

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-20-97

(Filing No. H-577)

NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1137, L.D. 1593, Bill, "An Act to Ensure Safe Abatement of Lead Hazards"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 22 MRSA §1315, sub-§3-D, as enacted by PL 1995, c. 453, §3, is amended to read:'

3-D. Interim controls. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards and the establishment and operation of management and resident education programs.'

Further amend the bill in section 1 in subsection 4-B by striking out all of the last blocked paragraph (page 1, line 21 to 23 in L.D.) and inserting in its place the following:

' "Lead abatement" does not include renovation and remodeling as defined in Title 38, section 1291, subsection 26.'

For the purpose of this subsection, "permanently" means for at least 20 years.'

Further amend the bill in section 3 in subsection 4-G in the last line (page 1, line 33 in L.D.) by inserting after the following: "such as" the following: 'interim controls.'

COMMITTEE AMENDMENT

Further amend the bill in section 13 in that part designated "§1291." in subsection 1 by striking out all of the blocked paragraph (page 3, lines 14 to 16 in L.D.) and inserting in its place the following:

' "Abatement" does not include renovation and remodeling as defined in subsection 26.

For the purpose of this subsection, "permanently" means for at least 20 years.'

Further amend the bill in section 13 in that part designated "§1291." in subsection 8 by striking out all of the last sentence (page 2, lines 1 to 5 in L.D.)

Further amend the bill in section 13 in that part designated "§1291." by striking out all of subsection 9 (page 2, lines 7 to 11 in L.D.)

Further amend the bill in section 13 in that part designated "§1291." by inserting after subsection 12 the following:

'13. Interim controls. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards and the establishment and operation of management and resident education programs.'

Further amend the bill in section 13 in that part designated "§1291." in subsection 13 in the last 2 lines (page 4, lines 31 and 32 in L.D.) by striking out the following: "design consultants or inspectors"

Further amend the bill in section 13 in that part designated "§1291." in subsection 17 in the last line (page 5, line 2 in L.D.) by inserting after the following: "such as" the following: 'interim controls,'

Further amend the bill in section 13 in that part designated "§1291." by inserting after subsection 18 the following:

'19. Lead-poisoned. "Lead-poisoned" means having a confirmed elevated level of blood lead that is injurious, as defined in rules adopted by the Department of Human Services.'

Further amend the bill in section 13 in that part designated "§1291." in subsection 22 in the last 3 lines (page 5, lines 27 to 29 in L.D.) by striking out the following: "and a project supervisor employed as a consultant to monitor and direct abatement contractors"

Further amend the bill in section 13 in that part designated "§1291." by renumbering the subsections to read consecutively.

Further amend the bill in section 13 in that part designated "§1292." in subsection 2 in the 3rd line (page 6, line 31 in L.D.) by striking out the following: "department adopts rules" and inserting in its place the following: "effective date of rules adopted by the department"

Further amend the bill in section 13 in that part designated "§1292." in subsection 3 in the first line (page 6, line 38 in L.D.) by inserting after the following: "any" the following: "residential"

Further amend the bill in section 13 in that part designated "§1292." in subsection 3 in the last line (page 6, line 42 in L.D.) by inserting after the following: "dust." the following: "After the effective date of rules adopted by the department pursuant to section 1295 for notification of lead abatement activities in public buildings, commercial buildings and superstructures, a person may not engage in those lead abatement activities unless the person notifies the commissioner in writing at least 5 working days before beginning any on-site work, including on-site preparation work, that has the potential to create lead dust."

Further amend the bill in section 13 in that part designated "§1292." in subsection 4 in the first line (page 6, line 44 in L.D.) by inserting after the following: "All" the following: "residential"

Further amend the bill in section 13 in that part designated "§1292." in subsection 4 in the last line (page 6, line 46 in L.D.) by inserting after the following: "chapter." the following: "After the effective date of rules adopted by the department pursuant to section 1295 for work practices pertaining to lead-based paint activities in public buildings, commercial buildings and superstructures, those lead-based paint activities must be conducted in accordance with the applicable work practice standards adopted by rule."

Further amend the bill in section 13 in that part designated "§1292." by striking out all of subsection 5 (page 6, lines 48 to 50 and page 7, lines 1 to 8 in L.D.) and inserting in its place the following:

5. Exemption. A person who is 18 years of age or older need not obtain licensing and certification to perform lead abatement activities within a residential dwelling unit that the person owns and personally occupies, as long as a child residing

in the dwelling unit has not been identified as lead-poisoned. A person 18 years of age or older who owns or personally occupies a dwelling unit in which a resident child has been identified as lead-poisoned need not obtain licensing and certification to perform abatement activities within that dwelling unit, as long as the person completes any training required by the Department of Human Services.'

Further amend the bill in section 13 in that part designated "~~§1295.~~" in the first paragraph in the 4th line (page 8, line 32 in L.D.) by inserting after the following: "respects." the following: 'In adopting the rules, the department shall consult the regulations of the United States Department of Labor, Occupational Safety and Health Administration to ensure that the rules minimize duplicative requirements.'

Further amend the bill in section 13 in that part designated "~~§1296.~~" in the first paragraph in the first line (page 9, line 15 in L.D.) by striking out the following: "residential"

Further amend the bill by inserting after section 13 the following:

Sec. 14. Rulemaking. In adopting rules to implement the Maine Revised Statutes, Title 38, chapter 12-B, the Department of Environmental Protection shall ensure that for the purposes of renovation and remodeling "residence" includes, but is not limited to, an owner-occupied, single-family primary residence that includes a home-based business or an owner-occupied bed and breakfast with 10 or fewer licensed guest rooms.'

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

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

	1997-98	1998-99
REVENUES		
Other Funds	\$25,000	\$25,000

The Department of Environmental Protection will use previously budgeted Federal Expenditure Fund revenues of \$191,000 and \$185,000 in fiscal years 1997-98 and 1998-99, respectively,

to fund the expenses of the lead abatement program which is being transferred from the Department of Human Services. Similarly, the department will use one and one-half Oil and Hazardous Material Specialist II positions and one Engineering Technician position to administer the lead abatement program. These previously authorized positions are currently vacant and have an estimated total operating cost of \$103,373 and \$116,403 in fiscal years 1997-98 and 1998-99, respectively.

The establishment of certain licensing fees pertaining to lead abatement efforts will increase fees collections. The estimated annual increase of dedicated revenue to the Maine Environmental Protection Fund within the Department of Environmental Protection is \$25,000 beginning in fiscal year 1997-98.

The Board of Environmental Protection within the Department of Environmental Protection will incur some minor additional costs to adopt certain rules pertaining to the lead abatement program. These costs can be absorbed within the board's existing budgeted resources.

The additional costs associated with assisting the Department of Environmental Protection with the lead abatement program can be absorbed by the Departments of Administrative and Financial Services and Labor utilizing existing budgeted resources.

The Department of Human Services will realize some minor savings from the transfer of these responsibilities.

SUMMARY

This amendment clarifies that lead abatement does not include the renovation and remodeling of a residence and that the Department of Environmental Protection, in adopting rules to implement the lead abatement laws, shall ensure that for the purposes of renovation and remodeling the term "residence" includes, but is not limited to, an owner-occupied single-family primary residence that includes a home-based business or an owner-occupied bed and breakfast with 10 or fewer licensed guest rooms. The amendment also clarifies that lead-based paint activities include interim controls.

The amendment clarifies the definitions concerning certain lead abatement professionals, strikes the definition of elevated blood-lead level and defines "lead-poisoned." It also specifies that licensing, certification, notification and work practice standards are not in effect for lead-based paint activities in

2 public buildings, commercial buildings and superstructures until
the effective date of rules adopted by the Department of
4 Environmental Protection. The amendment requires that in
adopting the rules the department must ensure that they minimize
6 duplicative requirements with the regulations of the United
States Department of Labor, Occupational Safety and Health
Administration.

8
10 The amendment also clarifies that a person who is 18 years
of age or older may perform abatement activities within a
12 residential dwelling unit that the person owns and personally
occupies without obtaining licensing or certification, provided
14 that a child residing in the dwelling unit has not been
identified as lead-poisoned. The amendment also adds a fiscal
note to the bill.