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Date: (Filing No. S- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 387, L.D. 1115, Bill, “An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard”

Amend the bill by inserting after section 1 the following:

**Sec. 2. 22 MRSA §1325**, as amended by PL 1999, c. 276, §17, is further amended to read:

**§1325. Violation**

~~In addition to any other penalty imposed under this chapter, any person who violates any section of this chapter may be punished for each violation by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both. A person who violates any section of this chapter or rules adopted pursuant to this chapter commits a Class E crime. In addition, other than for a violation covered under section 1316-A, the department may, in accordance with Title 5, chapter 375, subchapter 4, impose an administrative penalty not to exceed \$500 for a violation of this chapter or rules adopted pursuant to this chapter. Each day a violation continues constitutes a separate offense. Violations existing within individual dwelling units are considered separate violations. An action commenced by the department to enforce any administrative penalty imposed under this section may be brought in the name of the State in the Superior Court in the county where the violation occurred or in Kennebec County and must be prosecuted by the Attorney General. The court shall award to the State all costs in bringing the enforcement action as well as reasonable interest on penalties not paid. This section does not limit the authority of the Department of Environmental Protection to seek penalties for violations under the authority of Title 38, section 349. All penalties and awards collected under this section must be deposited in the Lead Poisoning Prevention Fund established under section 1322-E.~~

**Sec. 3. 22 MRSA §1326**, as amended by PL 2005, c. 530, §5, is further amended to read:

**COMMITTEE AMENDMENT**

1 **§1326. Injunction requiring removal**

2 If the lead-based substance remains an environmental lead hazard at the expiration of  
 3 30 days or at the expiration of an extension given by the commissioner pursuant to  
 4 section 1321, that is a violation of this chapter and the State, in addition to any other  
 5 remedies it has, may seek a mandatory injunction ordering the environmental lead hazard  
 6 removed by a suitable 3rd party at the expense of the owner of the dwelling, premises,  
 7 residential child-occupied facility, child care facility, premises of the family child care  
 8 provider or nursery school.

9 **Sec. 4. Appropriations and allocations.** The following appropriations and  
 10 allocations are made.

11 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

12 **Maine Center for Disease Control and Prevention 0143**

13 Initiative: Provides funding for state laboratory services and contracts for lead  
 14 inspections.

|    |                           |                  |                  |
|----|---------------------------|------------------|------------------|
| 15 | <b>GENERAL FUND</b>       | <b>2015-16</b>   | <b>2016-17</b>   |
| 16 | All Other                 | \$575,510        | \$703,517        |
| 17 |                           |                  |                  |
| 18 | <b>GENERAL FUND TOTAL</b> | <u>\$575,510</u> | <u>\$703,517</u> |

19 **Maine Center for Disease Control and Prevention 0143**

20 Initiative: Provides funding to hire 8 Environmental Specialist III positions, 4 permanent  
 21 and 4 limited period, to review inspections, issue orders to abate, track to make sure  
 22 abatements occur and work with families on interim controls to reduce hazards until  
 23 abatement is complete.

|    |                           |                  |                  |
|----|---------------------------|------------------|------------------|
| 24 | <b>GENERAL FUND</b>       | <b>2015-16</b>   | <b>2016-17</b>   |
| 25 | Personal Services         | \$447,780        | \$612,686        |
| 26 | All Other                 | \$63,157         | \$84,210         |
| 27 |                           |                  |                  |
| 28 | <b>GENERAL FUND TOTAL</b> | <u>\$510,937</u> | <u>\$696,896</u> |

29 **Medical Care - Payments to Providers 0147**

30 Initiative: Provides funding for MaineCare-reimbursed lead inspections.

|    |                           |                |                |
|----|---------------------------|----------------|----------------|
| 31 | <b>GENERAL FUND</b>       | <b>2015-16</b> | <b>2016-17</b> |
| 32 | All Other                 | \$5,866        | \$7,171        |
| 33 |                           |                |                |
| 34 | <b>GENERAL FUND TOTAL</b> | <u>\$5,866</u> | <u>\$7,171</u> |

