



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2022

Legislative Document

No. 27

S.P. 19

In Senate, December 30, 2022

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.

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

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

4 **26-A. Residential dwelling.** "Residential dwelling" means a room or group of rooms
5 that form a single independent habitable unit for ~~permanent~~ occupation by one or more
6 individuals that has facilities with permanent provisions for living, sleeping, eating,
7 cooking and sanitation, including common areas and appurtenant structures. "Residential
8 dwelling" does not include:

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

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

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

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

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

24 **Sec. 2. 38 MRSA §1292, sub-§5**, as amended by PL 1997, c. 624, §14 and PL
25 2003, c. 689, Pt. B, §6, is further amended to read:

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

34 **SUMMARY**

35 This bill changes the definition of "residential dwelling" in the laws governing lead
36 abatement. It also removes the exemption that provides that a person 18 years of age or
37 older who owns and personally occupies a dwelling unit in which a resident child has been
38 identified as lead-poisoned need not obtain licensing and certification to perform abatement
39 activities within that dwelling unit, as long as the person completes any training required
40 by the Department of Health and Human Services.