

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 2047

2  
DATE: April 27, 1999

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**HEALTH AND HUMAN SERVICES**

8 Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

18  
20 COMMITTEE AMENDMENT "A " to S.P. 727, L.D. 2047, Bill, "An  
Act to Amend the Lead Poisoning Control Act"

22 Amend the bill in section 13 by striking out all of  
subsection 3 (page 3, lines 47 to 51 and page 4, lines 1 to 7 in  
24 L.D.) and inserting in its place the following:

26 '3. **Notice to owner; removal.** The department shall give  
notice of the existence of the environmental lead hazard to the  
28 owner and order that the lead-based substances be removed,  
replaced or securely and permanently covered within 30 days of  
30 receipt of the notice. ~~The department shall adopt rules for  
removal, replacement or covering of the lead-based substance.~~ If  
32 the lead-based substances can not be removed, replaced or  
securely and permanently covered within 30 days, the department  
34 may grant an extension of reasonable time. All lead-based paint  
activities must be performed in accordance with rules adopted by  
36 the Department of Environmental Protection pursuant to Title 38,  
chapter 12-B. In the case of an owner-occupied, single-family  
38 residence, the department may provide technical assistance and  
guidance in lieu of enforcement activity at the department's  
40 discretion;'

42 Further amend the bill by inserting after section 16 the  
following:

44  
46 'Sec. 17. 22 MRSA §1325, as amended by PL 1991, c. 810, §33,  
is further amended to read:

48 **§1325. Violation**

50 In addition to any other penalty imposed under this chapter,  
any person who violates any section of this chapter may be  
52 punished for each violation by a fine of not more than \$500 or by

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT " A " to S.P. 727, L.D. 2047

2 imprisonment for not more than 6 months, or by both. Violations  
3 existing within individual dwelling units are considered separate  
4 violations. This section does not limit the authority of the  
5 Department of Environmental Protection to seek penalties for  
6 violations under the authority of Title 38, section 349.'

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

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**SUMMARY**

14 This amendment substitutes rules of the Department of  
15 Environmental Protection for rules of the Department of Human  
16 Services and clarifies that penalties may be imposed by the  
Department of Environmental Protection.