
15 inspection necessary for compliance, the findings
16 necessary and the content and distribution of the
17 documentation required. The requirements of this
18 section for transfers of property in the shoreland
19 area shall become effective on June 1, 1988; and

20 **Sec. 2. Transition.** This Act shall apply to all
21 transfers of property which occur between September
22 29, 1987, and the effective date of this Act.

23 **Emergency clause.** In view of the emergency cited
24 in the preamble, this Act shall take effect when ap-
25 proved.

26 STATEMENT OF FACT

27 The purpose of this bill is to revise the shore-
28 land property transfer law to allow more time for the
29 implementation of the law along with the development
30 of departmental regulations describing the scope of
31 the investigation necessary for compliance.

32 The bill also removes the requirement that the
33 system inspector, a licensed soil evaluator or a li-
34 censed plumbing inspector, make a finding on the
35 functioning status of the system. This requirement

1 could have posed unacceptable liability problems for
2 the system inspectors. Rather, the inspection may be
3 a more general assessment of the known facts concern-
4 ing the system and a report of these facts.

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