

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 559

H.P. 401

House of Representatives, February 14, 2017

**An Act To Standardize the Law Concerning Property Transfers and
To Protect Water Quality**

Reference to the Committee on Judiciary suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative HILLIARD of Belgrade.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: BLACK of Wilton, POULIOT of Augusta.

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

2 **Sec. 1. 30-A MRSA §4216, sub-§2**, as enacted by PL 2007, c. 568, §2, is
3 amended to read:

4 **2. Additional requirements; shoreland areas.** In addition to the requirements of
5 subsection 1, the following provisions apply to the transfer of property within a ~~coastal~~
6 shoreland area as described in Title 38, section 435.

7 A. A person purchasing property on which a subsurface waste water disposal system
8 is located within a ~~coastal~~ shoreland area, as described in Title 38, section 435, shall
9 prior to purchase have the system inspected by a person certified by the department
10 except that if it is impossible due to weather conditions to perform an inspection of
11 the system prior to the purchase, the inspection must be performed within 9 months
12 after transfer of the property. If the inspection finds that the system is
13 malfunctioning, the system must be repaired or replaced within one year after transfer
14 of the property. For purposes of this paragraph only, indications of a malfunctioning
15 system are limited to the indications specified in the definition of "malfunctioning
16 system" in the department's rules regulating subsurface waste water disposal that are
17 in effect on the effective date of this paragraph.

18 B. A subsurface waste water disposal system that has been installed pursuant to
19 section 4211 and rules adopted under Title 22, section 42 within 3 years prior to the
20 closing date of the transfer of property is not subject to the inspection requirements of
21 paragraph A.

22 C. If the seller of the shoreland property has a written inspection report for an
23 inspection of the subsurface waste water disposal system that was performed within 3
24 years prior to the date of the transfer of property by a person certified by the
25 department, then the seller shall provide the inspection results to the purchaser, and
26 the purchaser is not required to have the system inspected pursuant to paragraph A.

27 D. The inspection described in paragraph A is not required if the purchaser certifies
28 to the local plumbing inspector that the purchaser will replace the subsurface waste
29 water disposal system within one year of the transfer of property.

30 **SUMMARY**

31 This bill extends to inland shoreland areas the requirement that subsurface
32 wastewater disposal systems on property located within a shoreland area be inspected
33 prior to a sale of the property. Currently, that inspection requirement applies only to the
34 sale of property located within a coastal shoreland area.