



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1481

S.P. 602

In Senate, April 5, 2023

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

(EMERGENCY)

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland. (BY REQUEST) Cosponsored by Representative ROEDER of Bangor and Senators: BALDACCI of Penobscot, TIPPING of Penobscot, Representatives: GERE of Kennebunkport, SKOLD of 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
- Whereas, this Act needs to take effect prior to the expiration of the 90-day period because there is a shortage of housing available in the State, which makes it difficult to find alternative housing for occupants of residential dwelling units that are undergoing lead abatement activities that require the occupants to be displaced from their units; and
- Whereas, this Act authorizes the Department of Health and Human Services to clear
 for occupancy one unit at a time in an owner-occupied residential building of 3 dwelling
 units or less that has been ordered to be cleared of harmful lead-based substances and from
 which the occupants have been displaced; and
- 11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 12 the meaning of the Constitution of Maine and require the following legislation as 13 immediately necessary for the preservation of the public peace, health and safety; now, 14 therefore,
- 15 Be it enacted by the People of the State of Maine as follows:
 - Sec. 1. 22 MRSA §1331 is enacted to read:

17 §1331. Clearance for occupancy

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For an owner-occupied residential building of 3 dwelling units or less that has been ordered to be cleared of harmful lead-based substances in accordance with section 1321 and from which the occupants have been displaced, the department may clear for occupancy one unit at a time in accordance with criteria established by rule by the department. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This bill authorizes the Department of Health and Human Services to clear for occupancy one unit at a time in an owner-occupied residential building of 3 dwelling units or less that has been ordered to be cleared of harmful lead-based substances and from which the occupants have been displaced.