

# **MAINE STATE LEGISLATURE**

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New Draft of: S. P. 460, L. D. 1378

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# ONE HUNDRED AND FIFTH LEGISLATURE

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## Legislative Document

No. 1738

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S. P. 585

In Senate, May 14, 1971

Reported by Majority from Committee on Health and Institutional Services  
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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### AN ACT Relating to the Sale and Use of Lead Paint.

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

R. S., T. 22, c. 558-A, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 558-A to read as follows:

#### CHAPTER 558-A

#### SALE AND USE OF LEAD PAINT

##### § 2401. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Dwelling. "Dwelling" means a building or structure or portion thereof which is regularly occupied in whole or in part as a home, residence or sleeping place of one or more human beings.

2. A paint condition conducive to lead poisoning. "A paint condition conducive to lead poisoning" means paint or plaster containing lead in a condition accessible for ingestion by children or where peeling, flaking or chipping of the paint or plaster occurs.

3. Paint or plaster containing lead. "Paint or plaster containing lead" means a paint or plaster containing more than 1% of metallic lead based on the nonvolatile content of the paint or plaster.

##### § 2402. Prohibitions

1. No person shall knowingly sell to any buyer any paint or plaster containing lead for use on the interior of any dwelling.

2. No person shall manufacture, sell, lease or hold for sale or lease a children's toy or children's furniture which has thereon paint containing lead.
3. No person shall apply paint or plaster containing lead to any area which reasonably may be expected to result in a paint condition conducive to lead poisoning.
4. No person shall rent or let to any person any dwelling which has paint or plaster containing lead on exposed surfaces in the interior of such dwelling or which has a paint condition conducive to lead poisoning without first informing the prospective lessee or tenant of such a condition which condition is considered to be a latent defect.

**§ 2403. Penalties**

1. Whoever violates any prohibition contained in this chapter shall be punished by a fine of not less than \$10 nor more than \$200 for each offense.
2. This section shall not abrogate the common law remedies and civil liabilities for negligence or any other available civil remedies.

**§ 2404. Chapter not intended to preempt local action**

Sections 2401 and 2403 shall not be applicable to dwellings in any political subdivision of this State upon enactment by such subdivision of ordinances having the same or greater restrictions than this chapter.

**STATEMENT OF FACT**

Lead poisoning presents a serious menace to the health of the public, especially our children. This legislation is designed to reasonably control the sale and use of lead based paint and to require landlords to inform prospective tenants of the lead condition of dwellings so that such tenants may knowledgeably determine whether to rent the property.