

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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corporation in charge of the cremation or disposition for a period of 3 15 years. For ~~said~~ the certificate, the medical examiner shall receive a fee of \$15 payable by the person requesting same.

Sec. 12. 32 MRSA §1405, 4th ¶, as enacted by PL 1979, c. 538, §13, is repealed.

Effective July 16, 1986.

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## CHAPTER 612

S.P. 853 - L.D. 2153

### AN ACT to Amend the State Subsurface Waste Water Disposal Laws.

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

Sec. 1. 22 MRSA §42, sub-§3, as amended by PL 1983, c. 796, §8, is further amended to read:

3. Plumbing and subsurface waste water disposal. The department shall adopt minimum rules relating to plumbing and subsurface sewage disposal systems and the installation and inspection thereof consistent with Title 30, ~~sections 3221 to 3225~~ chapter 215, subchapter X, and Title 32, sections 3301 to 3507 chapter 49, but this does not preempt the authority of municipalities under Title 30, section 1917, to adopt more restrictive ordinances; and shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules 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 or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30, section 3221, or uses a subsurface sewage waste water disposal system not in compliance with rules applicable at the time of installation or modification shall be penalized in ac-

cordance with the provisions of Title 30, section 4966. Enforcement of the rules shall be the responsibility of the municipalities rather than the department. The department or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust. The rules adopted by the department shall provide with respect to the repair and replacement of any part or parts of existing subsurface sewage disposal systems serving family dwellings inhabited by no more than 2 individual families that the local plumbing inspector may waive the site evaluation requirements, provided that the waiver will not result in violations of other regulations or ordinances adopted pursuant to the Plumbing Code. He may not waive the site evaluation requirement for disposal systems within 100 feet of any pond or river subject to shoreland zoning laws.

Sec. 2. 22 MRSA §42, sub-§3-A, as repealed and replaced by PL 1981, c. 38, §3, is amended to read:

3-A. Licensing of persons to evaluate subsurface waste water disposal systems. The department shall adopt rules and regulations providing for qualification, licensing and relicensing of persons to evaluate soils for subsurface sewage waste water disposal. The hearings provided for in subsection 3 shall include consideration of the adoption or change of such those rules and regulations.

~~This~~ The department shall investigate or cause to be investigated all cases or complaints of noncompliance with or violations of this section and the rules and ~~regulations~~ adopted pursuant to this section. The department has the authority to grant or amend, modify or refuse to issue or renew a license in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter V. The Administrative Court shall have the exclusive jurisdiction to suspend or revoke the license of any person who is found guilty of noncompliance with or violation of the rules and ~~regulations~~ adopted pursuant to this subsection or subsection 3.

The department may charge applicants no more than \$60 for examination to become a licensed site evaluator. The department shall charge a biennial site evaluator license fee of \$40. A licensed site evaluator who is employed by the department to administer this section

and does not practice for the public is exempt from the licensee fee requirement. Appropriate rules shall be adopted by the department defining the appropriate financial procedure. The fees shall be paid to the Treasurer of State to be maintained as a permanent fund and used by the department for carrying out its plumbing and subsurface waste water disposal rules and site evaluation program.

Sec. 3. 22 MRSA §42, sub-§3-B, as enacted by PL 1979, c. 390, is amended to read:

3-B. Inspection of plumbing and subsurface waste water disposal systems. The department shall adopt rules and regulations providing for the inspection of plumbing facilities and subsurface waste water disposal systems. In municipalities, the municipal officers shall provide for the appointment of one or more plumbing inspectors. In plantations, the assessors shall appoint plumbing inspectors in accordance with Title 30, section 3222. In the unorganized areas of the State, the department shall appoint plumbing inspectors or act in the capacity of a plumbing inspector until a person is appointed.

The department may reimburse plumbing inspectors in the unorganized areas for expenses incurred in the performance of their duties.

Sec. 4. 30 MRSA §3221, as amended by PL 1979, c. 627, is repealed and the following enacted in its place:

§3221. Plumbing regulations

1. Municipal ordinances. Municipalities may adopt and, if adopted, shall enforce ordinances which are more restrictive than rules governing plumbing or subsurface waste water disposal systems adopted by the Department of Human Services. The department may provide technical assistance to municipalities in the development and adoption of ordinances under this subchapter.

2. State rules. No ordinance enacted by a municipality may be less restrictive than the rules of the department relating to plumbing or subsurface waste water disposal systems as promulgated pursuant to Title 22, section 42. Minimum permit fees shall be established by rule of the department. The rules of the department in relation to all plumbing or subsurface waste water disposal shall have full force and

effect, provided that, to the extent that a municipality has enacted more restrictive ordinances, the provisions of those ordinances shall prevail.

3. Plumbing defined. For the purposes of this subchapter, "plumbing" means the installation, alteration or replacement of pipes, fixtures and other apparatus for bringing in potable water, removing waste water and the piping connections to heating systems using water. Except for the initial connection to a potable water supply and the final connection that discharges indirectly into a public sewer or waste water disposal system, the following are excluded from this definition:

A. Any piping, equipment or material used exclusively for manufacturing or industrial processes;

B. The installation or alteration of automatic sprinkler systems used for fire protection and standpipes connected to automatic sprinkler systems or overhead;

C. Building drains outside the foundation wall or structure;

D. Like fixtures replaced at the same location without alteration of pipes; or

E. Sealing of leaks within an existing line.

4. Subsurface waste water disposal system. "Subsurface waste water disposal system" means any system for disposing of wastes or waste waters on or beneath the surface of the earth, including, but not limited to, septic tanks, drainage fields, grandfathered cesspools, holding tanks or any other fixture, mechanism or apparatus used for those purposes, but does not include any discharge system licensed under Title 38, section 414, surface waste water disposal system or any municipal or quasi-municipal sewer or waste water treatment system.

No person may erect a structure that requires a subsurface waste water disposal system until documentation has been provided to the municipal officers that the disposal system can be constructed in compliance with regulations promulgated under Title 22, section 42, and this section.

For purposes of this section, "expansion" means the enlargement or change in use of a structure using an existing subsurface waste water disposal system that

brings the total structure into a classification that requires larger subsurface waste water disposal system components under regulations promulgated by Title 22, section 42, and this section.

No person may expand a structure using a subsurface waste water disposal system until documentation has been provided to the municipal officers and a notice of the documentation recorded in the appropriate registry of deeds that, in the event of a future malfunction of the system, the disposal system can be replaced and enlarged to comply with the rules promulgated under Title 22, section 42, and ordinances promulgated under this section. No requirements of these rules and ordinances may be waived for an expanded structure. The department shall prescribe the form of the notice to be recorded in the registry of deeds. The notice shall include a site plan showing the exact location of the replacement system, the approximate location of lot lines and the exact location of existing wells serving the lot on which the replacement system will be located and those located on abutting lots. Copies of the notice shall be sent by certified mail, return receipt requested, to all owners of abutting lots. The person seeking to expand a structure shall be responsible for providing that notice. Following recording of notice as provided in this subsection, it is a violation of this section for any abutting landowner to install a well on his property in a location which would prevent the installation of the replacement septic system. The owner of the lot on which the replacement system will be installed may not erect any structure on the proposed site of the replacement system or conduct any other activity which would prevent the use of the designated site for the replacement system. Any person who violates this section shall be penalized in accordance with section 4966. The municipality or the department may seek to enjoin violations of this section. In the prosecution of a violation by a municipality, the court may award reasonable attorneys' fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust.

Sec. 5. 30 MRS.A §3221-A is enacted to read:

§3221-A. Legislative intent

It is the intent of the Legislature that local jurisdictions have primary responsibility for enforcing rules adopted by the Department of Human Services governing the installation and inspection of plumbing



and subsurface waste water disposal systems. The adoption of rules by the department does not deny municipal authority under section 1917 to adopt more restrictive ordinances.

Sec. 6. 30 MRSA §3222, sub-§1, as amended by PL 1981, c. 38, §4, is further amended to read:

1. Appointment, compensation, removal. In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who may or may not be residents of the municipality for which they are appointed, and who shall ~~held office for one year~~ be appointed pursuant to section 2060, subsection 9. The term of office shall be for one year. An individual properly appointed as plumbing inspector and satisfactorily performing the duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors shall be determined by the municipal officers and shall be paid by ~~their~~ the respective municipalities.

A plumbing inspector may be removed for cause by the municipal officers, after notice and hearing.

Sec. 7. 30 MRSA §3222, sub-§2, as amended by PL 1983, c. 796, §10, is further amended to read:

2. Certification. No person may hold the office of plumbing inspector unless he is currently certified as qualified by the Commissioner of Human Services. Certification of plumbing inspectors shall be in accordance with the standards set by the commissioner, and shall be for a period of 3 years, unless sooner revoked or suspended by the Administrative Court upon complaint by the commissioner on grounds of fraud, negligence, misconduct or incompetence in the performance of his duties. The commissioner may grant temporary certification for a period not to exceed 6 months. ~~The department shall publish semiannually a list of certified plumbing inspectors.~~

The commissioner shall establish certification standards and a program to certify plumbing inspectors appointed under this section; code enforcement officers, as set forth in section 4966 and in Title 12, section 4812-C; and Department of Environmental Protection employees, set forth in Title 38, section 342, subsection 7, as being familiar with court pro-

cedures. Certification shall be for a period of 3 years unless sooner revoked or suspended by the Administrative Court upon complaint by the commissioner on grounds of fraud, negligence, misconduct or incompetence in the performance of his duties. After being certified by the commissioner under this paragraph, a plumbing inspector may serve civil process on persons who violate the plumbing and subsurface waste water disposal rules of the department, and he may be authorized by the municipal officers to represent the municipality in District Court pursuant to section 4966.

Sec. 8. 30 MRSA §3222, sub-§3, ¶¶E and F, as enacted by PL 1973, c. 521, §4, are amended to read:

E. Keep a complete record of all essential transactions of his office; and

F. Perform other duties as provided by municipal ordinance; and.

Sec. 9. 30 MRSA §3222, sub-§3, ¶G is enacted to read:

G. Investigate complaints of alleged violations relating to plumbing or subsurface waste water disposal and take appropriate action as specified by the department by rule in the State of Maine Enforcement Manual, Procedures for Correcting Violations to the Subsurface Waste Water Disposal and Plumbing Rules.

Sec. 10. 30 MRSA §3223, as amended by PL 1985, c. 135, is repealed.

Sec. 11. 30 MRSA §3223-A is enacted to read:

§3223-A. Permits

1. Permit required. A permit is required for the following activities and shall be valid for work commenced within 24 months of issuance of the permit:

A. The installation of plumbing into a building, as defined in section 3221, subsection 3;

B. The installation of a subsurface waste water disposal system or components, as defined in section 3221, subsection 4; and

C. The conversion of a seasonal dwelling, as described in this paragraph. Prior to converting a

seasonal dwelling which is located in the shoreland zone, as defined in Title 38, section 435, to a year-round or principal dwelling, a conversion permit is required from the local plumbing inspector. For the purposes of this paragraph, a seasonal dwelling is a dwelling which has not been utilized as a principal or year-round dwelling during the period from 1977 to 1981. Evidence of use as a principal or year-round residence includes, but is not limited to, the listing of that residence as an occupant's legal residence for the purpose of either voting, filing a state tax return or automobile registration or the occupancy of that residence for a period exceeding 7 months in any calendar year.

This paragraph may not be construed to require a permit for any dwelling which will be occupied seasonally, is not the principal dwelling place of the occupant or has the disposal system located outside the shoreland zoned area.

2. Permit for seasonal conversion. A permit for conversion of a seasonal dwelling to a year-round dwelling shall be issued if one of the following conditions is met:

A. A subsurface water disposal application, completed after July 1, 1974, exists indicating that the dwelling's waste water disposal system substantially complies with departmental rules and applicable municipal ordinances. In addition, the disposal system shall have been installed with the required permit and certificate of approval;

B. A replacement for an existing waste water disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances;

C. The dwelling unit's waste water is connected to an approved sanitary sewer system; or

D. A variance has been granted as provided in this paragraph. The owner of a seasonal dwelling, upon application, shall be granted a variance from the requirements of this subsection if, based upon the site evaluation, the plumbing inspector finds that in the event of a malfunction of the existing system a replacement subsurface waste water system can be installed which will be in substantial compliance with departmental rules

and applicable municipal ordinances and that the new system will not be likely to endanger the quality of the adjacent water bodies or of adjacent private water supplies.

(1) A notice documenting the finding of the plumbing inspector shall be recorded in the appropriate registry of deeds and sent by certified mail, return receipt requested, to each owner of an abutting lot. The applicant for a variance shall be responsible for providing that notice. The Department of Human Services shall prescribe the form of the notice to be used. The notice shall include a site plan showing:

(a) The exact location of the replacement system;

(b) The approximate location of lot lines; and

(c) The exact location of existing wells serving the lot on which the replacement system will be located and those located on abutting lots.

(2) Following recording of notice as provided in subparagraph (1), an abutting landowner may not install a well on his property in a location which would prevent the installation of the replacement septic system. The owner of the lot on which the replacement system would be installed may not erect any structure on the proposed site of the replacement system or conduct any other activity which would prevent the use of the designated site for the replacement system.

(3) In the event of a malfunction of a system for which a variance has been granted, the owner of the converted seasonal dwelling shall obtain a permit and repair or replace the existing subsurface disposal system so as to bring the system into substantial compliance with departmental rules and applicable municipal ordinances and insure that the system will not endanger the quality of adjacent water bodies or of adjacent private water supplies. No variance for a new, expanded or replacement subsurface disposal system may be approved within the shoreland

zoning area which is less restrictive than the requirements of this paragraph or rules promulgated based on this paragraph. A seasonal conversion permit shall not be approved if a holding tank is utilized as a means of waste water disposal or storage.

3. Penalties. Any person who installs or orders the installation of any plumbing or subsurface waste water disposal system without the permit required by this section or who otherwise violates this section shall be penalized in accordance with section 4966. The municipality or the department may seek to enjoin violations of this section.

4. Fees. The permit required by this section shall be issued upon receipt and approval by the plumbing inspector of a completed application form as prescribed by the Commissioner of Human Services and payment by the applicant of the fee established by the municipality. The fee shall be at least the minimum amount determined by rule of the department. One-quarter of the amount of the minimum fee shall be paid through the department to the Treasurer of State to be maintained as a permanent fund and used by the department for the implementing of its plumbing and subsurface waste water disposal rules and the training and certification of local plumbing inspectors. The remainder of the fee shall be paid to the treasurer of the municipality.

Sec. 12. 30 MRSA §3224, as amended by PL 1979, c. 50, is further amended to read:

§3224. Approving own work forbidden

No inspector of plumbing may inspect or approve any plumbing work, site evaluation or installation of a subsurface disposal system, done by himself, or by any person by whom he is employed, or who is employed by or with him. Any inspector of plumbing who inspects or approves his own work commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. 13. 30 MRSA §3227 is enacted to read:

§3227. Department of Human Services; responsibilities

1. Administration of rules. The Department of Human Services is responsible for assuring the proper administration of the plumbing and subsurface wastewater disposal rules by the municipalities. The

department shall assist municipalities in complying with this subchapter and with section 4359.

2. Review. The department shall review the administration of plumbing and subsurface waste water disposal rules and laws in each municipality for compliance with this subchapter and with section 4359. This review shall be made on a regular basis and may be made in response to a written complaint from any person as necessary. The department shall inspect the municipality's records and discuss the administration of the program with the local plumbing inspector. The local plumbing inspector shall be available during the department's review and shall cooperate in providing all necessary information. The department shall report the results of its review in writing to the municipality and when applicable to the complainant. The written notice shall set forth the department's findings of whether the municipality is in compliance with this subchapter and with section 4359.

3. Violation; penalty. If after review the department finds any violation of this subchapter or with section 4359, it shall notify the municipality that it has 30 days in which to take enforcement action and specify what action shall be taken in order to achieve compliance. The municipality shall file a plan acceptable to the department setting forth how it will attain compliance. The department shall notify the municipality that it will review the municipality for compliance within 60 days of accepting the plan and shall conduct that review. Any municipality which fails to file an acceptable plan with the department or which is in violation of this chapter at the expiration of the 60-day period shall be subject to a civil penalty of not less than \$500. The department shall enforce this section in any court of competent jurisdiction. Every 30-day period that a municipality is in violation of this chapter after review and notification shall constitute a separate offense.

Sec. 14. 30 MRSA §4257, as repealed and replaced by PL 1967, c. 429, §5, is repealed and the following enacted in its place:

§4257. Sewer connections

As may be required by municipal ordinance, the owner of each lot or parcel of land upon which a building has been constructed which abuts upon a street or public way containing a sewer shall connect

that building with the sewer and shall cease to use any other method for the disposal of waste water. All such connections shall comply with the applicable municipal ordinance which may provide for a reasonable charge for making the connections.

Sec. 15. 30 MRSA §4359, as amended by PL 1981, c. 38, §5, is further amended to read:

§4359. Malfunctioning subsurface waste water disposal systems; abatement of nuisance

Malfunctioning domestic sewage waste water disposal units, including septic tanks, cesspools, cisterns, dry wells, drainage beds, drains, sewer lines and pipes 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.

1. 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 waste water disposal unit, as described in this section, an order to remedy such condition within 10 days of service of the order.

2. 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 waste water 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 by a law enforcement officer. The municipal officer or law enforcement officer may likewise serve a tenant or occupant in possession.

3. 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.

4. 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, to include reasonable attorney's fees if a municipality is the prevailing party, incurred by a municipality in the abatement of such nuisances may be recovered from the owner by a civil complaint. In the alternative to collect such

expenses, a special tax may be assessed by the assessors against the land on which the waste water disposal unit is located for the amount of such expenses, and such amount shall be included in the next annual warrant to the tax collector of said town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected.

Sec. 16. 30 MRSA §4453, as amended by PL 1979, c. 181, is repealed and the following enacted in its place:

§4453. Collection of assessments

Except for service charges established under section 4355 which shall be collected as provided in that section, all assessments and charges made under this chapter shall be certified by the municipal officers and filed with the tax collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this chapter shall have the same validity as their signatures.

The legislative body of a municipality may adopt an ordinance generally authorizing the assessors and the tax collector to assess and collect those assessments and charges over a period of time not to exceed 10 years, including expenses involved in the abatement by the municipality of malfunctioning domestic waste water disposal units as provided in section 4359, subsection 4. The assessors and collector may exercise that authority only where the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been recorded in the appropriate registry of deeds.

The municipal officers shall annually file with the collector a list of installment payments due the municipality which shall be collected with interest at a rate determined by the municipal officers. If the person assessed within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest fails, neglects or refuses to pay the municipality the expense incurred, a special tax in the amount of the total unpaid assessment and charges may be assessed by the municipal assessors upon each or parcel of land so assessed and buildings upon the lot or parcel of land and the assessment shall be included in the next annual warrant to the tax collector for



collection and shall be collected in the same manner as state, county and municipal taxes are collected. Interest at the rate of 12% per year on the unpaid portion of assessments and charges due the municipality shall accrue from the 30th day after written notice to the person assessed and shall be added to and become part of the special tax when committed to the tax collector.

Sec. 17. 30 MRSA §4966, first ¶, as enacted by Pl 1983, c. 796, §14, is amended to read:

The following provisions shall apply to enforcement of land use laws and ordinances or regulations which are administered and enforced primarily at the local level, including shoreland zoning ordinances adopted pursuant to Title 12, sections 4811 to 4817, including those which were state-imposed; the plumbing and subsurface waste water disposal rules adopted by the Department of Human Services pursuant to Title 22, section 42, including the land area of the State which is subject to the jurisdiction of the Maine Land Use Regulation Commission, laws pertaining to public water supplies, Title 22, sections 2624, 2647 and 2648; local ordinances adopted pursuant to Title 22, section 2642; local land use ordinances enacted pursuant to section 1917; local building codes adopted pursuant to sections 1917 and 2151; chapter 215, subchapter I, Automobile Junkyards and subchapter X, Regulation and Inspection of Plumbing; section 4359, malfunctioning subsurface waste water disposal systems; the subdivision law and local subdivision ordinances adopted pursuant to section 1917 and subdivision regulations adopted pursuant to section 4956; and local zoning ordinances adopted pursuant to section 1917 and in accordance with section 4962.

Sec. 18. 38 MRSA §1160, as amended by PL 1981, c. 466, §§6 and 7, is further amended to read:

§1160. Connection of private sewers

Every building in a sanitary district formed under this chapter intended for human habitation or occupancy or with facilities for discharge or disposal of sewage waste water or commercial or industrial waste, which is accessible to a sewer or drain of such district, shall have a sanitary sewer or drainage system which shall be caused to be connected with such sewer or drain of the district by the owner or person against whom taxes on the premises are assessed, in the most direct manner possible, within 90 days after receiving request therefor from the district, or within such further time as the trustees of

the district may grant, and, if feasible, with a separate connection for each such building. Existing buildings which are already served by a private sewer or drainage system shall not be required to connect with any sewer or drain of the district so long as the private sewer or drainage system functions in a satisfactory and sanitary manner, and does not violate any law or ordinance applicable thereto or any applicable requirement of the State of Maine Plumbing Code, as determined by the municipal plumbing inspector, his alternate, or, in the event that both are trustees or employees of the district, the Division of Health Engineering. A building shall be deemed to be accessible to a sewer or drain of the district for the purposes of this section if such building, or any private sewer or drain directly or indirectly connected thereto or carrying sewage waste water or commercial or industrial waste therefrom, shall at any point be or come within 200 feet of a sewer or drain of the district; provided that nothing in this section shall require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection.

Sec. 19. 38 MRSA §1306, sub-§2, as enacted by PL 1983, c. 726, §3, is amended to read:

2. On-site disposal of domestic septage; penalty. A homeowner may arrange for a septage pumper may to dispose of septage from a residence on property of the owner of the residence at the request of the property owner, a maximum of 2 times a year, provided that the septage is placed at least 300 feet from property boundaries, fresh surface waters, tidal waters, water supplies, streets, highways and permanently or seasonally inhabited residential structures. Any homeowner or septage pumper who violates the provisions of this subsection shall be subject to a civil penalty, payable to the municipality, of not more than \$1,000 for each day of violation.

Effective July 16, 1986.

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## CHAPTER 613

H.P. 1536 - L.D. 2163

AN ACT to Permit Specific Municipalities to  
Serve as Administrators of Fuel  
Assistance Programs.