

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 153

S.P. 40

In Senate, January 17, 2019

An Act To Strengthen Testing for Lead in School Drinking Water

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MADIGAN of Waterville and
Senators: BREEN of Cumberland, CLAXTON of Androscoggin, SANBORN, L. of
Cumberland, VITELLI of Sagadahoc, Representatives: CRAVEN of Lewiston, HYMANSON
of York.

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

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

3 **§2604-B. Schools, sampling and examination of water for lead**

4 **1. Lead testing.** A school shall test water used for drinking or culinary purposes for
5 lead using water testing kits or by submitting samples of water used for drinking or
6 culinary purposes to an approved laboratory under section 2607 for lead testing in
7 accordance with a schedule established by the department pursuant to subsection 2. If the
8 water is found to violate the water lead levels established by the department, the
9 department shall issue an order to reduce exposure to lead according to procedures
10 established by the department pursuant to subsection 2. The order must remain in force
11 until the water conforms to the water lead levels.

12 A school that violates this subsection, rules adopted under this section or an order issued
13 under this subsection commits a civil violation for which a fine of not more than \$500
14 may be adjudged.

15 **2. Rules.** The department shall adopt rules necessary to implement this section,
16 including, but not limited to, establishing water lead levels; testing protocols, including
17 the frequency of testing; abatement or mitigation methods; procedures for the issuance of
18 an order to reduce exposure to lead; and public notification requirements. In adopting
19 rules to implement this section, the department shall consider the United States
20 Environmental Protection Agency's recommendations for reducing lead in drinking water
21 in schools. Rules adopted pursuant to this subsection are major substantive rules as
22 defined in Title 5, chapter 375, subchapter 2-A.

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

26 **Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶A,** as amended by PL 2017, c. 389, §1,
27 is further amended to read:

28 A. To make loans to school administrative units for school repair and renovation.

29 (1) The following repair and renovation needs receive Priority 1 status:

30 (a) Repair or replacement of a roof on a school building;

31 (b) Bringing a school building into compliance with the federal Americans
32 with Disabilities Act, 42 United States Code, Section 12101 et seq.;

33 (c) Improving air quality in a school building;

34 (d) Removing or abating hazardous materials in a school building, including,
35 but not limited to, water lead abatement or mitigation pursuant to Title 22,
36 section 2604-B; and

37 (f) Undertaking other health, safety and compliance repairs, including
38 installations or improvements necessary to increase school facility security.

- 1 (2) Repairs and improvements related to a school building structure, windows
2 and doors and water or septic systems, other than water lead abatement or
3 mitigation pursuant to Title 22, section 2604-B, receive Priority 2 status.
- 4 (3) Repairs and improvements related to energy and water conservation receive
5 Priority 3 status.
- 6 (4) Upgrades of learning spaces in school buildings receive Priority 4 status.
- 7 (5) The Commissioner of Education may approve other necessary repairs;

8 **Sec. 3. Rules.** The Department of Health and Human Services shall provisionally
9 adopt rules to implement the lead testing requirements under the Maine Revised Statutes,
10 Title 22, section 2604-B and submit those rules to the Legislature for review no later than
11 5:00 p.m. on January 10, 2020. In adopting rules to implement Title 22, section 2604-B,
12 the department shall consider the United States Environmental Protection Agency's
13 recommendations contained in the most recent version of the document titled "3Ts for
14 Reducing Lead in Drinking Water in Schools and Child Care Facilities."

15 **SUMMARY**

16 This bill requires all schools to test water used for drinking or culinary purposes for
17 lead using water testing kits or by submitting samples of water to an approved laboratory
18 for lead testing. It directs the Department of Health and Human Services to establish by
19 major substantive rule water lead levels, testing protocols, appropriate abatement and
20 mitigation methods and public notification requirements. It directs the department to
21 provisionally adopt major substantive rules and submit them to the Legislature no later
22 than 5:00 p.m. on January 10, 2020. It provides that the department has the authority to
23 issue an order reducing exposure to lead until the elevated water lead levels are abated or
24 mitigated. It provides that water lead abatement or mitigation efforts will receive Priority
25 1 status for receipt of funds from the School Revolving Renovation Fund in the custody
26 of the Maine Municipal Bond Bank.