

**Septic Systems located in a Shoreland Zone Q & A:
by Hannah McMullen, MAR Legal Counsel (Updated July 2026)**

Q: What is the law regarding shoreland septic system inspections in Maine?

A: Since January 1, 2020, Maine statute requires all septic systems located in the Shoreland Zone (not just Coastal Shoreland Zone) be inspected whenever the property is transferred. Systems are exempted from the required inspection if it is less than 3 years old or has been inspected in the last 3 years by a person certified by the State of Maine. The inspection may also be waived if the buyer certifies to the Local Plumbing Inspector that a new system will be installed within 1 year.

Q. What triggers the inspection requirement?

A. If *any part* of the septic system is located in a shoreland zone (not the property, well or house).

Q. Who is responsible for getting the inspection done?

A. The buyer is required to have the system inspected by a certified inspector. A list of certified inspectors is maintained by the [Department of Health and Human Services](#).

Q. When does the inspection need to be done?

A. Prior to purchase, or if impossible due to weather conditions, within 9 months after closing.

Q. What if the due diligence period has already passed? Does it get opened up again?

A. No, the requirement to inspect is squarely on the buyer. It would be best practice for the buyer to have the inspection done as part of due diligence, weather permitting. While the buyer may ask the seller for repair or concession if needed, there is no requirement that obligates the seller to contribute to fixing any deficiencies which may be found.

Q. Does the system need to be brought up to current code?

A. No, the inspection is designed to determine whether or not the system is malfunctioning, and if it is, it needs to be repaired or replaced within 1 year after closing.

Q. What does “malfunctioning” mean?

A. According to the [State of Maine Subsurface Wastewater Disposal Rules](#), a malfunctioning system is defined as one that is not functioning properly, based on the following criteria:

- Ponding or outbreak of wastewater or septic tank effluent onto the surface of the ground;
- Back-up of wastewater into the building being served that is not caused by a physical blockage of the internal plumbing;
- Seepage of wastewater or septic tank effluent into parts of buildings below ground;
- Contamination of nearby water wells and waterbodies

Q. How does the septic inspection law differ from the previously existing law?

A. There have been two laws in existence. The first has been in effect for many years and requires sellers to certify in writing whether or not the system has malfunctioned within 180 days prior to closing (that question is covered on the Property Disclosure form by asking in Section II whether or not there have been any malfunctions, and whether or not the system is in a shoreland zone). And, the seller states in paragraph 21 of the Purchase and Sale Agreement whether or not there is a septic system in a shoreland zone, and if so, agrees that they will sign a statement at closing about any malfunctions within the prior 180 days. If such a statement is needed, a blank form entitled “Transfer of Shoreland Property” is included in Zipforms for that purpose.

The second law has been in existence since 2007 and covered buyer inspections of septic systems in the *coastal* shoreland zone. This law was revised in 2020 and the word *coastal* was eliminated, meaning that everything that has been done for properties on the coast with septic systems in the coastal shoreland zone since 2007 now needs to be done for properties with septic systems in *any* shoreland zones.

Q. What obligation does the seller have to allow a buyer to inspect the system after the due diligence timeline in paragraph 12 has passed?

A. While there may not be a per se obligation based on contract language, if the seller allows an inspection, there is no duty to renegotiate based on the results. Best practice would be for the buyer to have the inspection completed during the due diligence period or to include an appropriate provision to have access to the property if it is being performed after the due diligence period. If an inspection prior to closing is impossible due to weather conditions, however, the buyer does have time after closing to have the inspection (within 9 months from closing).

Q. Does the listing agent have any obligation to verify that the buyer has done the required inspection?

A. The listing agent has no obligation to the buyer. The legal requirement is on the buyer, thus the buyer agent has an obligation to make sure their client knows about the inspection requirement. But the listing agent only has an obligation to their seller client to let them know that a buyer will be doing an inspection under the law.

Q. Are there any reporting requirements to the town or state once an inspection is done?

A. Although there are no reporting requirements on the buyer or the buyer agent, the inspector has a requirement to submit a copy of the report to the municipality within 60 days of inspection. The inspector must also report a malfunctioning system to the state and municipality within 72 hours of the completion of the inspection.

Q. How should agents/agencies manage risk of liability under this law?

A. It is imperative that agents find a good certified inspector with whom to work.

- Listing agents need to advise their seller clients that the inspection will take place and may result in a renegotiation.
- The seller may choose to be proactive and get an inspection done in advance to share with the buyer which may result in the buyer not needing to get their own inspection.
- Buyer agents should be sure to advise their buyer clients about the law and the buyer obligation to get the system inspected.
- It is up to the municipalities to enforce the law. *Please note that some municipalities may have additional ordinances relating to shoreland zone septic inspection requirements (including fines for violations) so it is good idea to check with the local plumbing inspector or code enforcement officer on what the municipality requires before the closing.*

Q. What if you are unsure about the location of the system and whether or not it is in a shoreland zone?

A. This information can be researched with the municipality and the local code enforcement officer. As a buyer agent, it also would be best practice to recommend your buyer get a septic inspection regardless of its location.