



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 372

H.P. 278

House of Representatives, February 2, 2017

An Act To Protect Public Health through Septic Tank Inspections

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York. (BY REQUEST)
Cosponsored by Senator VITELLI of Sagadahoc and Representatives: COOPER of Yarmouth,
DEVIN of Newcastle, FAY of Raymond, HILLIARD of Belgrade, HYMANSON of York,
MASTRACCIO of Sanford, Senator: CHIPMAN of Cumberland.

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

2 **Sec. 1. 30-A MRSA §4216**, as repealed and replaced by PL 2007, c. 568, §2, is
3 repealed.

4 **Sec. 2. 30-A MRSA §4217** is enacted to read:

5 **§4217. Transfer of property on which subsurface wastewater disposal system is**
6 **located**

7 **1. Written statement as to system malfunction required.** Any person transferring
8 property on which a subsurface wastewater disposal system is located shall provide the
9 transferee with a written statement by the transferor as to whether the system has
10 malfunctioned during the 180 days preceding the date of transfer.

11 **2. Inspection of system required.** Except as provided in subsection 3, a person
12 purchasing property on which a subsurface wastewater disposal system is located shall,
13 prior to purchase, have the system inspected by a person certified by the department,
14 except that if weather conditions prohibit the performance of an inspection of the system
15 prior to the purchase, the inspection must be performed within 9 months after transfer of
16 the property. If the inspection shows that the system is malfunctioning, the system must
17 be repaired or replaced within one year after transfer of the property. For purposes of this
18 subsection only, indications of a malfunctioning system are limited to the indications
19 specified in the definition of "malfunctioning system" in the department's rules regulating
20 subsurface wastewater disposal that are in effect on the effective date of this subsection.

21 **3. Inspection of system not required.** A person purchasing property on which a
22 subsurface wastewater disposal system is located is not subject to the inspection
23 requirements of subsection 2 if:

24 **A.** The subsurface wastewater disposal system was installed pursuant to section 4211
25 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of
26 the transfer of property;

27 **B.** The seller of the property provides to the purchaser of the property a written
28 inspection report for an inspection of the subsurface wastewater disposal system that
29 was performed within 3 years prior to the date of the transfer of property by a person
30 certified by the department; or

31 **C.** The purchaser certifies to the local plumbing inspector that the purchaser will
32 replace the subsurface wastewater disposal system within one year of the transfer of
33 property.

34 **Sec. 3. 33 MRSA §173, sub-§3, ¶K**, as enacted by PL 1999, c. 476, §1, is
35 amended to read:

36 **K.** ~~For systems within shoreland zones, disclosures~~ Disclosures on septic systems
37 required by Title 30-A, section 4216 ~~4217~~;

38 **Sec. 4. 38 MRSA §424-A, sub-§3, ¶C**, as enacted by PL 2007, c. 568, §8, is
39 amended to read:

1 C. Within 60 days of notification by the department pursuant to paragraph B or
2 within a lesser time period as provided in the notification of the department, the
3 property owner shall:

4 (1) Submit to the department results of an inspection by a certified inspector that
5 has occurred within the last 12 months pursuant to requirements in Title 30-A,
6 section ~~4216~~ 4217;

7 (2) Provide evidence to the department that the system was installed or repaired
8 within the last 12 months; or

9 (3) Provide for an inspection by a certified inspector. The property owner shall
10 notify the department of the results of the inspection on a form provided by the
11 department and signed by the certified inspector. The inspection must be
12 conducted at a time of year when the system is operating under representative
13 conditions of use for the property. If representative conditions of use will not
14 occur within the period specified by the department, such as if the residence is
15 seasonal and not currently in use, the property owner may request an extension
16 from the department during the inspection period and the department may grant
17 an extension.

18 **SUMMARY**

19 This bill amends existing law requiring the inspection of a subsurface wastewater
20 disposal system on a property located within the shoreland area of the State that is to be
21 transferred and expands these requirements to apply to the transfer of any property in the
22 State on which a subsurface wastewater disposal system is located. The bill also amends
23 other provisions of the Maine Revised Statutes as necessary to incorporate these changes.