

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1584, L.D. 2234, Bill, "An Act to Protect Children from Lead Poisoning"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Sec. 1. 22 MRSA §1314-A is enacted to read:

§1314-A. Goal

The goal of the State in the area of lead poisoning is to eradicate childhood lead poisoning by the year 2010 through the elimination of potential sources of environmental lead. By January 1, 1997, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters regarding progress made toward this goal. The report must include any recommendations the department may have to revise the goal, along with any necessary legislation.

Sec. 2. 22 MRSA §1315, sub-§1, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 3. 22 MRSA §1315, sub-§§1-A and 1-B are enacted to read:

1-A. Child; children. "Child" or "children" means a person or persons up to 6 years of age.

1-B. Children's home. "Children's home," as defined in section 8101, means a children's home, emergency shelter, family foster home, residential child care facility or specialized children's home.

2 **Sec. 4. 22 MRSA §1315, sub-§2**, as enacted by PL 1973, c. 367,
is amended to read:

4 **2. Dwelling.** "Dwelling" means a structure, all or part of
6 which is designed or used for human habitation, including a
dwelling unit.

8 **Sec. 5. 22 MRSA §1315, sub-§§3-A to 3-C** are enacted to read:

10 **3-A. Environmental lead hazard.** "Environmental lead
12 hazard" means the presence of lead in any form that exceeds the
14 permissible concentration and that exists in an unacceptable
condition. "Permissible concentration" and "unacceptable
16 condition" are defined by rules adopted by the department.
18 "Environmental lead hazard" may include, but is not limited to,
lead in dust, paint, soil or water.

20 **3-B. Environmental lead inspection.** "Environmental lead
inspection" means an assessment performed by a lead inspector to
22 identify lead-based substances.

24 **3-C. Environmental lead investigation.** "Environmental lead
investigation" means a detailed and extensive investigation to
26 determine the cause of a confirmed case of lead poisoning in a
child.

28 **Sec. 6. 22 MRSA §1315, sub-§4**, as enacted by PL 1973, c. 367,
is repealed.

30 **Sec. 7. 22 MRSA §1315, sub-§§4-A to 4-F** are enacted to read:

32 **4-A. Health care provider.** "Health care provider" means a
34 physician, clinic, hospital, health maintenance organization,
home health agency, private clinical laboratory and any other
36 person or entity that provides primary health care services and
is registered or licensed by the State.

38 **4-B. Lead abatement.** "Lead abatement" means the removal,
40 renovation, enclosure, repair, encapsulation, handling,
transportation or disposal of materials that contain lead.

42 **4-C. Lead abatement contractor.** "Lead abatement
44 contractor" means a person who performs lead abatement for
consideration and who employs or contracts with at least one lead
46 abatement project supervisor or lead abatement design consultant.

48 **4-D. Lead abatement design consultant.** "Lead abatement
design consultant" means a person who prepares and supervises the
50 implementation of plans for lead abatement. The activities of a

2 lead abatement design consultant include, but are not limited to,
3 assessing air quality, advising dwelling owners, lead abatement
4 contractors and lead abatement project supervisors regarding lead
5 abatement and overseeing lead abatement training.

6 4-E. Lead abatement project supervisor. "Lead abatement
7 project supervisor" means a person responsible for the
8 supervision of lead abatement. A lead abatement project
9 supervisor may supervise lead abatement workers.

10 4-F. Lead abatement worker. "Lead abatement worker" means
11 an employee of a lead abatement contractor who is engaged in lead
12 abatement.

13 Sec. 8. 22 MRSA §1315, sub-§5, as enacted by PL 1973, c. 367,
14 is repealed and the following enacted in its place:

15 5. Lead-based substance. "Lead-based substance" means any
16 substance that contains lead at a level that constitutes or
17 potentially constitutes an environmental lead hazard.

18 Sec. 9. 22 MRSA §1315, sub-§§5-A to 5-F are enacted to read:

19 5-A. Lead-free. "Lead-free" means that a children's home,
20 preschool facility, dwelling or premises contains no lead that is
21 injurious or that could be injurious in the future.

22 5-B. Lead inspector. "Lead inspector" means a person
23 licensed by the department to perform environmental lead
24 inspections.

25 5-C. Lead poisoning. "Lead poisoning" means a confirmed
26 elevated level of blood lead that is injurious, as defined in
27 rules adopted by the department.

28 5-D. Lead-safe. "Lead-safe" means that a children's home,
29 preschool facility, dwelling or premises does not contain lead at
30 a level or in a condition that constitutes an environmental lead
31 hazard.

32 5-E. Occupant. "Occupant" means a person who resides in or
33 uses regularly a dwelling, children's home or preschool facility.

34 5-F. Owner. "Owner" means any person who individually,
35 jointly or in common with others:

36 A. Has legal title to any dwelling or premises or, if the
37 person having legal title can not be located through
38 reasonable efforts, is the owner's agent, as described in
39 Title 14, section 6023;

2 B. Is the guardian of the owner or is the executor,
3 administrator or trustee of the estate of the owner;

4 C. Is the chief executive officer of the municipality,
5 school administrative unit or state agency that controls the
6 use of publicly owned property; or

7 D. Is a mortgagee who has foreclosed or is a party to a
8 foreclosure proceeding regarding a dwelling or premises. A
9 mortgagee who has not foreclosed or is not a party to a
10 foreclosure proceeding regarding a dwelling or premises is
11 not the owner of the dwelling or premises.

12 **Sec. 10. 22 MRSA §1315, sub-§6, as enacted by PL 1973, c. 367,**
13 **is amended to read:**

14 **6. Person.** "Person" includes means any individuals, firms,
15 corporations, associations, trusts individual, firm, corporation,
16 association or partnership and partnerships the State and any
17 political subdivision of the State.

18 **Sec. 11. 22 MRSA §1315, sub-§§6-A and 6-B are enacted to read:**

19 **6-A. Premises.** "Premises" means a plotted lot or part of a
20 plotted lot, an unplotted lot or a parcel of land, including
21 developed and undeveloped land and any structure that exists on
22 the land, if the lot, parcel or structure is used by children.

23 **6-B. Preschool facility.** "Preschool facility" means a day
24 care facility as defined in section 8301, a home baby-sitting
25 service as described in section 8305 or a nursery school as
26 defined in section 8401.

27 **Sec. 12. 22 MRSA §1315, sub-§7, as enacted by PL 1973, c. 367,**
28 **is repealed.**

29 **Sec. 13. 22 MRSA §1315, sub-§7-A is enacted to read:**

30 **7-A. State investigator.** "State investigator" means a lead
31 inspector who is employed or authorized by the department to
32 conduct environmental lead investigations.

33 **Sec. 14. 22 MRSA §1315, sub-§8, as enacted by PL 1973, c. 367,**
34 **is repealed.**

35 **Sec. 15. 22 MRSA §1315, sub-§9, as enacted by PL 1975, c. 239,**
36 **§1, is repealed.**

2 **Sec. 16. 22 MRSA §1315, sub-§10**, as amended by PL 1975, c.
293, §4, is repealed.

4 **Sec. 17. 22 MRSA §1315, sub-§11**, as enacted by PL 1975, c.
239, §1, is repealed.

6 **Sec. 18. 22 MRSA §1315-A** is enacted to read:

8 **§1315-A. Authority of the department**

10 The commissioner may take any action that is in accordance
12 with the purposes of this chapter and is within the powers
14 granted in this Title to protect children from lead poisoning.
That action may include, but is not limited to, the following:

16 1. Reduction and abatement program. The establishment of
18 programs to reduce lead-based substances and abate environmental
lead hazards; and

20 2. Interagency agreements. The development of interagency
22 agreements with any pertinent federal, state or local agency,
24 including, but not limited to, public housing authorities, energy
efficiency programs and home maintenance and improvement programs.

26 **Sec. 19. 22 MRSA §1316**, as amended by PL 1975, c. 239, §2, is
further amended to read:

28 **§1316. Restrictions on use of lead-based substances**

30 No A person shall ~~may not~~ use or apply lead-base ~~lead-based~~
32 substances:

34 1. Interiors. In or upon any exposed surface of a
dwelling, ~~dwelling-unit~~ children's home or child-care preschool
36 facility;

38 2. Fixtures. In or upon any fixtures or other objects
used, installed or located in or upon any exposed surface of a
40 dwelling, ~~dwelling-unit~~ children's home or child-care preschool
facility or intended to be so used, installed or located; and

42 3. Toys and furniture. In and upon toys or household
44 furniture.

46 **Sec. 20. 22 MRSA §1317**, as amended by PL 1975, c. 239, §3, is
repealed.

48 **Sec. 21. 22 MRSA §1317-A**, as amended by PL 1981, c. 470, Pt.
50 A, §63, is repealed and the following enacted in its place:

§1317-A. Early diagnosis program

2 The commissioner shall establish a program for early
4 screening and diagnosis of cases of lead poisoning. To the
6 extent that resources permit, the program must include at least
8 the following:

10 1. Systematic examination. The systematic examination for
12 lead poisoning of all children in the State. Examinations must
14 be conducted in a manner and at intervals established in rules
16 adopted by the department;

18 2. Inspections. Comprehensive environmental lead
20 inspections and technical assistance and advice regarding the
22 appropriate reduction of environmental lead hazards to families
24 with children who have lead poisoning. By July 1, 1993, the
26 department shall adopt rules defining lead poisoning and
28 establishing priorities for inspections and technical assistance
30 based on the degree of lead poisoning; and

32 3. Funding. By July 1, 1993, as resources permit and in
34 accordance with rules adopted by the department, payment by the
36 department for lead screening, screening-related services and
38 diagnostic evaluations when a patient is unable to pay and is not
40 covered by insurance.

42 Nothing in this chapter authorizes or requires the physical
44 examination of any child whose parent or guardian objects on the
46 grounds that the examination is contrary to the parent's or
48 guardian's religious beliefs.

50 Sec. 22. 22 MRSA §1317-B, as amended by PL 1989, c. 331, is
further amended to read:

§1317-B. Educational and publicity program

 The commissioner shall institute an educational and
publicity program in order to inform the general public, health
care providers and other appropriate groups of the dangers,
frequency and sources of lead poisoning, ~~and;~~ the methods of
preventing such lead poisoning; and methods to abate lead-based
substances and other environmental lead hazards from dwellings
and premises. The program shall include, but not be limited to,
~~information warning the public that fire hazards and toxic and~~
~~harmful fumes may be created by the use of gas, propane gas,~~
~~electricity or other heat-generating mechanisms to remove~~
~~lead-based substances from painted surfaces.~~

 Sec. 23. 22 MRSA §1317-C is enacted to read:

§1317-C. Screening by health care providers

2
4 1. Screening. Beginning January 1, 1994, all health care
6 providers must advise parents of the availability and
8 advisability of screening their children for lead poisoning. By
10 January 1, 1994, any health care program that receives funds from
12 the State and has a child health component must provide screening
14 of children for lead poisoning in accordance with rules adopted
16 by the department.

18 2. Data. At least annually, the department shall analyze
20 and summarize lead-screening information provided by health care
22 providers, facilities and programs and provide the information to
24 other state and local agencies involved in lead-poisoning
26 issues. The information must also be provided to interested
28 parties on request in a format that is easily understood by the
30 general public. The department may not release any information
32 under this subsection if that information identifies or could
34 lead to the identification of individuals.

36 **Sec. 24. 22 MRSA §1318, as enacted by PL 1973, c. 367, is**
38 **repealed.**

40 **Sec. 25. 22 MRSA §1319, as amended by PL 1975, c. 239, §5, is**
42 **further amended to read:**

44 **§1319. Report by physicians of suspected lead poisoning**

46 Whenever any physician knows or has reason to believe that
48 any person he ~~the~~ physician examines or treats has or is
50 suspected of having lead poisoning, such ~~the~~ physician shall
within 7 5 days give notice thereof of the poisoning to the
department. The department shall specify adopt rules specifying
the procedure to be followed in making such ~~the~~ reports and shall
provide necessary forms for the use of ~~by~~ physicians. When such
~~the~~ reports are received, the department shall, by laboratory
work and otherwise, assist the attending physician in determining
whether the case is one of lead poisoning, and if so, the source
of the poison.

Sec. 26. 22 MRSA §§1319-A and 1319-B are enacted to read:

§1319-A. Laboratory testing

Beginning January 1, 1993, any blood sample taken from a
child by a health care provider to test for blood lead level must
be sent to the State Health and Environmental Testing Laboratory
for analysis. By January 1, 1993, the department shall adopt
rules regarding lead-related testing conducted by the State
Health and Environmental Testing Laboratory. Whenever possible,

2 the laboratory shall bill 3rd-party payors for services provided
3 under this chapter and shall deposit all fees received into the
4 State Health and Environmental Testing Laboratory dedicated
5 account. The laboratory shall use the funds to:

6 1. Lead testing program. Administer a child blood and
7 environmental lead testing program that includes processing,
8 analyzing and reporting child blood lead samples and materials
9 that may contain lead; and

10 2. Data; report. Gather data and report laboratory results.

11 **§1319-B. Inspection of children's homes and preschool facilities**

12
13 By July 1, 1994, the department shall adopt rules that
14 require all children's homes and preschool facilities to have
15 environmental lead inspections at least every 3 years except that
16 environmental lead inspections are not required if the children's
17 home or preschool facility has been certified by a lead inspector
18 as lead-safe within the previous 3 years or has been certified as
19 lead-free. As of July 1, 1994, a children's home or preschool
20 facility may not be licensed, registered, certified or otherwise
21 approved or receive any state funds unless it is in compliance
22 with this section.

23
24
25 **Sec. 27. 22 MRSA §1320, as repealed and replaced by PL 1975,**
26 **c. 239, §6, is amended to read:**

27
28 **§1320. Inspection of dwelling units and child care facilities by**
29 **department**

30
31 Any authorized representative of the department, upon
32 presenting the appropriate credentials to the owner and occupant,
33 or their representatives, may inspect any dwelling unit ~~or child~~
34 care-facility at reasonable times for the purpose of ascertaining
35 the presence of lead-base ~~lead-based~~ substances, and may remove
36 samples or objects necessary for laboratory analysis. Such
37 inspections-shall ~~Inspections~~ may be made only where ~~when~~ there
38 are reasonable grounds to suspect that there are lead--base
39 lead-based substances in or upon the exposed surfaces of any
40 dwelling unit ~~or--child--care--faeility~~, or upon the request of
41 either the owner or the occupant with whom children ~~under-6-years~~
42 of-age reside, or where ~~when~~ a case of lead poisoning has been
43 reported.

44
45 A person who has entered into a written or oral agreement to
46 rent a dwelling unit, and with whom a child resides, has a right
47 to receive the results of a test for lead-based substances,
48 performed at the expense of the owner of the dwelling unit. If
49 the test indicates the presence of an environmental lead hazard,
50

2 the tenant may vacate the premises and terminate the lease
3 without penalty, notwithstanding any lease provision to the
4 contrary. If the tenant vacates the premises under this
5 subsection, the tenant is deemed to have vacated the premises at
6 the expected termination of the lease, for purposes of
7 interpreting rights and duties under the lease. A prospective
8 renter of a dwelling unit with whom a child resides has a right
9 to receive the results of a test for lead-based substance,
10 performed at the expense of the owner of the dwelling unit,
11 before entering into a binding agreement to rent that unit. The
12 owner of a dwelling unit may not refuse to pay for the test, and
13 may not refuse to offer the unit to such a renter solely because
14 the renter has requested the test. An owner is deemed to have
15 complied with the duty to provide test results if the owner
16 provides to the renter or prospective renter test results
17 certifying that the dwelling unit was found to be lead-safe
18 within the past 3 years or that the unit was found to be
19 lead-free. This paragraph applies to leases renewed, executed or
20 proposed to be executed on or after July 1, 1994.

21 **Sec. 28. 22 MRSA §1321, as amended by PL 1981, c. 470, Pt. A,**
22 **§65, is further amended to read:**

23 **§1321. Notice and removal**

24
25 If the department determines that ~~an environmental~~ lead base
26 substances-exist ~~hazard exists~~ in or on ~~exposed-surfaces-of~~ any
27 dwelling, ~~dwelling-unit~~ premises, children's home or child-care
28 ~~preschool~~ facility and-is-a-health-hazard:

29
30 **1. Notice posted.** The department shall post in or upon the
31 dwelling, ~~dwelling-unit~~ premises, children's home or child-care
32 ~~preschool~~ facility, in a conspicuous place or places, notice of
33 the existence of the--substances environmental lead hazard.
34 Notice shall may not be removed until the department states that
35 the environmental lead base---substances hazard no longer
36 ~~constitute-a-health-hazard,~~ exists:

37
38 **2. Notice to persons.** The department shall give notice of
39 the existence of the substances environmental lead hazard to all
40 persons-residing-in-the-dwelling-or-dwelling-unit, occupants:

41
42 **3. Notice to owner; removal.** The department shall give
43 notice of the existence of the substance environmental lead
44 ~~hazard~~ to the owner ~~or-managing-agent~~ and order that the lead
45 base lead-based substances be removed, replaced or securely and
46 permanently covered within 30 days of receipt of the notice. The
47 commissioner ~~department~~ shall ~~establish-regulations~~ adopt rules
48 for removal, replacement or covering of the lead-base lead-based
49 substance. If,--at-the-discretion-of-the-commissioner, the lead
50

base ~~lead-based~~ substances cannot can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time ~~may-be-granted~~; and

4
6 **4. Sale of dwelling, children's home or preschool facility.**
If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, children's home or ~~child-care~~ preschool facility, he the owner must notify the prospective buyer of the environmental lead problem hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period.

12 **Sec. 29. 22 MRSA §1322**, as amended by PL 1975, c. 293, §4, is further amended to read:

16 **§1322. Child occupants**

18 No A person shall may not knowingly rent a dwelling or ~~dwelling-unit-which~~ that has been posted and ordered cleared of harmful ~~lead--base~~ lead-based substances in accordance with section 1321 to be occupied by children ~~6--years--of--age--or~~ younger. In circumstances where the presence of ~~lead--base~~ lead-based paint or building materials is unsuspected and becomes known when the dwelling ~~or-dwelling-unit~~ is already rented to a family with children ~~6-years-of-age-or-younger~~, the family of the children shall may not be evicted for that reason and the owner and occupant of the dwelling ~~or-dwelling-unit-shall~~ must be given written notice by the ~~Commissioner-of-Human-Services~~ department advising of the existence of such lead-based substances in the dwelling ~~or-dwelling-unit~~ and ordering that within 30 days such ~~lead--base~~ the lead-based substances be removed, replaced or securely and permanently covered.

34 **Sec. 30. 22 MRSA §§1322-A to 1322-D** are enacted to read:

36 **§1322-A. Licensure of lead inspectors and lead abatement personnel**

38 **1. Prohibition.** A person may not conduct environmental lead inspections or lead abatement unless that person is licensed by the department under this chapter or unless the person is at least 18 years of age and is performing lead abatement on or in the dwelling unit of which the person is an occupant. This prohibition includes persons located in other states who offer lead-related services to residents of the State directly or through the mail.

48 **2. Rules.** The department shall adopt rules regarding the licensure of lead inspectors and lead abatement personnel. The rules must specify at least the following:

2 A. The qualifications, standards of conduct, tests and fees
4 required to obtain or renew a license and the circumstances
 under which a license may be revoked; and

6 B. That the State may grant reciprocal licenses to
8 applicants who hold valid licenses from other states with
 comparable licensing requirements.

10 3. Violations. The commissioner may order by written
12 notice that any person violating this section cease that
14 violation. The department may impose a fine not to exceed \$1,000
 for each violation of this section. The department may seek
 enforcement of this section in district court.

16 Any person who conducts lead inspections or lead abatement
18 without a license in violation of this section commits a civil
20 violation for which a penalty of up to \$1,000 may be adjudged.
 Any person who engages in lead testing or abatement or who
 advertises those services in violation of this chapter also
 violates Title 5, chapter 10.

22 Nothing in this subsection limits the authority of the department
24 or any other state agency under any law.

26 §1322-B. Training program certification

28 The department shall adopt rules regarding the certification
30 of training programs for lead abatement contractors, design
32 consultants, project supervisors and workers, lead inspectors and
34 other persons engaged in the reduction of environmental lead
 hazards. The rules must address at least the length of training
 programs, mandatory topics of instruction and qualifications of
 instructors and sponsoring programs.

36 §1322-C. Laboratory certification

38 By July 1, 1993, the department shall adopt rules regarding
40 the analysis of lead in environmental media, including, but not
42 limited to, air, dust, soil, paint, pewter, pottery and water and
44 shall establish a program to certify laboratories that perform
 lead analysis to ensure that those laboratories comply with the
 rules adopted under this section.

46 §1322-D. Reports and records

48 All lead inspectors shall report the results of their
 inspections to the department within 45 days of the inspections.
 Any records received or maintained by the department under this

2 chapter that contain information that identifies, or could lead
3 to the identification of, an individual are confidential.

4 **Sec. 31. 22 MRSA §1323**, as repealed and replaced by PL 1977,
5 c. 694, §336, is amended to read:

6 **§1323. Rules**

7
8 The Commissioner--of--Human--Services--is--authorized--to
9 department shall adopt rules and--regulations--for--carrying to
10 carry out the purposes of this chapter. The rules may address,
11 but are not limited to, the following:

12
13 1. Lead-based substances. Prohibiting the sale or use of
14 lead-based substances;

15
16 2. Screening. Screening children for lead poisoning;

17
18 3. Inspections; tests; abatement. Inspecting, testing and
19 abating lead in dwellings where children are at risk of lead
20 poisoning, in children's homes and in preschool facilities;

21
22 4. Training programs. Certifying training programs for
23 lead inspectors and lead abatement personnel;

24
25 5. Licenses. Licensing lead inspectors and lead abatement
26 personnel and establishing fees for those licenses;

27
28 6. Laboratory certification. Certifying laboratories to
29 conduct analysis of lead-based substances;

30
31 7. Notice. Notifying owners and occupants of environmental
32 lead hazards and posting lead hazard warnings;

33
34 8. Records. Keeping records of lead poisoning
35 investigations;

36
37 9. Fees. Establishing fees for services performed under
38 this chapter; and

39
40 10. Advisory boards. Establishing boards or commissions to
41 advise the department regarding lead poisoning.

42
43 **Sec. 32. 22 MRSA §1324-A**, as enacted by PL 1975, c. 239, §11,
44 is amended to read:

45 **§1324-A. Liability of owners; damages**

46
47 The owner of any residential--property dwelling, premises,
48 children's home or child--care preschool facility shall--be is

2 liable for all damages caused by his failure to perform the
duties required of him pursuant to under this chapter.

4 The owner of any residential--property dwelling, premises,
6 children's home or child-care preschool facility who is notified
pursuant to has received notice under this chapter of a dangerous
8 level--of an environmental lead in--paint,--plaster--or--other
material--present--upon--his--premises hazard and who does not
10 satisfactorily correct or remove said--dangerous--conditions--shall
the environmental lead hazard is in addition to the preceding
paragraph be subject to punitive damages, which shall--be are
12 treble the actual damages found.

14 **Sec. 33. 22 MRSA §1325**, as amended by PL 1975, c. 239, §12,
is further amended to read:

16 **§1325. Violation**

18 Any In addition to any other penalty imposed under this
20 chapter, any person who violates any section of this chapter
shall may be punished for each violation by a fine of not more
22 than \$500 or by imprisonment for not more than 6 months, or by
both. Violations existing within individual dwelling units of
24 child-care-facilities-shall-be are considered separate violations.

26 **Sec. 34. 22 MRSA §1326**, as enacted by PL 1975, c. 239, §13,
is amended to read:

28 **§1326. Injunction requiring removal**

30 If the lead--base lead-based substance remains a--health an
32 environmental lead hazard at the expiration of 30 days or at the
expiration of an extension given by the commissioner, pursuant to
34 section 1321, the State may, in addition to any other remedies it
has, may seek a mandatory injunction ordering the health
36 environmental lead hazard removed by a suitable 3rd party at the
expense of the owner of the dwelling, dwelling--unit premises,
38 children's home or child-care preschool facility.

40 **Sec. 35. Mandated benefits study.** The Bureau of Insurance
shall conduct a study that meets the requirements of the Maine
42 Revised Statutes, Title 24-A, section 2751 regarding the
following:

44 1. Whether all policies, plans and contracts provided by
46 nonprofit medical service organizations and by insurers, except
for policies, plans or contracts designed to cover only dental
48 procedures, supplemental policies that only provide coverage for
specific diseases, hospital indemnity Medicare supplements or
50 other supplemental policies, should provide coverage for

screening for lead poisoning, services related to lead screening and diagnostic evaluations for lead poisoning for children, including, but not limited to, confirmatory blood lead testing.

The study must be submitted by January 1, 1993 to the joint standing committee of the Legislature having jurisdiction over human resource matters and the joint standing committee of the Legislature having jurisdiction over insurance matters. A copy of the study must be submitted to the Office of the Executive Director of the Legislative Council.

Sec. 36. Brochure. When the Real Estate Commission reprints the brochure entitled "Buyer-Seller Information," it shall include in the brochure a revised section addressing the dangers of lead poisoning. In preparing the revised section, the Real Estate Commission shall consult with the Director of the Bureau of Health, Department of Human Services.

Sec. 37. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF

Health - Bureau of

Positions - Other Count	(1.0)
Personal Services	\$31,955
All Other	17,500
Capital Expenditures	83,000

Provides for the allocation of funds for one Environmental Specialist II position, general operating expenses and testing equipment to implement the inspection and licensure provisions related to lead poisoning control.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$132,455

FISCAL NOTE

1992-93

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$132,455
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2 **REVENUES**

4 Other Funds \$132,455

6 This bill provides an allocation of dedicated revenue to the
8 Department of Human Services in the amount of \$132,455 in fiscal
10 year 1992-93 to implement certain provisions of the lead
12 poisoning program for children.

14 The Department of Human Services will conduct environmental
16 inspections, administer blood lead testing and screening and
18 fulfill the requirements of the lead poisoning program to the
20 extent that resources are available for these purposes. It is
22 not possible to determine at this time what portion of the lead
24 poisoning program costs will be reimbursed to the department
26 through fees billed to and reimbursed by 3rd-party payors.

28 The additional costs associated with conducting a mandated
30 benefits study can be absorbed by the Bureau of Insurance
32 utilizing existing budgeted resources.

34 The additional workload and administrative costs associated
36 with the minimal number of new cases filed in the court system
38 can be absorbed within the budgeted resources of the Judicial
40 Department.'

42 **STATEMENT OF FACT**

44 This amendment replaces the original bill. It differs from
46 the bill in the following ways.

48 1. It establishes a state goal in the area of lead
50 poisoning.

2. It adds several new definitions to the Lead Poisoning
Control Act and amends that Act to incorporate the newly defined
terms.

3. It adds a section granting general authority to the
Department of Human Services in the area of lead poisoning
control.

4. It repeals sections of the Lead Poisoning Control Act
that have been preempted by federal law.

5. It restores the discretionary nature of the State's lead
control program. The original bill made the program mandatory.

COMMITTEE AMENDMENT "A" to H.P. 1584, L.D. 2234

- 2 6. As of January 1, 1994, it requires health care providers
to advise parents regarding lead screening.
- 4
- 6 7. It reduces from 7 days to 5 days the amount of time a
physician has to report suspected cases of lead poisoning.
- 8 8. As of January 1, 1993, it requires that blood samples
taken from children for lead testing be submitted to and tested
10 by the State Health and Environmental Testing Laboratory.
- 12 9. As of July 1, 1994, it requires that preschool
facilities and licensed children's homes have lead inspections.
- 14
- 16 10. It gives tenants and prospective tenants the right to
request a lead test at the owner's expense.
- 18 11. It does not expand enforcement of the Lead Poisoning
Control Act to local officials. The original bill did.
- 20
- 22 12. It directs the Department of Human Services to adopt
rules governing the licensure or certification of lead
inspectors, lead abatement personnel, training programs and
24 laboratories and creates penalties for those who violate those
rules.
- 26
- 28 13. It clarifies that reports received by the Department of
Human Services under the Lead Poisoning Control Act are
confidential.
- 30
- 32 14. It gives the Department of Human Services discretion to
establish advisory boards regarding lead poisoning. The original
bill established an advisory board in statute.
- 34
- 36 15. It directs the Bureau of Insurance to study the impact
of mandating insurance coverage for lead screening and testing.
The original bill mandated the coverage.
- 38
- 40 16. It requires the Real Estate Commission to revise its
brochure entitled "Buyer-Seller Information" with more
information on lead poisoning. The original bill required a lead
42 warning to be printed on real estate contracts.
- 44 The amendment adds a fiscal note to the bill and removes the
emergency preamble and the emergency clause. It also adds an
46 allocation section.

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