

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 40 - L.D. 153

## An Act To Strengthen Testing for Lead in School Drinking Water

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

Sec. 1. 22 MRSA §2604-B is enacted to read:

**§2604-B. Schools, sampling and examination of water for lead**

**1. Definition.** As used in this section, unless the context otherwise indicates, "school" means a private school as defined in Title 20-A, section 1, subsection 22 or a public school as defined in Title 20-A, section 1, subsection 24.

**2. Lead testing.** To the extent the department provides the necessary resources to a school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue, a school shall test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water used for drinking or culinary purposes to an approved laboratory under section 2607 for lead testing. If the water is found to violate the water lead levels established by the department, the department shall issue specific guidance to the school on reducing exposure to lead according to procedures established by the department pursuant to subsection 3.

**3. Rules.** The department shall adopt rules necessary to implement this section, including, but not limited to, establishing water lead levels; testing protocols, including the frequency of testing; abatement or mitigation methods; procedures for the issuance of guidance to reduce exposure to lead; and public notification procedures. In adopting rules to implement this section, the department shall consider the United States Environmental Protection Agency's recommendations for reducing lead in drinking water in schools.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Implementation.** In implementing this section, the department:

A. May not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue; and

B. Within existing resources, to the maximum extent possible, shall provide resources to schools in order to achieve the purposes of this section. If the department determines that sufficient resources are unavailable to a school in order to achieve the purposes of this section, the department shall seek to identify alternative means to achieve the purposes of this section.

**5. Reports.** By January 1, 2021 and annually thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of schools tested for lead, whether the department issued specific guidance to any schools to reduce exposure to lead, the number of schools that engaged in abatement or mitigation and the methods of abatement or mitigation used.

**Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶A,** as amended by PL 2017, c. 389, §1, is further amended to read:

A. To make loans to school administrative units for school repair and renovation.

(1) The following repair and renovation needs receive Priority 1 status:

(a) Repair or replacement of a roof on a school building;

(b) Bringing a school building into compliance with the federal Americans with Disabilities Act, 42 United States Code, Section 12101 et seq.;

(c) Improving air quality in a school building;

(d) Removing or abating hazardous materials in a school building, including, but not limited to, water lead abatement or mitigation pursuant to Title 22, section 2604-B; and

(f) Undertaking other health, safety and compliance repairs, including installations or improvements necessary to increase school facility security.

(2) Repairs and improvements related to a school building structure, windows and doors and water or septic systems, other than water lead abatement or mitigation pursuant to Title 22, section 2604-B, receive Priority 2 status.

(3) Repairs and improvements related to energy and water conservation receive Priority 3 status.

(4) Upgrades of learning spaces in school buildings receive Priority 4 status.

(5) The Commissioner of Education may approve other necessary repairs;

**Sec. 3. Rules.** The Department of Health and Human Services shall provisionally adopt rules to implement the lead testing requirements under the Maine Revised Statutes, Title 22, section 2604-B and submit those rules to the Legislature for review no later than 5:00 p.m. on January 10, 2020. In adopting rules to implement Title 22, section 2604-B, the department shall consider the United States Environmental Protection Agency's

recommendations contained in the most recent version of the document titled "3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities."