

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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defined by the department (Health and Welfare). Within any limitation which may apply from the sources of such funds, the department may provide said social services itself, or assure itself of the provision of such services by purchase of services, by contracts, by grants, or by joint provision of services, by contracts, by grants, or by joint provision of services with other agencies through matching agreements.

The department shall adopt such rules and regulations as may be necessary to define eligibility for such services, contractual terms, conditions for grants, matching ratios, quality of performance standards and such others as are necessary for the administration of this section. These rules and regulations shall be published and subject to a 30-day public review prior to taking final effect.

Effective October 3, 1973

CHAPTER 411

AN ACT to Amend the Minimum Lot Size Law.

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

Sec. 1. R. S., T. 12, c. 423-A, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 423-A, to read as follows:

CHAPTER 423-A

MINIMUM LOT SIZE

§ 4807. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Multiple unit housing. "Multiple unit housing" shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families.

2. Other land use activity. "Other land use activity" includes any commercial or industrial uses or combination of such uses.

3. Person. "Person" means any individual, corporation, firm, partnership, municipality, quasi-municipal corporation, state or federal agency or any other legal entity.

4. Single family residential unit. "Single family residential unit" means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.

5. Subsurface waste disposal. "Subsurface waste disposal" means any system for disposing of wastes or waste waters on or beneath the surface of

the earth including, but not limited to, holding ponds, surface spraying, septic tanks, drainage fields and wells, but shall not include any discharge or the waste treatment system related thereto licensed under Title 38, section 413 or any discharge into a municipal or quasi-municipal sewer system.

6. Waste. "Waste" means any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.

§ 4807-A. Minimum lot size required

In all areas of the State, notwithstanding any other provision of state or local law or regulation, no person shall:

1. Dispose of waste from any single family residential unit by means of subsurface waste disposal unless such lot of land on which such single family residential unit is located contains at least 20,000 square feet; and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water;

2. Dispose of wastes by means of subsurface waste disposal from any multiple unit housing or any other land use activity which may generate wastes in excess of the waste disposal requirements of normal single family residential units, unless such multiple unit housing or other land use activity is located on a lot of a size and minimum frontage which is greater than the requirements stated in subsection 1 in the same proportion as the actual waste disposal requirements of the multiple unit housing or other land use activities is greater than that of a single family residential unit. For purposes of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such activities or land uses shall be deemed to be:

A. Single family residential unit, 300 gallons per day;

B. Multiple unit housing, 120 gallons per bedroom;

C. Other land use activity, actual measurement or computation of waste generated or likely to be generated.

§ 4807-B. Approval of smaller lots

A lot of less than the size required in section 4807-A may be used for subsurface waste disposal if approved in writing by the Board of Environmental Protection. Approval shall be granted if the applicant for approval demonstrates to the Board of Environmental Protection that, based upon the amount and nature of wastes, construction of the subsurface disposal system, soil types and slopes, percolation rates, depth to bedrock and groundwater, density of any proposed development, and other relevant factors, the proposed subsurface waste disposal will not lower the water quality of or otherwise pose a threat to any lake, pond, stream, river or tidal waters, any underground water supply, or to the public health, safety and general welfare.

§ 4807-C. Approval of lesser frontage

A lot of less than the frontage required in section 4807-A may be used for subsurface waste disposal if approved in writing by the Board of Environmental Protection. Approval shall be granted if the applicant for approval demonstrates to the board that such frontage will not cause such lot to be of such configuration as to prevent compliance with the standards in section 4807-B, or not otherwise present any harm to public health, safety or general welfare.

§ 4807-D. Exemptions

This chapter shall not apply to any structure in existence and in place on or before January 1, 1972, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B.

§ 4807-E. Appeal

Appeal shall be in the manner provided by Title 38, section 415.

§ 4807-F. Regulations; fees

The Board of Environmental Protection may enact such regulations as it deems necessary to administer and interpret the provisions of this chapter.

The board may charge such reasonable fees as may be necessary to administer this chapter and to defray the costs of processing applications for approval.

§ 4807-G. Violations

Any person who violates any provision of this chapter or the regulations enacted hereunder shall be subject to a fine of not more than \$1,000 for each offense or violation. Each day of such violation shall be considered a separate offense. Alternatively, and in addition thereto, any use of land in violation of this chapter shall be deemed to be a nuisance and the board may seek an injunction to prevent or abate a violation of this chapter or regulations promulgated thereunder.

Sec. 2. R. S., T. 12, c. 423, repealed. Chapter 423 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 365 of the public laws of 1969, and as amended, is repealed.

Effective October 3, 1973

CHAPTER 412

AN ACT Relating to the State Police Retirement System.

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

Sec. 1. R. S., T. 25, § 1591, amended. The 2nd paragraph of section 1591 of Title 25 of the Revised Statutes is amended to read as follows: