

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1115

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Date: 6/15/15

(Filing No. S-270)

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HEALTH AND HUMAN SERVICES

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

6

SENATE

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127TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to S.P. 387, L.D. 1115, Bill, "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard"

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Amend the bill by inserting after section 1 the following:

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'Sec. 2. 22 MRSA §1325, as amended by PL 1999, c. 276, §17, is further amended to read:

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§1325. Violation

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~~In addition to any other penalty imposed under this chapter, any person who violates any section of this chapter may be punished for each violation by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both. A person who violates any section of this chapter or rules adopted pursuant to this chapter commits a Class E crime. In addition, other than for a violation covered under section 1316-A, the department may, in accordance with Title 5, chapter 375, subchapter 4, impose an administrative penalty not to exceed \$500 for a violation of this chapter or rules adopted pursuant to this chapter. Each day a violation continues constitutes a separate offense. Violations existing within individual dwelling units are considered separate violations. An action commenced by the department to enforce any administrative penalty imposed under this section may be brought in the name of the State in the Superior Court in the county where the violation occurred or in Kennebec County and must be prosecuted by the Attorney General. The court shall award to the State all costs in bringing the enforcement action as well as reasonable interest on penalties not paid.~~ This section does not limit the authority of the Department of Environmental Protection to seek penalties for violations under the authority of Title 38, section 349. All penalties and awards collected under this section must be deposited in the Lead Poisoning Prevention Fund established under section 1322-E.

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Sec. 3. 22 MRSA §1326, as amended by PL 2005, c. 530, §5, is further amended to read:

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COMMITTEE AMENDMENT

1 **§1326. Injunction requiring removal**

2 If the lead-based substance remains an environmental lead hazard at the expiration of
 3 30 days or at the expiration of an extension given by the commissioner pursuant to
 4 section 1321, that is a violation of this chapter and the State, in addition to any other
 5 remedies it has, may seek a mandatory injunction ordering the environmental lead hazard
 6 removed by a suitable 3rd party at the expense of the owner of the dwelling, premises,
 7 residential child-occupied facility, child care facility, premises of the family child care
 8 provider or nursery school.

9 **Sec. 4. Appropriations and allocations.** The following appropriations and
 10 allocations are made.

11 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

12 **Maine Center for Disease Control and Prevention 0143**

13 Initiative: Provides funding for state laboratory services and contracts for lead
 14 inspections.

15	GENERAL FUND	2015-16	2016-17
16	All Other	\$575,510	\$703,517
17			
18	GENERAL FUND TOTAL	\$575,510	\$703,517

19 **Maine Center for Disease Control and Prevention 0143**

20 Initiative: Provides funding to hire 8 Environmental Specialist III positions, 4 permanent
 21 and 4 limited period, to review inspections, issue orders to abate, track to make sure
 22 abatements occur and work with families on interim controls to reduce hazards until
 23 abatement is complete.

24	GENERAL FUND	2015-16	2016-17
25	Personal Services	\$447,780	\$612,686
26	All Other	\$63,157	\$84,210
27			
28	GENERAL FUND TOTAL	\$510,937	\$696,896

29 **Medical Care - Payments to Providers 0147**

30 Initiative: Provides funding for MaineCare-reimbursed lead inspections.

31	GENERAL FUND	2015-16	2016-17
32	All Other	\$5,866	\$7,171
33			
34	GENERAL FUND TOTAL	\$5,866	\$7,171

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COMMITTEE AMENDMENT "A" to S.P. 387, L.D. 1115

1	FEDERAL BLOCK GRANT FUND	2015-16	2016-17
2	All Other	\$181,548	\$221,928
3			
4	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$181,548</u>	<u>\$221,928</u>
5	HEALTH AND HUMAN SERVICES,		
6	DEPARTMENT OF (FORMERLY DHS)		
7	DEPARTMENT TOTALS	2015-16	2016-17
8			
9	GENERAL FUND	\$1,092,313	\$1,407,584
10	FEDERAL BLOCK GRANT FUND	\$181,548	\$221,928
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$1,273,861</u>	<u>\$1,629,512</u>
13			

14 **SUMMARY**

15 This amendment, which is the majority report of the committee, grants the
16 Department of Health and Human Services authority to impose penalties for violations of
17 the Lead Poisoning Control Act and the rules adopted pursuant to that Act. The
18 amendment also adds an appropriations and allocations section.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**



127th MAINE LEGISLATURE

LD 1115

LR 1807(02)

An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-270)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$1,092,313	\$1,407,584	\$1,269,831	\$1,219,785
Appropriations/Allocations				
General Fund	\$1,092,313	\$1,407,584	\$1,269,831	\$1,219,785
Federal Block Grant Fund	\$181,548	\$221,928	\$201,793	\$181,657
Revenue				
Federal Block Grant Fund	\$181,548	\$221,928	\$201,793	\$181,657

Fiscal Detail and Notes

This bill includes General Fund appropriations to the Department of Health and Human Services (DHHS) of \$1,092,313 in fiscal year 2015-16 and \$1,407,584 in fiscal year 2016-17 to cover additional MaineCare claims for lead inspections and to hire 8 limited period Environmental Specialist III positions to review inspections, issue orders to abate, track to make sure abatements occur and work with families on interim controls to reduce hazards until abatement is complete. It also provides funding for contracted lead inspections. Federal Block Grant Fund allocations are also included in this bill for the enhanced FMAP match.

Current trends suggest that the number of cases of children with a confirmed blood lead level of 5 to 9 ug/dL could decrease by half every 6-7 years. Based on this trend, DHHS estimates needing 8 limited period positions for the first 2 years and seven limited period positions for years 3 and 4. The contracted inspections will also decrease each year.