

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 787

S.P. 222

In Senate, February 13, 2001

An Act to Require the Filing of Soils Tests.

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 GOLDTHWAIT of Hancock.
Cosponsored by Senator TREAT of Kennebec.

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

4 **Sec. 1. 22 MRSA §42, sub-§3-C** is enacted to read:

6 3-C. Reports. The department shall require that soil
8 evaluators licensed by the department file a copy of each soil
10 evaluation report prepared pursuant to Title 38, section 439-A
12 both with the department and the municipality in which the
14 evaluation is conducted.

16 **Sec. 2. 38 MRSA §439-A, sub-§3**, as affected by PL 1989, c.
18 890, Pt. A, §40 and amended by Pt. B, §47, is further amended to
20 read:

22 **3. Soil evaluation reports.** Any other law notwithstanding,
24 when a zoning ordinance adopted in conformity with this article
26 requires a written report of soil suitability for subsurface
28 waste disposal or commercial or industrial development, that
30 report must be prepared and signed by a duly qualified person who
32 has made an on-the-ground evaluation of the soil properties
34 involved. A copy of each soil evaluation report prepared
36 pursuant to this article must be filed both with the Department
38 of Human Services and the municipality in which the evaluation is
40 conducted. Persons qualified to prepare these reports must be
42 certified by the Department of Human Services and include Maine
State Certified Soil Scientists, Maine Registered Professional
Engineers, Maine State Certified Geologists and other persons who
have training and experience in the recognition and evaluation of
soil properties and can provide proof of this training and
experience in a manner specified by the Department of Human
Services. The Department of Human Services may promulgate rules
for the purpose of establishing training and experience standards
required by this subsection.

SUMMARY

38 This bill requires a licensed site evaluator to file a copy
40 of any soil evaluation report prepared by the evaluator with both
42 the Department of Human Services and the municipality in which
the evaluation is conducted.