

MAINE STATE LEGISLATURE

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L.D. 2218

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Date: 4/4/8

(Filing No. H-921)

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

123RD LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1584, L.D. 2218, Bill, "An Act To
10 Protect Children from Hazardous Lead-based Paint"

11 Amend the bill in Part A in section 5 in paragraph G in the first 2 lines (page 1, lines
12 30 and 31 in L.D.) by striking out the following: "and the lead-safe renovation
13 notification, inspection and enforcement programs administered" and inserting the
14 following: 'registry'

15 Amend the bill in Part A in section 7 in § 1329 in subsection 2 in the first line (page 2,
16 line 19 in L.D.) by striking out the following: "Department of Environmental Protection"
17 and inserting the following: 'department' and in the 2nd line from the end (page 2, line 24
18 in L.D.) by striking out the following: "Department of Environmental Protection" and
19 inserting the following: 'department'

20 Amend the bill in Part B by striking out all of section 1 (page 2, lines 27 to 36 in
21 L.D.)

22 Amend the bill in Part B in section 2 in subsection 19-A in the last line (page 3, line 3
23 in L.D.) by striking out the following: "1298" and inserting the following: '1295'

24 Amend the bill in Part B in section 4 in subsection 26-A by striking out all of
25 paragraph D (page 3, lines 21 and 22 in L.D.) and renumbering the lettered paragraphs to
26 read consecutively.

27 Amend the bill in Part B by striking out all of sections 5 to 8 and inserting the
28 following:

29 'Sec. B-5. 38 MRSA §1298 is enacted to read:

30 § 1298. Registry of leased lead-safe residential dwellings

31 1. Registry. The department shall maintain a registry of leased residential dwellings
32 built before 1978 that are lead-safe as designated by the property owners in accordance
33 with subsection 2.

1 **2. Designation as lead-safe.** A leased residential dwelling may be designated as
 2 lead-safe for the purposes of this section if the property owner has submitted to the
 3 department an application for the property to be placed on the registry created under
 4 subsection 1. Submission of an application to the registry is voluntary on the part of the
 5 property owner.

6 **3. Application.** The application under subsection 2 must be submitted together with
 7 a report by a lead inspector that indicates that the leased residential dwelling has been
 8 tested for the presence of lead-based paint and lead-contaminated dust and that the
 9 dwelling meets the requirements for certification as lead-safe in accordance with the
 10 standards and procedures established by rules adopted by the commissioner.'

11 Amend the bill in Part C by striking out all of section 1 and inserting the following:

12 **'Sec. C-1. Review and report.** The Department of Environmental Protection, the
 13 Maine State Housing Authority and the Department of Health and Human Services,
 14 Maine Center for Disease Control and Prevention, jointly referred to in this section as
 15 "the agencies," shall review the following issues related to achieving housing safe from
 16 lead hazards and the elimination of childhood lead poisoning. The agencies shall report
 17 by January 1, 2009 and may make recommendations regarding achieving lead-safe
 18 housing and eliminating lead poisoning with proposed legislation to the joint standing
 19 committees of the Legislature having jurisdiction over health and human services matters
 20 and natural resources matters.

21 1. The agencies shall review and make recommendations on resources and incentives
 22 to promote housing that is lead-safe, as defined in the Maine Revised Statutes, Title 38,
 23 section 1291, subsection 19-A, including the lead poisoning prevention fee established in
 24 Title 22, section 1322-F and lead-safe renovation notification and work practice
 25 requirements.

26 2. The agencies shall review and make recommendations concerning the
 27 establishment of a requirement to ensure that every leased residential dwelling is
 28 maintained as lead-safe, including routine maintenance and owner self-inspection
 29 requirements, and the inclusion of such a requirement under a warranty of habitability.

30 3. The agencies shall review and make recommendations concerning the
 31 establishment of a requirement that the owner of a residential property built before 1978
 32 subject the property to a lead inspection and provide a copy of the lead inspection report
 33 to any prospective buyer prior to transfer of the property to a new owner and the capacity
 34 of qualified lead professionals to perform this work.

35 4. The agencies shall review ways to fully implement and enforce lead poisoning
 36 prevention programs established by statute and make recommendations to eliminate lead
 37 paint and lead poisoning risks in the State.'

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 39 section number to read consecutively.

1 SUMMARY

2 This amendment switches responsibility for producing posters and brochures warning
3 of lead poisoning from the Department of Environmental Protection to the Department of
4 Health and Human Services. It strikes portions of the bill that require annual self-
5 inspection for lead dangers by owners of leased residential properties. The amendment
6 retains language allowing an owner of a leased residential property to designate the
7 property on a registry of lead-safe property maintained by the Department of
8 Environment Protection. The amendment expands the scope of the report on lead-safe
9 housing by the Department of Environmental Protection, the Maine State Housing
10 Authority and the Department of Health and Human Services, Maine Center for Disease
11 Control and Prevention. The amendment strikes those sections of the bill that require
12 notice of renovations and remodeling and that grant an exemption to the notice
13 requirement for renovations and remodeling by an owner who occupies the residential
14 dwelling.

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/02/08 *MAC*

123rd MAINE LEGISLATURE

LD 2218

LR 3102(02)

An Act To Protect Children from Hazardous Lead-based Paint

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

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Funds

Fiscal Detail and Notes

Additional costs to the Department of Environmental Protection and the Maine State Housing Authority associated with conducting the required review and preparing the required report can be absorbed within existing budgeted resources. Any additional costs to the Maine Center for Disease Control and Prevention in the Department of Health and Human Services in implementing this bill can be absorbed utilizing existing budgeted resources.