

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1404**

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H. P. 1022 . . . . . House of Representatives, March 9, 1971  
Referred to Committee on Health and Institutional Services. Sent up for  
concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk  
Presented by Mr. Whitson of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Regulating the Sale and Use of Lead Base Paint and Building  
Materials.

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

Sec. 1. R. S., T. 17, §§ 3965 - 3969, additional. Title 17 of the Revised Statutes is amended by adding 5 new sections, 3965 to 3969, to read as follows:

§ 3965. Definitions

As used in sections 3965 to 3969, the following words shall have the following meanings:

1. Dwelling. "Dwelling" means a structure or that part of a structure which is, or is intended for, use as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household.

2. Lead base. "Lead base" means any paint or building material containing more than 1% calculated metallic by weight lead in total of nonvolatile ingredients.

§ 3966. Paint or building material

The sale of lead base paint or building materials, or both, shall be regulated as follows:

1. Sale. No retail or wholesale outlet shall knowingly sell to any buyer any paint or building material containing more than 1% of lead for use on the interior of any dwelling unit.

No person shall store, sell or transfer for retail purposes a lead base paint unless the container used in retail trade bears a warning statement which

shall be an integral part of the labeling and shall be placed in a conspicuous place on the immediate container of such paint and shall be printed in letters which are legible and in conspicuous contrast with other printing appearing on the container. The statement shall be in substantial conformance with state and federal laws and regulations and recommended standards of the Federal Hazardous Substances Labeling Act and shall further conform in wording and type style as followed or approved as equivalent:

**WARNING** (10 point cap)

**CONTAINS LEAD. HARMFUL IF EATEN** (10 point cap)

**UNLAWFUL TO APPLY ON TOYS, FURNITURE, WINDOW SILLS OR OTHER INTERIOR SURFACES OF ANY DWELLING. KEEP AWAY FROM HEAT AND OPEN FLAME. AVOID PROLONGED CONTACT WITH SKIN AND BREATHING OF VAPOR AND SPRAY MIST. CLOSE CONTAINER AFTER USE.** (10 point cap)

Use with adequate ventilation. (12 point type)

Keep out of reach of children. (10 point type)

Labels on containers of lead base paint shall be made to conform with the above labeling requirements by the application of a separate warning label securely affixed upon existing label.

2. Use. No person shall use any paint or building material containing more than 1% of lead on the interior of any dwelling unit, building material, toy, furniture, eating utensil or appliance.

#### § 3967. Toys or furniture

The sale of toys or furniture which are painted with a paint containing more than 1% lead is prohibited.

#### § 3968. Dwellings

No person shall occupy as owner-occupant who has children under the age of 9 years in his household or let to any person who has children under 9 years of age in his household for occupancy any dwelling, dwelling unit or rooming unit which has paint or building materials with a lead content of 1% or more on exposed interior surfaces. No person shall be evicted from their occupancy for the purpose of avoiding corrective maintenance to eliminate hazardous lead exposure. The families with children under 9 shall be permitted to continue occupancy in accordance with their lease or rental agreement made prior to corrective maintenance.

1. Corrective maintenance. Corrective maintenance shall be required and shall include at least the following:

A. Cracked, chipped, blistered, peeling or loose lead base paint shall be completely removed wherever found. Holes and cracks in walls with lead base paint shall be repaired.

B. Lead base paint on window sills and frame below 5-foot level shall be completely removed.

C. Lead base paint on doors and frames below 5-foot level shall be removed 4 inches back on hinge and latch edges of door and completely removed from frame.

D. Lead base paint on handrails shall be completely removed.

E. Lead base paint on spindles (balusters) shall be removed on surfaces adjacent to walking areas.

F. Lead base paint on stair treads shall be removed 4 inches back from lips on top tread and from lip to riser on bottom side.

G. Lead base paint on other chewable surfaces, below 5-foot level, shall be removed 4 inches back from edge.

H. Toys or furniture with lead base paint shall be discarded or lead base paint shall be completely removed from chewable surfaces.

2. Nonhazardous. The method used for the removal of lead base paints shall not present a hazard to health from fumes, dust or vapors by inhalation or absorption through the skin and mucous membranes.

3. Inspection. Any health officer, building inspector or officer of the law in the State of Maine shall have the right to enter any building at any reasonable time, after having given 24 hours' notice, for the purpose of inspecting the premises to determine possible violations of this section.

4. Notice. When any violation is found to exist within the meaning of this section the health officer shall give the responsible party a written order or notice which shall set forth the violation or violations and shall contain a reasonable time limit for the correction thereof.

#### § 3969. Penalty

Any person who violates any provision of sections 3965 to 3968 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

### STATEMENT OF FACT

Lead poisoning is a serious threat to many of the children in our State. This bill would provide corrective remedy for this threat to the health of our children in the State of Maine.