

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 986

H.P. 741

House of Representatives, February 26, 2019

**An Act To Expand Lead Inspections to Other Properties of the
Owner of a Property Determined to Contain Lead**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: BROOKS of Lewiston, CLOUTIER of Lewiston, CRAVEN of Lewiston.

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

2 **Sec. 1. 22 MRSA §1320-B** is enacted to read:

3 **§1320-B. Owners of dwelling units**

4 **1. Identity of owner.** If the department determines a case of lead poisoning has
5 been found in a dwelling unit under section 1320-A, the department shall require that the
6 owner of the dwelling unit provide ownership information including the name, principal
7 address and contact information of the owner. If an owner is a business entity with
8 partners, members or shareholders, the owner shall provide the name, principal address
9 and contact information of each partner, officer, director, member, principal or
10 shareholder of that business entity.

11 **2. Other properties.** If an owner or a partner, officer, director, member, principal or
12 shareholder of an owner under subsection 1 owns or co-owns, individually or as a
13 principal of a business entity that is an owner, another residential property built prior to
14 1978 and located in a high-density lead poisoning area as determined by the
15 commissioner, the department may inspect every dwelling unit in that residential property
16 unless the owner provides a report from a certified lead inspection conducted within the
17 prior 3 years showing that the residential property is lead-safe.

18 **3. Violation.** Notwithstanding section 1325, if a person violates this section, 50% of
19 a fine assessed under section 1325 must be credited to the Lead Poisoning Prevention
20 Fund and 50% of a fine assessed under section 1325 must be credited to the Lead
21 Abatement Fund under Title 30-A, section 4981, subsection 2.

22 **SUMMARY**

23 This bill requires an owner of a dwelling unit determined by the Department of
24 Health and Human Services to have a case of lead poisoning to provide the name,
25 principal address and contact information for the owner of the dwelling unit. If the owner
26 is a business entity, this bill requires the name, principal address and contact information
27 for each partner, officer, director, member, principal or shareholder of that business
28 entity. If an owner or a partner, officer, director, member, principal or shareholder owns
29 or co-owns another residential property built prior to 1978 and located in a high-density
30 lead poisoning area, the Department of Health and Human Services is authorized to
31 inspect every dwelling unit of that other residential property unless the owner can
32 produce a certified lead inspection report conducted within the past 3 years showing that
33 the other property is lead-safe. This bill splits any fine for violating the provisions of the
34 law between the Lead Poisoning Prevention Fund and the Lead Abatement Fund
35 administered by the Maine State Housing Authority.