

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

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'Municipalities and sewer districts shall submit to said commission for its advice and approval the plans and specifications for any proposed new system of drainage, sewage disposal or sewage treatment, except purely storm water systems and any alterations in existing facilities. The commission shall establish and enforce reasonable standards for the operation and maintenance of municipal treatment facilities.'

Sec. 3. R. S., c. 79, § 2, amended. The first sentence of the 12th paragraph of section 2 of chapter 79 of the Revised Statutes is amended to read as follows:

'Class D waters, the lowest classification, shall be considered as primarily devoted to the transportation of sewage and industrial wastes without causing a public nuisance as defined in chapter 141, section 6, by the creation of odor-producing sludge banks and deposits or other a nuisance condition and such waters shall contain dissolved oxygen at all times.'

Sec. 4. R. S., c. 79, § 4, amended. The first paragraph of section 4 of chapter 79 of the Revised Statutes is amended to read as follows:

'After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, in such manner as will, after reasonable opportunity for dilution and mixture, lower the quality of the any significant segment of said waters, tidal flats or section thereof, affected by this discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 8, 9 and 10.'

Effective September 16, 1961

Chapter 306

AN ACT Relating to the Control of Malfunctioning Disposal Systems.

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

R. S., c. 96, § 150-A, additional. Chapter 96 of the Revised Statutes is amended by adding a new section to be numbered 150-A, to read as follows:

'Sec. 150-A. Purpose, nuisance. Malfunctioning domestic sewage disposal units, including septic tanks, cesspools, cisterns, dry wells, drainage beds and the like, have become a menace to the health and general welfare of the citizens of this State, and are declared to be a nuisance.

I. Abatement procedure. The municipal officers upon complaint of any person or on their own information shall serve upon the owner or occupant of any premises within that municipality upon which there is a malfunctioning domestic sewage disposal unit, as described in this section, an order to remedy such condition within 10 days of service of the order.

II. Content of order and service. Such order shall be addressed to the owner of the premises, setting forth the date, the fact of the malfunctioning domestic

sewage disposal unit and shall contain a notice to remedy the nuisance within 10 days. It shall be signed by the municipal officers and personal service shall be made by one of them or may be served in the same manner as a municipal court process. The municipal officer may likewise serve a tenant or occupant in possession.

III. Return of service. A return of service indicating the method used and the person served shall be made and filed. When service is to be made upon a tenant or occupant, the order shall name such person in addition to the name of the true owner.

IV. Abatement. In the event that the nuisance is not abated within the 10-day period, the municipal officers, or their agents, may enter the premises and cause the malfunction to be adequately remedied. Any actual and direct expenses incurred by a municipality in the abatement of such nuisances may be recovered from the owner by a civil complaint.'

Effective September 16, 1961

Chapter 307

AN ACT Relating to Fees of Clerks of Courts For Entry of Action.

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

R. S., c. 89, § 99, amended. The 4th paragraph of section 99 of chapter 89 of the Revised Statutes is amended to read as follows:

'Entry of an action, or entering up and recording the judgment, ~~whether on a verdict, demurrer, nonsuit or default, \$1~~ \$2.'

Effective September 16, 1961

Chapter 308

AN ACT Relating to Annual Compensation for Superior Court Messenger of Cumberland County.

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

Sec. 1. R. S., c. 89, § 149-A, additional. Chapter 89 of the Revised Statutes is amended by adding a new section 149-A, to read as follows:

'Sec. 149-A. Superior court messenger of Cumberland County. The superior court messenger of Cumberland County shall be appointed by the senior resident Superior Court Justice and shall receive an annual salary of \$4,250 in full compensation for service and attendance.'

Sec. 2. R. S., c. 89, § 150, sub-§ XV, amended. The last sentence of sub-section XV of section 150 of chapter 89 of the Revised Statutes, as enacted by chapter 267 of the public laws of 1955 and amended by section 3 of chapter 328 of the public laws of 1959, is repealed as follows: