

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 543

H.P. 400

House of Representatives, January 31, 2019

**An Act To Protect Public Health through Subsurface Wastewater
Disposal System Inspections**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.
Cosponsored by Representatives: COOPER of Yarmouth, LANDRY of Farmington, MARTIN of Eagle Lake, McCREIGHT of Harpswell, RYKERSON of Kittery.

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

2 **Sec. 1. 30-A MRSA §4216**, as repealed and replaced by PL 2007, c. 568, §2, is
3 repealed.

4 **Sec. 2. 30-A MRSA §4217** is enacted to read:

5 **§4217. Transfer of property on which subsurface wastewater disposal system is**
6 **located**

7 **1. Written statement as to system malfunction required.** A person transferring
8 property on which a subsurface wastewater disposal system is located shall provide the
9 transferee with a written statement by the transferor as to whether the system has
10 malfunctioned during the 180 days preceding the date of transfer.

11 **2. Inspection of system required.** Except as provided in subsection 3, a person
12 purchasing property on which a subsurface wastewater disposal system is located shall,
13 prior to purchase, have the system inspected by a person certified by the department,
14 except that, if weather conditions prohibit the performance of an inspection of the system
15 prior to the purchase, the inspection must be performed within 9 months after transfer of
16 the property. If the inspection shows that the system is malfunctioning, the purchaser
17 shall repair or replace the system within one year after the transfer of the property. For
18 purposes of this subsection only, indications of a malfunctioning system are limited to the
19 indications specified in the definition of "malfunctioning system" in the department's
20 rules regulating subsurface wastewater disposal that are in effect on the effective date of
21 this subsection.

22 **3. Inspection of system not required.** A person purchasing property on which a
23 subsurface wastewater disposal system is located is not subject to the inspection
24 requirements of subsection 2 if:

25 A. The subsurface wastewater disposal system was installed pursuant to section 4211
26 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of
27 the transfer of property;

28 B. The seller of the property provides to the purchaser of the property a written
29 inspection report for an inspection of the subsurface wastewater disposal system that
30 was performed within 3 years prior to the date of the transfer of property by a person
31 certified by the department; or

32 C. The purchaser certifies to the local plumbing inspector that the purchaser will
33 replace the subsurface wastewater disposal system within one year of the transfer of
34 property.

35 **Sec. 3. 33 MRSA §173, sub-§3, ¶K**, as enacted by PL 1999, c. 476, §1, is
36 amended to read:

37 K. For systems within shoreland zones, disclosures Disclosures on septic systems
38 required by Title 30-A, section 4216 4217;

