

# MAINE STATE LEGISLATURE

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5/16/19  
R O P S

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**MAJORITY**

Date: 5/16/2019

(Filing No. S- 84 )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 40, L.D. 153, Bill, "An Act To Strengthen Testing for Lead in School Drinking Water"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 22 MRSA §2604-B is enacted to read:

**§2604-B. Schools, sampling and examination of water for lead**

**1. Definition.** As used in this section, unless the context otherwise indicates, "school" means a private school as defined in Title 20-A, section 1, subsection 22 or a public school as defined in Title 20-A, section 1, subsection 24.

**2. Lead testing.** To the extent the department provides the necessary resources to a school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue, a school shall test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water used for drinking or culinary purposes to an approved laboratory under section 2607 for lead testing. If the water is found to violate the water lead levels established by the department, the department shall issue specific guidance to the school on reducing exposure to lead according to procedures established by the department pursuant to subsection 3.

**3. Rules.** The department shall adopt rules necessary to implement this section, including, but not limited to, establishing water lead levels; testing protocols, including the frequency of testing; abatement or mitigation methods; procedures for the issuance of guidance to reduce exposure to lead; and public notification procedures. In adopting rules to implement this section, the department shall consider the United States Environmental Protection Agency's recommendations for reducing lead in drinking water in schools.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Implementation.** In implementing this section, the department:

**COMMITTEE AMENDMENT**

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A. May not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue; and

B. Within existing resources, to the maximum extent possible, shall provide resources to schools in order to achieve the purposes of this section. If the department determines that sufficient resources are unavailable to a school in order to achieve the purposes of this section, the department shall seek to identify alternative means to achieve the purposes of this section.

5. Reports. By January 1, 2021 and annually thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of schools tested for lead, whether the department issued specific guidance to any schools to reduce exposure to lead, the number of schools that engaged in abatement or mitigation and the methods of abatement or mitigation used.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment, which is the majority report of the committee, amends the bill to provide that the State is not establishing a mandate on school administrative units. It provides that a school must test water used for drinking or culinary purposes for lead to the extent the Department of Health and Human Services provides the necessary resources to the school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue. It directs the department to adopt rules regarding testing and guidance to reduce exposure to lead but provides that the department may not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue in implementing the rules. It further provides that the department may provide resources to schools within its existing resources or identify alternative means to achieve the purposes of the legislation. It requires the Department of Health and Human Services to report annually beginning January 1, 2021 on lead testing in schools.

**FISCAL NOTE REQUIRED**

(See attached)



# 129th MAINE LEGISLATURE

LD 153

LR 151(02)

An Act To Strengthen Testing for Lead in School Drinking Water

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-84)

Committee: Health and Human Services

Fiscal Note Required: Yes

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## Fiscal Note

Resources or alternative means to be provided to local schools

### Fiscal Detail and Notes

This bill requires the Department of Human Services (DHHS) to adopt rules for schools related to water lead, including but not limited to, establishing water lead levels; testing protocols, including the frequency of testing; abatement or mitigation methods; procedures for guidance to reduce exposure; and public notification. Schools are required to test water used for drinking or culinary purposes only to the extent that the DHHS provides the necessary resources to ensure that schools do not incur additional expenditures from local revenue. The DHHS has indicated it can provide water testing kits and related laboratory analyses for the schools within its currently budgeted resources. For any additional costs arising from discovery of lead in water, potentially including abatement and mitigation, the bill requires that DHHS must, to the maximum extent possible, provide resources to schools or seek to identify alternative means to achieve the bill's purposes. No additional funding is provided in the bill at this time.