



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2022

Legislative Document

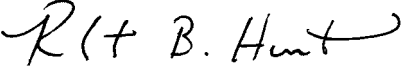
No. 11

H.P. 15

House of Representatives, December 30, 2022

An Act to Strengthen Temporary Protections for Children Living in Dwellings with Identified Lead Hazards

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.

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

2 **Sec. 1. 22 MRSA §1321, sub-§3-A** is enacted to read:

3 **3-A. Notice to owner; interim controls.** The department may order the owner to
4 implement lead exposure reduction actions or interim controls as determined by the
5 department with reasonable notice until the owner is able to remove, replace or securely
6 and permanently cover lead-based substances. In order to determine the effectiveness of
7 the actions taken or interim controls, the department may inspect the dwelling, premises,
8 residential child-occupied facility, child care facility, premises of the family child care
9 provider or nursery school;

10 **Sec. 2. 22 MRSA §1322, 2nd ¶,** as amended by PL 2003, c. 421, §9, is further
11 amended to read:

12 Until the owner brings any residential dwelling or premises into compliance with this
13 Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a
14 substitute dwelling unit upon reasonable notice. The department may, on a case-by-case
15 basis, waive this requirement if the department determines that the implementation of
16 actions to reduce lead exposure or interim controls sufficiently protects the residents of the
17 unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the
18 department may order the owner to implement lead exposure reduction actions or interim
19 controls as determined by the department with reasonable notice. The owner shall pay
20 reasonable moving expenses and any use and occupancy charges for a substitute dwelling
21 unit that exceed the rent for the vacated dwelling unit for which the tenant remains
22 responsible. "Substitute dwelling unit" means a dwelling unit of like or similar
23 accommodation and in like or similar location that is lead-safe. If the tenant fails to accept
24 the substitute dwelling unit selected by the owner while the owner is required to bring the
25 vacated dwelling unit into compliance with this Act or the tenant fails to remain current in
26 rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the
27 statutory period of right to cure, the owner is not obligated beyond 10 days after completion
28 of remediation to reimburse the tenant for any expense or inconvenience other than moving
29 expenses and any use and occupancy charges for the substitute dwelling unit selected by
30 the owner that exceed the rent for the vacated dwelling unit.

31 **SUMMARY**

32 This bill establishes the authority of the Department of Health and Human Services to
33 order and enforce actions to temporarily protect children and families living in any
34 residential dwelling unit from identified lead hazards until they are relocated to lead-safe
35 housing or lead hazards are abated.