

# MAINE STATE LEGISLATURE

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L D 1481

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Date 6/9/23

(Filing No S-249)

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## HEALTH AND HUMAN SERVICES

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### STATE OF MAINE

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### SENATE

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### 131ST LEGISLATURE

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### FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to S P 602, L D 1481, "An Act Regarding  
10 Clearance for Occupancy Under the Lead Poisoning Control Act"

11

Amend the bill by striking out all of the emergency preamble

12

Amend the bill by striking out everything after the enacting clause and inserting the  
13 following

14

'Sec. 1. 22 MRSA §1322, as amended by PL 2023, c 82, §2, is further amended to  
15 read

16

#### §1322 Child occupants

17

A person may not knowingly rent a dwelling that has been posted and ordered cleared  
18 of harmful lead-based substances in accordance with section 1321, except when waived by  
19 the department in accordance with this section In circumstances where the presence of  
20 lead-based paint or building materials is unsuspected and becomes known when the  
21 dwelling is already rented to a family with children, the family of the children may not be  
22 evicted for that reason and the owner and occupant of the dwelling must be given written  
23 notice by the department advising of the existence of lead-based substances in the dwelling  
24 and ordering that within 30 days the lead-based substances be removed, replaced or  
25 securely and permanently covered

26

Until the owner brings any residential dwelling or premises into compliance with this  
27 Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a  
28 substitute dwelling unit upon reasonable notice The department may, on a case-by-case  
29 basis, waive this requirement if the department determines that the implementation of  
30 actions to reduce lead exposure or interim controls sufficiently protects the residents of the  
31 unit until full abatement is achieved Pursuant to section 1321, subsection 3-A, the  
32 department may order the owner to implement lead exposure reduction actions or interim  
33 controls as determined by the department with reasonable notice The owner shall pay  
34 reasonable moving expenses and any use and occupancy charges for a substitute dwelling  
35 unit that exceed the rent for the vacated dwelling unit for which the tenant remains  
36 responsible "Substitute dwelling unit" means a dwelling unit of like or similar

## COMMITTEE AMENDMENT

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1 accommodation and in like or similar location that is lead-safe If the tenant fails to accept  
2 the substitute dwelling unit selected by the owner while the owner is required to bring the  
3 vacated dwelling unit into compliance with this Act or the tenant fails to remain current in  
4 rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the  
5 statutory period of right to cure, the owner is not obligated beyond 10 days after completion  
6 of remediation to reimburse the tenant for any expense or inconvenience other than moving  
7 expenses and any use and occupancy charges for the substitute dwelling unit selected by  
8 the owner that exceed the rent for the vacated dwelling unit

9 The department may, on a case-by-case basis, waive the prohibition on renting and  
10 permit the owner of an owner-occupied residential dwelling of 3 dwelling units or fewer  
11 for which lead-based substances have been ordered to be removed, replaced or securely  
12 and permanently covered in accordance with section 1321 to rent a vacant unit or units in  
13 that residential dwelling before full abatement of the dwelling is achieved if the department  
14 determines that residents may be sufficiently protected from lead-based substances in the  
15 dwelling'

16 Amend the bill by striking out all of the emergency clause

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
18 number to read consecutively

19 **SUMMARY**

20 This amendment replaces the bill It authorizes the Department of Health and Human  
21 Services to, on a case-by-case basis, permit the owner of an owner-occupied residential  
22 dwelling of 3 dwelling units or fewer for which lead-based substances have been ordered  
23 to be removed, replaced or securely and permanently covered to rent a vacant unit or units  
24 in that residential dwelling before full abatement of the dwelling is achieved if the  
25 department determines that residents may be sufficiently protected from lead-based  
26 substances in the dwelling

27 **FISCAL NOTE REQUIRED**

28 (See attached)



# 131st MAINE LEGISLATURE

LD 1481

LR 1754(02)

An Act Regarding Clearance for Occupancy Under the Lead Poisoning Control Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-249)  
Committee: Health and Human Services

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources