

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

1981

- A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;
- B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;
- C. Treats, stores or disposes of any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or
- D. Treats, stores or disposes of any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal;

is guilty of a Class C crime and may be punished accordingly, except notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the fine for such violation shall not exceed ~~\$25,000~~ \$50,000 for each day of such violation. In a prosecution under paragraph B or paragraph D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

Effective September 18, 1981

CHAPTER 376

S. P. 454 — L. D. 1300

AN ACT to Improve Enforcement of the Plumbing Code.

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

Sec. 1. 22 MRSA § 42, sub-§ 3, first ¶, as last amended by PL 1981, c. 38, §§ 1 and 2, is further amended to read:

The department shall adopt rules and regulations relating to plumbing and subsurface sewage disposal systems and the installation and inspection thereof consistent with Title 30, sections 3221 to 3225 and Title 32, sections 3301 to 3507; and shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules and regulations pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. **These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems.** The department

may require a deed ~~covenant~~ **covenant** or deed restriction when determined necessary. ~~The department shall prior to adopting or amending rules and regulations invite participation and receive written comments from other interested state agencies including: The Department of Environmental Protection; the Land use Regulation Commission; the State Housing Authority; the Soil and Water Conservation Commission and the Plumbing Examining Board~~

Sec. 2. 22 MRSA § 42, sub-§ 3, 2nd ¶, first sentence, as repealed and replaced by PL 1973, c. 521, § 1, is amended to read:

Any person who violates the rules and regulations adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30, section 3221, shall be punished by a fine of not less than \$100 nor more than \$500 for each offense or uses a subsurface sewage disposal system not in compliance with rules applicable at the time of installation or modification commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged.

Sec. 3. 22 MRSA § 42, sub-§ 3, 2nd ¶, as last amended by PL 1977, c. 286, § 1, is further amended by adding, after the 2nd sentence, a new sentence to read:

In the prosecution of a violation by a municipality, the court may award reasonable attorney's fees to a municipality if that municipality is the prevailing party.

Sec. 4. 30 MRSA § 3223, sub-§ 1-A is enacted to read:

1-A. Penalties. Any person who installs or orders the installation of any subsurface sewage disposal system without the permit required under this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged.

Effective September 18, 1981

CHAPTER 377

H. P. 1154 — L. D. 1375

AN ACT Relating to the Lobster Advisory Council.

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

Sec. 1. 12 MRSA § 6462, sub-§ 1, as enacted by PL 1979, c. 355, § 1, is repealed and the following enacted in its place:

1. Appointment; composition. There is established the Lobster Advisory Council which shall consist of 11 members. Each member shall be appointed by the Governor as follows.