

MAINE STATE LEGISLATURE

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L.D. 40

Date: 3/22/2018 Majority

(Filing No. S-406)

HEALTH AND HUMAN SERVICES

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

STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 20, L.D. 40, Bill, "An Act To Strengthen Requirements for Water Testing for Schools"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2604-B is enacted to read:

§2604-B. Schools, sampling and examination of water for lead

1. Lead testing. A school shall test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water used for drinking or culinary purposes to an approved laboratory under section 2607 for lead testing in accordance with a schedule established by the department pursuant to subsection 2. If the water is found to violate the water lead levels established by the department, the department shall issue an order to reduce exposure to lead according to procedures established by the department pursuant to subsection 2. The order must remain in force until the water conforms to the water lead levels.

A school that violates this subsection, rules adopted under this section or an order issued under this subsection commits a civil violation for which a fine of not more than \$500 may be adjudged.

2. Rules. The department shall adopt rules necessary to implement this section, including, but not limited to, establishing: water lead levels; testing protocols, including the frequency of testing; mitigation or abatement methods; procedures for the issuance of an order to reduce exposure to lead; and public notification requirements. In adopting

COMMITTEE AMENDMENT

1 rules to implement this section, the department shall consider the United States
2 Environmental Protection Agency's recommendations for reducing lead in drinking water
3 in schools. Rules adopted pursuant to this subsection are major substantive rules as
4 defined in Title 5, chapter 375, subchapter 2-A.

5 **3. Definition.** As used in this section, unless the context otherwise indicates,
6 "school" means a private school as defined in Title 20-A, section 1, subsection 22 or a
7 public school as defined in Title 20-A, section 1, subsection 24.

8 **Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶A,** as amended by PL 2011, c. 153, §1,
9 is further amended to read:

10 A. To make loans to school administrative units for school repair and renovation.

11 (1) The following repair and renovation needs receive Priority 1 status:

12 (a) Repair or replacement of a roof on a school building;

13 (b) Bringing a school building into compliance with the federal Americans
14 with Disabilities Act, 42 United States Code, Section 12101 et seq.;

15 (c) Improving air quality in a school building;

16 (d) Removing or abating hazardous materials in a school building, including,
17 but not limited to, water lead abatement or mitigation pursuant to Title 22,
18 section 2604-B; and

19 (f) Undertaking other health, safety and compliance repairs.

20 (2) Repairs and improvements related to a school building structure, windows
21 and doors and water or septic systems, other than water lead abatement or
22 mitigation pursuant to Title 22, section 2604-B, receive Priority 2 status.

23 (3) Repairs and improvements related to energy and water conservation receive
24 Priority 3 status.

25 (4) Upgrades of learning spaces in school buildings receive Priority 4 status.

26 (5) The Commissioner of Education may approve other necessary repairs;

27 **Sec. 3. Rules.** The Department of Health and Human Services shall provisionally
28 adopt rules to implement the lead testing requirements under the Maine Revised Statutes,
29 Title 22, section 2604-B and submit those rules to the Legislature for review no later than
30 5:00 p.m. on January 11, 2019. In adopting rules to implement Title 22, section 2604-B,
31 the department shall consider the United States Environmental Protection Agency's
32 recommendations contained in the most recent version of the document titled "3Ts for
33 Reducing Lead in Drinking Water in Schools." '

34 **SUMMARY**

35 This amendment, which is the majority report of the committee, replaces the bill. It
36 requires all schools to test water used for drinking or culinary purposes for lead using
37 water testing kits or by submitting samples of water to an approved laboratory for lead

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COMMITTEE AMENDMENT "A" to S.P. 20, L.D. 40

1 testing. It directs the Department of Health and Human Services to establish by major
2 substantive rule the acceptable water lead levels, testing protocols, appropriate abatement
3 and mitigation methods and public notification requirements. It directs the department to
4 provisionally adopt major substantive rules and submit them to the Legislature no later
5 than 5:00 p.m. on January 11, 2019. It provides that the department has the authority to
6 issue an order reducing exposure to lead and protecting public health until the elevated
7 water lead levels are mitigated or abated. It provides that water lead abatement or
8 mitigation efforts will receive Priority 1 status for receipt of funds from the School
9 Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

10

FISCAL NOTE REQUIRED

11

(See attached)



128th MAINE LEGISLATURE

LD 40

LR 132(02)

An Act To Strengthen Requirements for Water Testing for Schools

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-406)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

Requires all public and private schools approved for tuition purposes to test water used for drinking or culinary purposes for lead using water testing kits or by submitting water samples to an approved laboratory for lead testing.

Unit Affected

School

Local Cost

Significant statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional costs.

Correctional and Judicial Impact Statements

Establishes new civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Elevating the priority of water lead abatement or mitigation from a "Priority 2" status to a "Priority 1" status for the use of loans that school administrative units may receive from the School Revolving Renovation Fund for school repairs and renovations may result in less funds being available for loans for other eligible projects.

The Department of Health and Human Services (DHHS) anticipates that expenditures would increase due to an increased number of water tests. These costs would be offset by an increase in revenue from the charge for each test. The exact amount of these increases cannot be determined at this time.