

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 698

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H.P. 504

House of Representatives, February 20, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JACQUES of Waterville.

Cosponsored by Representative GOULD of Greenville, Representative LORD of Waterboro and Senator TITCOMB of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Require Repair of Septic Systems.**

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(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, grants for the repair of substandard or malfunctioning wastewater treatment systems from the State may not be available within 30 days of application; and

Whereas, waters of the State are being contaminated by substandard or malfunctioning wastewater treatment systems; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §4927, sub-§6 is enacted to read:

6. Grants and loans unavailable; compliance. Following a period of 30 days from the date of application for assistance under this section, the unavailability of financial assistance under this section does not relieve an owner of a substandard or malfunctioning wastewater treatment system of that person's obligation to comply with the state water classification program, Title 38, chapter 3, subchapter I, article 4-A or any other provision of law.

Sec. 2. 38 MRSA §411, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §24, is further amended to read:

§411. State contribution to pollution abatement

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual

2 projects serving seasonal dwellings or commercial establishments.  
3 The application for a grant under this paragraph section for a  
4 project serving a single-family dwelling, including outbuildings,  
5 or a single commercial establishment, must include a signed  
6 statement of the financial condition of the owner of the  
7 single-family dwelling or commercial establishment describing the  
8 need for the grant. That statement becomes part of the  
9 application record and no further evidence of need is required.

10 For small individual projects, following a period of 30 days  
11 from the date of application for assistance under this section,  
12 the unavailability of financial assistance under this section  
13 does not relieve an owner of a substandard or malfunctioning  
14 wastewater treatment system of that person's obligation to comply  
15 with the state water classification program, Title 38, chapter 3,  
16 subchapter I, article 4-A or any other provision of law.

17 State grant-in-aid participation under this section is  
18 limited to grants for waste treatment facilities, interceptor  
19 systems and outfalls. The word "expense" does not include costs  
20 relating to land acquisition or debt service, unless allowed  
21 under federal statutes and regulations.

22 The commissioner shall develop a project priority list, for  
23 approval and adoption by the board, for pollution abatement  
24 construction and salt or sand-salt storage building projects. The  
25 factors considered in developing the priority lists include, but  
26 are not limited to, protection of ground and surface water  
27 supplies, shellfish, general public health hazards and water  
28 contact activities.

29 All proceeds of the sale of bonds for the construction and  
30 equipment of pollution abatement facilities expended under the  
31 direction and supervision of the commissioner must be segregated,  
32 apportioned and expended as provided by the Legislature.

33 **Emergency clause.** In view of the emergency cited in the  
34 preamble, this Act takes effect when approved.

#### 40 STATEMENT OF FACT

41 This bill amends provisions of the Maine Revised Statutes,  
42 Titles 30-A and 38 that govern financial assistance to owners of  
43 substandard or malfunctioning wastewater treatment systems. If  
44 financial assistance is unavailable to owners of substandard or  
45 malfunctioning wastewater treatment systems following 30 days  
46 from the date of application, the owners must still comply with  
47 the state water quality classification program.