

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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

36 MRSA § 2908, as last amended by PL 1971, c. 529, § 5 is further amended to read:

**§ 2908. Refund of 8/9 of tax in certain cases; time limit**

Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in this chapter for the purpose of operating or propelling commercial motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes operated and maintained by the Maine Turnpike Authority, or except as provided in section 2910 and 2911, in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 8/9 of the amount of such tax paid by him upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices or other evidence as the State Tax Assessor may require showing such purchases, which statement shall show the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft. Applications for refunds must be filed with the State Tax Assessor within 15 months from the date of purchase.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 8, 1977

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## CHAPTER 271

### AN ACT to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection.

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

Sec. 1. 30 MRSA § 3221, sub-§ 4, as enacted by PL 1973, c. 521, § 4, is amended to read:

4. **Subsurface sewage disposal system.** "Subsurface sewage disposal system" shall mean 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 spray systems~~ septic tanks, drainage fields, cesspools, wells holding tanks, surface ditches or any other fixture, mechanism or apparatus used for

such purposes, but shall not include any discharge system licensed under Title 38, section 414, surface waste water disposal system or any municipal or quasi-municipal sewer or sewage treatment system.

Sec. 2. 30 MRSA § 3223, sub-§ 1, 1st sentence, as enacted by PL 1973, c. 521, § 4, is amended to read:

No pipes, tanks, faucets, valves or other fixtures not related to a manufacturing or industrial operation or the waste from such operation located on or about such operation shall be placed in any building, nor shall any septic tank or other system of ~~private~~ subsurface sewage disposal be installed to receive the drainage from such plumbing, except to repair leaks or to replace an existing fixture, except a water heater, to be used for the same purpose, unless a permit for installation of such work has been issued by the municipal plumbing inspector.

Sec. 3. 38 MRSA § 361-A, sub-§ 4-B is enacted to read:

4-B. Surface waste water disposal system. "Surface waste water disposal system" shall mean any system for disposal of waste waters on the surface of the earth, including, but not limited to, holding ponds, surface application and injection systems.

Sec. 4. 38 MRSA § 413, sub-§ 1-A is enacted to read:

1-A. License required for surface waste water disposal systems. No person shall install, operate or maintain a surface waste water disposal system without first obtaining a license therefor from the board.

Effective October 24, 1977

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## CHAPTER 272

AN ACT Concerning Admission of Certain Children into the First Grade.

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

20 MRSA § 859, 3rd ¶, as enacted by PL 1977, c. 28, § 2, is amended by inserting after the first sentence the following new sentence to read:

Any pupil so admitted to kindergarten shall, upon satisfactory completion of kindergarten, be admitted to grade 1, notwithstanding the age requirements of this section.

Effective October 24, 1977