

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1506

S.P. 505

In Senate, February 25, 1999

Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator O'GARA of Cumberland.
Cosponsored by Representative DUPLESSIE of Westbrook and
Representatives: CLOUGH of Scarborough, LABRECQUE of Gorham, USHER of Westbrook.

2 **Sec. 1. Reimbursement. Resolved:** That the Department of
Environmental Protection and the Department of Human Services
4 shall identify jointly all residential dwellings in the State
having on-site peat sewage disposal systems installed on or after
6 October 1, 1988 that, due to improper installation, have failed
or are currently malfunctioning. For each system that has failed
8 or is currently malfunctioning, the Commissioner of Environmental
Protection shall reimburse the owner of the dwelling for the full
10 cost of repairing or replacing the system. Funds necessary for
reimbursement must come from existing budgeted resources of the
12 Department of Environmental Protection. All systems eligible for
reimbursement under this section must be identified by July 1,
14 2000 and all eligible homeowners must be reimbursed by December
31, 2000; and be it further

16 **Sec. 2. Rules. Resolved:** That the Department of Human
Services, Division of Health Engineering shall adopt rules that
18 upgrade on-site peat sewage treatment systems from experimental
status to general use status and that establish clear guidelines
20 for installing those systems. Those guidelines must be separate
and distinct from any technical design standards and must be
22 written so as to be easily understood by sewage disposal system
installers. Rules adopted under this section are major
24 substantive rules as defined in Title 5, chapter 375, subchapter
II. These rules must be provisionally adopted and submitted to
26 the Legislature no later than January 31, 2000.

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SUMMARY

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This resolve directs the Department of Environmental
32 Protection and the Department of Human Services to identify
jointly all on-site peat sewage disposal systems installed since
34 October 1, 1988 that have failed or are currently malfunctioning
due to improper installation. The resolve further directs the
36 Department of Environmental Protection to reimburse the
homeowners from within its existing budgeted resources for all
38 costs associated with fixing or replacing the malfunctioning
system.

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The resolve also directs the Department of Human Services,
42 Division of Health Engineering to provisionally adopt major
substantive rules by January 31, 2000 that upgrade those systems
44 from experimental to general use status and that establish clear
guidelines for installing such systems.