

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 by inserting after section 1 the following:

Sec. 2. 22 MRSA §1325, as amended by PL 1999, c. 276, §17, is further amended to read:

§ 1325.Violation

~~In addition to any other penalty imposed under this chapter, any person who violates any section of this chapter may be punished for each violation by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.~~A person who violates any section of this chapter or rules adopted pursuant to this chapter commits a Class E crime. In addition, other than for a violation covered under section 1316-A, the department may, in accordance with Title 5, chapter 375, subchapter 4, impose an administrative penalty not to exceed \$500 for a violation of this chapter or rules adopted pursuant to this chapter. Each day a violation continues constitutes a separate offense. Violations existing within individual dwelling units are considered separate violations. An action commenced by the department to enforce any administrative penalty imposed under this section may be brought in the name of the State in the Superior Court in the county where the violation occurred or in Kennebec County and must be prosecuted by the Attorney General. The court shall award to the State all costs in bringing the enforcement action as well as reasonable interest on penalties not paid. This section does not limit the authority of the Department of Environmental Protection to seek penalties for violations under the authority of Title 38, section 349. All penalties and awards collected under this section must be deposited in the Lead Poisoning Prevention Fund established under section 1322-E.

Sec. 3. 22 MRSA §1326, as amended by PL 2005, c. 530, §5, is further amended to read:

§ 1326.Injunction requiring removal

If the lead-based substance remains an environmental lead hazard at the expiration of 30 days or at the expiration of an extension given by the commissioner pursuant to section 1321, that is a violation of this chapter and the State, in addition to any other remedies it has, may seek a mandatory injunction ordering the environmental lead hazard removed by a suitable 3rd party at the expense of the owner of the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding for state laboratory services and contracts for lead inspections.

GENERAL FUND	2015-16	2016-17
All Other	\$575,510	\$703,517

GENERAL FUND TOTAL	\$575,510	\$703,517
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Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding to hire 8 Environmental Specialist III positions, 4 permanent and 4 limited period, to review inspections, issue orders to abate, track to make sure abatements occur and work with families on interim controls to reduce hazards until abatement is complete.

GENERAL FUND	2015-16	2016-17
Personal Services	\$447,780	\$612,686
All Other	\$63,157	\$84,210
GENERAL FUND TOTAL	\$510,937	\$696,896

Medical Care - Payments to Providers 0147

Initiative: Provides funding for MaineCare-reimbursed lead inspections.

GENERAL FUND	2015-16	2016-17
All Other	\$5,866	\$7,171
GENERAL FUND TOTAL	\$5,866	\$7,171

FEDERAL BLOCK GRANT FUND	2015-16	2016-17
All Other	\$181,548	\$221,928
FEDERAL BLOCK GRANT FUND TOTAL	\$181,548	\$221,928

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$1,092,313	\$1,407,584
FEDERAL BLOCK GRANT FUND	\$181,548	\$221,928
DEPARTMENT TOTAL - ALL FUNDS	\$1,273,861	\$1,629,512

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SUMMARY

This amendment, which is the majority report of the committee, grants the Department of Health and Human Services authority to impose penalties for violations of the Lead Poisoning Control Act and the rules adopted pursuant to that Act. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)