

# MAINE STATE LEGISLATURE

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DATE: 5/26/15

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1532, Bill, "An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families"

Amend the bill by striking out the title and substituting the following:

'An Act To Protect Maine Citizens from Lead Hazards that Harm Maine Children and Families'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 14 MRSA §6030-B is enacted to read:

§6030-B. Environmental lead hazards

1. Environmental lead hazard disclosure. A landlord or other lessor of residential property shall provide to potential tenants and lessees a residential real property disclosure statement that includes, but is not limited to, information about the presence or prior removal of lead-based paint in accordance with Title 22, section 1328.

2. Application. The landlord or lessor shall provide the residential real property disclosure statement under subsection 1 when a structure that is part of the real property was built prior to 1978.

Sec. 2. 22 MRSA §1328 is enacted to read:

§1328. Residential real property disclosure statement forms

Page

2        1. Sellers of real property. The department shall prepare  
3        a standard residential real property disclosure statement form  
4        for potential sellers of real property to use to disclose to  
5        potential purchasers information concerning environmental lead  
6        hazards, in or about the real property, to comply with Title 33,  
7        section 173, subsection 4, paragraph B. The statement is in  
8        addition to that required under 42 United States Code, Section  
9        4852d and implementing regulations.

10

11        A. The following warning must be included at the top of the  
12        form. The heading and the first and last paragraphs must be  
13        printed in a font that is at least as large as 16-point type  
14        in Times Roman font.

15

16                    WARNING REGARDING LEAD-BASED PAINT HAZARDS

17

18        Any residence built before 1978 may contain lead sufficient  
19        to poison children and sometimes adults. LEAD poisoning  
20        poses a particular risk if you are pregnant or may become  
21        pregnant. LEAD poisoning in young children may produce  
22        permanent neurological damage, including learning  
23        disabilities, a reduced intelligence quotient (IQ), impaired  
24        memory and behavioral problems such as attention deficit  
25        hyperactive disorder and a propensity for violence.

26

27        Every purchaser of any interest in residential real property  
28        on which a residential dwelling was built prior to 1978 is  
29        notified that such property may present exposure to lead  
30        from lead-based paint that may place young children at risk  
31        of developing lead poisoning. The seller of any interest in  
32        real property is required to provide the buyer with any  
33        information on lead-based paint hazards from risk  
34        assessments or inspections in the seller's possession and  
35        notify the buyer of any known lead-based paint hazards. A  
36        risk assessment or inspection for possible lead-based paint  
37        hazards is recommended prior to purchase.

38

39        The only way to know with certainty whether lead-based paint  
40        hazards are present on the property is to test the property  
41        for the presence of lead.

42

43        B. The form must include the seller's disclosure and the  
44        agent's disclosure as required by federal law.

45

46        C. The form must include the purchaser's acknowledgment as  
47        required by federal law and an acknowledgment that the  
48        purchaser has received the residential real property  
49        disclosure statement required by this section. The form

1203.

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1532

2 must include the following statement: "This acknowledgment  
does not constitute a waiver of any rights."

4 D. The form must include the certification of accuracy as  
required by federal law.

6 2. Landlords and lessors. The department shall prepare a  
standard residential real property disclosure statement form for  
landlords and other lessors of real property to use to disclose  
to potential tenants and lessees information concerning  
environmental lead hazards, in or about the real property, to  
comply with Title 14, section 6030-B. The statement is in  
addition to that required under 42 United States Code, Section  
4852d and implementing regulations.

16 A. The following warning must be included at the top of the  
form. The heading and the first and last paragraphs must be  
printed in a font that is at least as large as 16-point type  
in Times Roman font.

WARNING REGARDING LEAD-BASED PAINT HAZARDS

22 Any residence built before 1978 may contain lead sufficient  
to poison children and sometimes adults. Lead poisoning  
poses a particular risk if you are pregnant or may become  
pregnant. Lead poisoning in young children may produce  
permanent neurological damage, including learning  
disabilities, a reduced intelligence quotient (IQ), impaired  
memory and behavioral problems such as attention deficit  
hyperactive disorder and a propensity for violence.

32 Every tenant or lessor of any interest in residential real  
property on which a residential dwelling was built prior to  
1978 is notified that such property may present exposure to  
lead from lead-based paint that may place young children at  
risk of developing lead poisoning. The landlord or other  
lessor of any interest in real property is required to  
provide the tenant or lessee with any information on  
lead-based paint hazards from risk assessments or  
inspections in the landlord's or lessor's possession and  
notify the tenant or lessee of any known lead-based paint  
hazards.

44 The only way to know with certainty whether lead-based paint  
hazards are present on the property is to test the property  
for the presence of lead.

48 B. The form must include the lessor's disclosure and the  
agent's disclosure as required by federal law.

**COMMITTEE AMENDMENT**





Approved: 05/20/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 1532

LR 1233(02)

**An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing resources.