

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in Part A in section 5 in paragraph G in the first 2 lines (page 1, lines 30 and 31 in L.D.) by striking out the following: "and the lead-safe renovation notification, inspection and enforcement programs administered" and inserting the following: 'registry'

Amend the bill in Part A in section 7 in §1329 in subsection 2 in the first line (page 2, line 19 in L.D.) by striking out the following: "Department of Environmental Protection" and inserting the following: 'department' and in the 2nd line from the end (page 2, line 24 in L.D.) by striking out the following: "Department of Environmental Protection" and inserting the following: 'department'

Amend the bill in Part B by striking out all of section 1 (page 2, lines 27 to 36 in L.D.)

Amend the bill in Part B in section 2 in subsection 19-A in the last line (page 3, line 3 in L.D.) by striking out the following: "1298" and inserting the following: '1295'

Amend the bill in Part B in section 4 in subsection 26-A by striking out all of paragraph D (page 3, lines 21 and 22 in L.D.) and renumbering the lettered paragraphs to read consecutively.

Amend the bill in Part B by striking out all of sections 5 to 8 and inserting the following:

‘**Sec. B-5. 38 MRSA §1298** is enacted to read:

§ 1298. Registry of leased lead-safe residential dwellings

1. Registry. The department shall maintain a registry of leased residential dwellings built before 1978 that are lead-safe as designated by the property owners in accordance with subsection 2.

2. Designation as lead-safe. A leased residential dwelling may be designated as lead-safe for the purposes of this section if the property owner has submitted to the department an application for the property to be placed on the registry created under subsection 1. Submission of an application to the registry is voluntary on the part of the property owner.

3. Application. The application under subsection 2 must be submitted together with a report by a lead inspector that indicates that the leased residential dwelling has been tested for the presence of lead-based paint and lead-contaminated dust and that the dwelling meets the requirements for certification as lead-safe in accordance with the standards and procedures established by rules adopted by the commissioner.’

Amend the bill in Part C by striking out all of section 1 and inserting the following:

‘**Sec. C-1. Review and report.** The Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, jointly referred to in this section as "the agencies," shall review the following issues related to achieving housing safe from lead hazards and the elimination of childhood lead poisoning. The

agencies shall report by January 1, 2009 and may make recommendations regarding achieving lead-safe housing and eliminating lead poisoning with proposed legislation to the joint standing committees of the Legislature having jurisdiction over health and human services matters and natural resources matters.

1. The agencies shall review and make recommendations on resources and incentives to promote housing that is lead-safe, as defined in the Maine Revised Statutes, Title 38, section 1291, subsection 19-A, including the lead poisoning prevention fee established in Title 22, section 1322-F and lead-safe renovation notification and work practice requirements.

2. The agencies shall review and make recommendations concerning the establishment of a requirement to ensure that every leased residential dwelling is maintained as lead-safe, including routine maintenance and owner self-inspection requirements, and the inclusion of such a requirement under a warranty of habitability.

3. The agencies shall review and make recommendations concerning the establishment of a requirement that the owner of a residential property built before 1978 subject the property to a lead inspection and provide a copy of the lead inspection report to any prospective buyer prior to transfer of the property to a new owner and the capacity of qualified lead professionals to perform this work.

4. The agencies shall review ways to fully implement and enforce lead poisoning prevention programs established by statute and make recommendations to eliminate lead paint and lead poisoning risks in the State.'

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

SUMMARY

This amendment switches responsibility for producing posters and brochures warning of lead poisoning from the Department of Environmental Protection to the Department of Health and Human Services. It strikes portions of the bill that require annual self-inspection for lead dangers by owners of leased residential properties. The amendment retains language allowing an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The amendment expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment strikes those sections of the bill that require notice on renovations and remodeling and that grant an exemption to the notice requirement for renovations and remodeling by an owner who occupies the residential dwelling.