

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1431

H.P. 986

House of Representatives, April 4, 1991

Reference to the Committee on Human 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 LORD of Waterboro.

STATE OF MAINE

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

**An Act to Require the Department of Human Services to Certify all
Septic Systems on Bodies of Water Used for Drinking Water Supplies
before Requiring Filtration Systems.**

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

4 Sec. 1. 22 MRSA §2647-A is enacted to read:

6 §2647-A. Filtered public water sources

8 1. Waste disposal system certification. The department may
10 not require a public water system that uses a surface water
12 source to install a filtration system pursuant to the United
14 States Safe Drinking Water Act Amendments of 1986, Public Law
16 99-339, unless:

18 A. The surface water body does not meet requirements for
20 avoiding filtration as specified by regulation pursuant to
22 the United States Safe Drinking Water Act Amendments of
24 1986, Public Law 99-339; and

26 B. The department has inspected each parcel of land within
28 250 feet of the surface water body and determined that all
30 wastewater disposal systems within that area are operating
32 effectively and are maintained properly.

34 2. Right of entry. Employees or agents of the department
36 may enter any property at reasonable hours or enter any building
38 with the consent of the owner, occupant or agent, to inspect a
40 wastewater disposal system pursuant to this section. Entry onto
42 property under this subsection is not a trespass. An employee or
44 agent of the department may seek an administrative inspection
46 warrant pursuant to the Maine Rules of Civil Procedure, Rule 80E
48 to carry out the purposes of this section.

50 3. Inspection required. By August 1, 1992, the department
52 shall inspect or contract to inspect all wastewater disposal
54 systems within 250 feet of surface water bodies used for public
56 drinking water supplies that do not meet the requirements of
58 subsection 1, paragraph A. The department shall issue a
60 certificate of compliance if the department determines that the
62 wastewater disposal system is operating effectively and is not
64 contributing pollutants to the public surface water supply. The
66 department shall assess all costs of the inspection, including
68 personnel costs, to the owner of the wastewater disposal system.

70 4. Noncomplying system. If a wastewater disposal system
72 does not operate effectively and is not properly maintained, the
74 department shall refer the matter to the municipal officers. The
76 municipal officers shall follow the procedures in Title 30-A,
78 section 3428, to correct the malfunction.

80 5. Certification recorded. By December 31, 1992, the
82 landowner of a certified wastewater disposal system shall record
84 the certification in the appropriate registry of deeds.

