

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 19 - L.D. 27

An Act to Align Maine's Lead Abatement Law with Federal Definitions and to Clarify Lead Abatement Licensing and Certification Requirements

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

Sec. 1. 38 MRSA §1291, sub-§26-A, as enacted by PL 2007, c. 628, Pt. B, §3, is amended to read:

26-A. Residential dwelling. "Residential dwelling" means a room or group of rooms that form a single independent habitable unit for ~~permanent~~ occupation by one or more individuals that has facilities with permanent provisions for living, sleeping, eating, cooking and sanitation, including common areas and appurtenant structures. "Residential dwelling" does not include:

~~A. An area not used for living, sleeping, eating, cooking or sanitation, such as an unfinished basement, that is not readily accessible to children under 6 years of age;~~

B. A zero-bedroom dwelling unit where the living area is not separated from the sleeping area, such as a dwelling unit within a hotel, motel or seasonal or temporary lodging facility ~~unless the unit is occupied by one or more children under 6 years of age for a period exceeding 30 days. This exemption does not apply if a child under 6 years of age resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis;~~

~~C. An area that is secured and inaccessible to occupants;~~

D. Housing for the elderly, or a dwelling unit designated exclusively for adults with disabilities. This exemption does not apply if a child under 6 years of age resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis; or

E. An unoccupied dwelling unit that is to be demolished because it is considered unsafe and is thus no longer habitable for occupation, as long as the dwelling unit remains unoccupied and posted as a lead hazard until demolition.

Sec. 2. 38 MRSA §1292, sub-§5, as amended by PL 1997, c. 624, §14 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

5. Exemption. A person who is 18 years of age or older need not obtain licensing and certification to perform lead abatement activities within a residential dwelling unit that the person owns and personally occupies, as long as a child residing in the dwelling unit has not been identified as lead-poisoned. ~~A person 18 years of age or older who owns and personally occupies a dwelling unit in which a resident child has been identified as lead-poisoned need not obtain licensing and certification to perform abatement activities within that dwelling unit, as long as the person completes any training required by the Department of Health and Human Services.~~