

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2022

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No. 11

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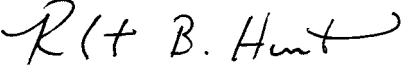
House of Representatives, December 30, 2022

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### **An Act to Strengthen Temporary Protections for Children Living in Dwellings with Identified Lead Hazards**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.

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

2 **Sec. 1. 22 MRSA §1321, sub-§3-A** is enacted to read:

3 **3-A. Notice to owner; interim controls.** The department may order the owner to  
4 implement lead exposure reduction actions or interim controls as determined by the  
5 department with reasonable notice until the owner is able to remove, replace or securely  
6 and permanently cover lead-based substances. In order to determine the effectiveness of  
7 the actions taken or interim controls, the department may inspect the dwelling, premises,  
8 residential child-occupied facility, child care facility, premises of the family child care  
9 provider or nursery school;

10 **Sec. 2. 22 MRSA §1322, 2nd ¶,** as amended by PL 2003, c. 421, §9, is further  
11 amended to read:

12 Until the owner brings any residential dwelling or premises into compliance with this  
13 Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a  
14 substitute dwelling unit upon reasonable notice. The department may, on a case-by-case  
15 basis, waive this requirement if the department determines that the implementation of  
16 actions to reduce lead exposure or interim controls sufficiently protects the residents of the  
17 unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the  
18 department may order the owner to implement lead exposure reduction actions or interim  
19 controls as determined by the department with reasonable notice. The owner shall pay  
20 reasonable moving expenses and any use and occupancy charges for a substitute dwelling  
21 unit that exceed the rent for the vacated dwelling unit for which the tenant remains  
22 responsible. "Substitute dwelling unit" means a dwelling unit of like or similar  
23 accommodation and in like or similar location that is lead-safe. If the tenant fails to accept  
24 the substitute dwelling unit selected by the owner while the owner is required to bring the  
25 vacated dwelling unit into compliance with this Act or the tenant fails to remain current in  
26 rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the  
27 statutory period of right to cure, the owner is not obligated beyond 10 days after completion  
28 of remediation to reimburse the tenant for any expense or inconvenience other than moving  
29 expenses and any use and occupancy charges for the substitute dwelling unit selected by  
30 the owner that exceed the rent for the vacated dwelling unit.

31 **SUMMARY**

32 This bill establishes the authority of the Department of Health and Human Services to  
33 order and enforce actions to temporarily protect children and families living in any  
34 residential dwelling unit from identified lead hazards until they are relocated to lead-safe  
35 housing or lead hazards are abated.