

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1116

S.P. 336

In Senate, March 7, 2019

An Act To Strengthen the Lead Poisoning Control Act

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative MOONEN of Portland and
Senators: GRATWICK of Penobscot, MOORE of Washington, Representatives: BROOKS of
Lewiston, CLOUTIER of Lewiston, HANDY of Lewiston, MELARAGNO of Auburn,
MORALES of South Portland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** immediately amending the Lead Poisoning Control Act is required to
4 ensure the safety of children; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

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

10 **Sec. 1. 22 MRSA §1314-A,** as enacted by PL 1991, c. 810, §1, is amended to
11 read:

12 **§1314-A. Goal**

13 The goal of the State in the area of lead poisoning is to eradicate childhood lead
14 poisoning by the year ~~2010~~ 2030 through the elimination of potential sources of
15 environmental lead. By January 1, ~~1997~~ 2025, the department shall submit a report to the
16 joint standing committee of the Legislature having jurisdiction over ~~human resource~~
17 health and human services matters regarding progress made toward this goal. The report
18 must include any recommendations the department may have to revise the goal, along
19 with any necessary legislation.

20 **Sec. 2. 22 MRSA §1317-D, sub-§4,** as enacted by PL 2001, c. 683, §3 and
21 affected by §10, is amended to read:

22 **4. Testing of children not covered by MaineCare program.** The program must
23 require the testing of blood lead levels of all children not covered by the MaineCare
24 program at one year of age and 2 years of age ~~unless, in the professional judgment of the~~
25 ~~provider of primary health care, in conjunction with the use of the lead poisoning risk~~
26 ~~assessment tool, the child's level of risk does not warrant a blood lead level test.~~ The
27 drawing of blood for the testing may be done in the health care provider's office or may
28 be referred to another laboratory.

29 **Sec. 3. 22 MRSA §1322-E, sub-§3, ¶F,** as amended by PL 2007, c. 628, Pt. A,
30 §4, is further amended to read:

31 F. Funding for educational programs and information for owners of rental property
32 used for residential purposes; ~~and~~

33 **Sec. 4. 22 MRSA §1322-E, sub-§3, ¶G,** as enacted by PL 2007, c. 628, Pt. A,
34 §5, is amended to read:

35 G. Implementation of the lead-safe housing registry by the Department of
36 Environmental Protection pursuant to Title 38, chapter 12-B and achieving the goal
37 of elimination of childhood lead poisoning risks in the State; and

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Sec. 5. 22 MRSA §1322-E, sub-§3, ¶H is enacted to read:

H. Funding for dwelling unit inspections by the department under section 1320-A and funding for the department to order the removal of lead hazards under section 1321, subsection 3. No more than 50% of the fee collected pursuant to section 1322-F may be allocated for the purposes of this paragraph.

Sec. 6. 22 MRSA §1322-F, sub-§1, as enacted by PL 2005, c. 403, §1, is amended to read:

1. Fee imposed. ~~Beginning July 1, 2006, a~~ A fee is imposed on manufacturers or wholesalers of paint sold in the State to support the Lead Poisoning Prevention Fund under section 1322-E. The fee must be imposed at the manufacturer or wholesaler level, in the amount of ~~25¢ prior to July 1, 2019 and 50¢ beginning July 1, 2019~~ per gallon of paint estimated to have been sold in the State during the prior year, as determined by rule adopted by the department.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Maine Center for Disease Control and Prevention 0143**

Initiative: Makes permanent 5 limited-period Environmental Specialist III positions previously continued in Public Law 2017, chapter 284 through June 19, 2021 and provides funding for related All Other costs.

FUND FOR A HEALTHY MAINE	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$461,962	\$489,175
All Other	\$586,612	\$587,235
FUND FOR A HEALTHY MAINE TOTAL	\$1,048,574	\$1,076,410

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill:

1. Changes the year for the State's goal to eradicate childhood lead poisoning from 2010 to 2030 and requires that a report on progress toward meeting that goal be submitted to the Legislature by January 1, 2025;

2. Requires that all Maine children be tested for unsafe exposure to lead at one year of age and 2 years of age;

- 1 3. Increases the lead poisoning prevention fee from 25¢ to 50¢ per gallon of paint
2 and allows up to 50% of the fee to be used for mandated dwelling inspections and
3 mandated orders to remove lead hazards; and

- 4 4. Makes permanent 5 Environmental Specialist III positions created in 2015 and
5 necessary to the operation of the lead poisoning risk assessment and blood lead level
6 testing program.