

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1681, L.D. 2361, Bill, "An Act to Repeal a State Mandate Requiring a National Plumbing Code"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 22 MRSA §42, sub-§3, as amended by PL 1991, c. 548, Pt. A, §16, is further amended to read:

3. Plumbing and subsurface waste water disposal. ~~The department, with the advice and consent of the Plumbers' Examining Board, shall adopt by reference a nationally recognized plumbing code. The department, with the advice and consent of the Plumbers' Examining Board, may adopt, as necessary, amendments to that code.~~ The department shall adopt minimum rules relating to plumbing and subsurface sewage disposal systems. All rules, including installation and inspection rules, must be consistent with Title 30-A, chapter 185, subchapter III, and Title 32, chapter 49, but this does not preempt the authority of municipalities under Title 30-A, section 3001, to adopt more restrictive ordinances. The department shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 or uses a subsurface waste water

2 disposal system not in compliance with rules applicable at the
time of installation or modification must be penalized in
4 accordance with Title 30-A, section 4452. Enforcement of the
rules is the responsibility of the municipalities rather than the
6 department. The department or a municipality may seek to enjoin
violations of the rules or municipal ordinances. In the
8 prosecution of a violation by a municipality, the court shall
award reasonable attorney's fees to a municipality if that
10 municipality is the prevailing party, unless the court finds that
special circumstances make the award of these fees unjust.'

12 Further amend the bill by inserting at the end before the
statement of fact the following:

14 **FISCAL NOTE**

16 The Department of Human Services may realize some minor
18 administrative cost savings as a result of eliminating the
provision of law requiring the adoption of a nationally
20 recognized plumbing code. The amount of savings does not warrant
a deallocation of Other Special Revenue funds.'

22 **STATEMENT OF FACT**

24 According to the statement of fact of the original bill, it
26 sought to remove the requirement for a nationally recognized
plumbing code. Inadvertently, it also removed the entire law
28 dealing with adoption and enforcement of plumbing rules. This
amendment replaces these portions of the section that was
30 repealed by the bill.
32

Filed by Rep. Sheltra of Biddeford
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House
3/23/92 (Filing No. H-1188)