

## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 543

H.P. 400

House of Representatives, January 31, 2019

An Act To Protect Public Health through Subsurface Wastewater Disposal System Inspections

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative BLUME of York.

Cosponsored by Representatives: COOPER of Yarmouth, LANDRY of Farmington, MARTIN of Eagle Lake, McCREIGHT of Harpswell, RYKERSON of Kittery.

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

- Sec. 1. 30-A MRSA §4216, as repealed and replaced by PL 2007, c. 568, §2, is repealed.
  - Sec. 2. 30-A MRSA §4217 is enacted to read:

## §4217. Transfer of property on which subsurface wastewater disposal system is located

- 1. Written statement as to system malfunction required. A person transferring property on which a subsurface wastewater disposal system is located shall provide the transferee with a written statement by the transferor as to whether the system has malfunctioned during the 180 days preceding the date of transfer.
- 2. Inspection of system required. Except as provided in subsection 3, a person purchasing property on which a subsurface wastewater disposal system is located shall, prior to purchase, have the system inspected by a person certified by the department, except that, if weather conditions prohibit the performance of an inspection of the system prior to the purchase, the inspection must be performed within 9 months after transfer of the property. If the inspection shows that the system is malfunctioning, the purchaser shall repair or replace the system within one year after the transfer of the property. For purposes of this subsection only, indications of a malfunctioning system are limited to the indications specified in the definition of "malfunctioning system" in the department's rules regulating subsurface wastewater disposal that are in effect on the effective date of this subsection.
- 3. Inspection of system not required. A person purchasing property on which a subsurface wastewater disposal system is located is not subject to the inspection requirements of subsection 2 if:
  - A. The subsurface wastewater disposal system was installed pursuant to section 4211 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of the transfer of property;
  - B. The seller of the property provides to the purchaser of the property a written inspection report for an inspection of the subsurface wastewater disposal system that was performed within 3 years prior to the date of the transfer of property by a person certified by the department; or
- C. The purchaser certifies to the local plumbing inspector that the purchaser will replace the subsurface wastewater disposal system within one year of the transfer of property.
- Sec. 3. 33 MRSA §173, sub-§3, ¶K, as enacted by PL 1999, c. 476, §1, is amended to read:
- K. For systems within shoreland zones, disclosures Disclosures on septic systems required by Title 30-A, section 4216 4217;

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

  C. Within 60 days of notification by the department pursuant to paragraph B or
  - C. Within 60 days of notification by the department pursuant to paragraph B or within a lesser time period as provided in the notification of the department, the property owner shall:
    - (1) Submit to the department results of an inspection by a certified inspector that has occurred within the last 12 months pursuant to requirements in Title 30-A, section 4216 4217;
    - (2) Provide evidence to the department that the system was installed or repaired within the last 12 months; or
    - (3) Provide for an inspection by a certified inspector. The property owner shall notify the department of the results of the inspection on a form provided by the department and signed by the certified inspector. The inspection must be conducted at a time of year when the system is operating under representative conditions of use for the property. If representative conditions of use will not occur within the period specified by the department, such as if the residence is seasonal and not currently in use, the property owner may request an extension from the department during the inspection period and the department may grant an extension.

20 SUMMARY

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