

MAINE STATE LEGISLATURE

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Date: 4/23/19

(Filing No. H-136)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 261, L.D. 336, Bill, "An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 22 MRSA §1321, sub-§1, as amended by PL 2005, c. 530, §4, is further amended to read:

1. Notice posted. The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the environmental lead hazard no longer exists property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered;

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 22 MRSA §1321, sub-§7 is enacted to read:

7. Notice filed in registry of deeds. The department shall file in the registry of deeds in the county in which the property is located a notice of an order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered. When the department determines that the property owner has complied with the order, the department shall file a notice in the registry of deeds in the county in which the property is located stating that the property owner has complied with the order. A notice filed pursuant to this subsection must contain:

- A. The name of the property owner;
- B. The book and page in the registry of the property owner's deed; and
- C. A notarized signature of the person from the department filing the notice.

COMMITTEE AMENDMENT

1 A notice stating that the property owner has complied with the order must also contain
2 the book and page of the original order. The department shall adopt rules to implement
3 this subsection, including, but not limited to, rules establishing the form of the notice to
4 be filed in the registry of deeds. Rules adopted pursuant to this subsection are routine
5 technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

8 **SUMMARY**

9 This amendment, which is the unanimous report of the committee:

10 1. Amends the bill to refer to an order directing that lead-based substances be
11 removed, replaced or securely and permanently covered;

12 2. Requires that the book and page in the registry of the owner's deed be identified
13 on the notice filed with the registry of deeds that the owner complied with the order
14 issued by the Department of Health and Human Services;

15 3. Requires that a notice filed with the registry of deeds include a notarized signature
16 of the person issuing the notice; and

17 4. Directs the Department of Health and Human Services to adopt routine technical
18 rules, including for the form of the notice to be filed in the registry of deeds.

19 **FISCAL NOTE REQUIRED**

20 (See attached)



129th MAINE LEGISLATURE

LD 336

LR 1168(02)

An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

Fiscal Note for Bill as Amended by Committee Amendment *A. (H-136)*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.