

# MAINE STATE LEGISLATURE

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Report A

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 143, L.D. 441, Bill, "An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule"

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

'Sec. 1. 38 MRSA §§1299 and 1300 are enacted to read:

§1299. Adoption of federal renovation, repair and painting rule

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Minor repair and maintenance activities" has the meaning set forth in 40 Code of Federal Regulations, Section 745.83 (2016).

B. "Renovation" has the meaning set forth in 40 Code of Federal Regulations, Section 745.83 (2016). "Renovation" does not include activities subject to the licensing and certification requirements of this chapter or minor repair and maintenance activities.

C. "Target housing" has the meaning set forth in 15 United States Code, Section 2681, subsection 17 (2016).

2. Compliance with federal rule. A person that performs a renovation for compensation in target housing shall comply with all of the requirements of the United States Environmental Protection Agency's renovation, repair and painting rule set forth in 40 Code of Federal Regulations, Part 745, Subpart E (2016).

3. Guidance. The commissioner shall develop and make available guidance documents for homeowners and persons who perform renovations regarding the requirements of the United States Environmental Protection Agency's renovation, repair and painting rule set forth in 40 Code of Federal Regulations, Part 745, Subpart E (2016).

COMMITTEE AMENDMENT

**§1300. Lead Paint Renovation Certification Fund**

**1. Fund established.** The Lead Paint Renovation Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the department. The fund consists of money appropriated to it by the Legislature from the General Fund and eligible investment earnings from fund assets. The fund must be held separate from all other money, funds and accounts, and all eligible investment earnings from fund assets must be credited to the fund.

**2. Fund purposes.** The department shall administer the fund to provide grants to up to 250 individuals and business entities each year to offset the costs to those individuals and business entities associated with obtaining certification from the United States Environmental Protection Agency under 40 Code of Federal Regulations, Part 745, Subpart E (2016).

**3. Grants.** The department shall establish procedures and criteria for the grant application process, eligibility for grants and the award and use of grants made under this section.

**4. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Lead Paint Renovation Certification Fund N240**

Initiative: Provides ongoing funding to the Department of Environmental Protection to provide grants to a total of approximately 250 individuals and business entities each year to offset the costs associated with obtaining certification from the United States Environmental Protection Agency under 40 Code of Federal Regulations, Part 745, Subpart E.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**Remediation and Waste Management 0247**

Initiative: Provides funding for one full-time Environmental Specialist III position to establish procedures and award criteria for the grant application process, to determine eligibility of grant applicants and to manage the grant program.

1	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
3	Personal Services	\$57,163	\$78,351
4	All Other	\$2,521	\$2,521
5			
6	GENERAL FUND TOTAL	<u>\$59,684</u>	<u>\$80,872</u>
7	<b>ENVIRONMENTAL PROTECTION,</b>		
8	<b>DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
10			
11	GENERAL FUND	\$159,684	\$180,872
12			
13	DEPARTMENT TOTAL - ALL FUNDS	<u>\$159,684</u>	<u>\$180,872</u>
14			

**SUMMARY**

This amendment replaces the bill and requires all individuals and business entities that renovate housing constructed prior to 1978 to comply with the United States Environmental Protection Agency's renovation, repair and painting rule, 40 Code of Federal Regulations, Part 745, Subpart E (2016). The amendment requires the Commissioner of Environmental Protection to prepare guidance materials to explain the renovation, repair and painting rule's requirements.

The amendment also provides a \$100,000 annual appropriation to the Department of Environmental Protection to provide grants to up to 250 individuals and business entities each year to offset the costs associated with obtaining certification from the United States Environmental Protection Agency to engage in renovation of housing constructed prior to 1978. The amendment also adds an appropriations and allocations.

**FISCAL NOTE REQUIRED**

(See attached)



# 128th MAINE LEGISLATURE

LD 441

LR 631(02)

## An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-38)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$159,684	\$180,872	\$183,066	\$185,321
<b>Appropriations/Allocations</b>				
General Fund	\$159,684	\$180,872	\$183,066	\$185,321

#### Fiscal Detail and Notes

This bill includes appropriations of \$100,000 in fiscal year 2017-18 and fiscal year 2018-19 to establish the Lead Paint Renovation Certification Fund (LPRCF) within the Department of Environmental Protection (DEP). The LPRCF will provide grants to individuals and businesses to offset the cost of obtaining certification from the United States Environmental Protection Agency (EPA) to comply with the Renovation, Repair and Painting (RRP) Rule under 40 CFR, Part 745, sub part E.

The bill also includes appropriations of \$59,684 in fiscal year 2017-18 and \$80,872 in fiscal year 2018-19 to the DEP for one full time Environmental Specialist III position to develop the grant program, administer grant awards and to oversee the distribution of DEP/EPA guidance materials related to the RRP rules to homeowners and persons who perform renovations.

The DEP has indicated that if this bill is enacted it would likely seek delegation authority from the EPA to administer and enforce the EPA standards of the RRP program in the state. Contingent upon the extension of delegation authority, the DEP has indicated that it would require additional appropriations of \$680,419 in fiscal year 2017-18 and \$918,045 in fiscal year 2018-19 for 6 additional Oil and Hazardous Material Special II positions, 4 additional Environmental Special III positions and one additional supervisory Environmental Specialist IV position to implement and oversee the state RRP program. Because the bill does not require the DEP to seek such authority this fiscal note does not assume funding for these costs.