

§1322-F. Lead poisoning prevention fee**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See T. 22, §1322-F, sub-§4)**

1. Fee imposed. Beginning July 1, 2006, a fee is imposed on manufacturers or wholesalers of paint sold in the State to support the Lead Poisoning Prevention Fund under section 1322-E. The fee must be imposed at the manufacturer or wholesaler level, and until June 30, 2026, the fee must be in the amount of 25¢ per gallon of paint estimated to have been sold in the State during the prior year, as determined by rule adopted by the department. Beginning July 1, 2026, the fee imposed under this subsection must be 75¢ per gallon of paint estimated to have been sold in the State during the prior year, as determined by rule adopted by the department.

[PL 2025, c. 388, Pt. RR, §4 (AMD).]

2. Rules. The department shall adopt rules to implement this section, including rules to determine which manufacturers or wholesalers of paint sold in the State are responsible for the fees imposed under subsection 1 and rules establishing the estimated number of gallons of paint sold in the State in the prior year for each manufacturer and rules determining the manner of payment. The rules must provide for waivers of payment for manufacturers and wholesalers of paint that is sold in low quantities in the State. The costs for development of these rules and for administration of the Lead Poisoning Prevention Fund must be reimbursed from the fees collected. The rules must specify that the first payment of the fees imposed beginning July 1, 2026 is due by October 1, 2026. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 388, Pt. RR, §5 (AMD).]

3. Enforcement. The Attorney General shall enforce payment of fees under this section through an action in Superior Court in Kennebec County and may collect costs and attorney's fees.

[PL 2005, c. 403, §1 (NEW).]

4. Contingent repeal. This section is repealed when the Commissioner of Health and Human Services certifies that a period of 24 months has elapsed since the Department of Health and Human Services identified a child with an elevated blood lead level through screening by health care providers under section 1317-C. The Commissioner of Health and Human Services shall provide notice to the Secretary of the Senate, the Clerk of the House of Representatives and the Office of the Revisor of Statutes when this condition has been met. For purposes of this subsection, "elevated blood lead level" means a confirmed level of blood lead that is equal to or exceeds 5 micrograms per deciliter.

[PL 2019, c. 479, §3 (AMD).]

SECTION HISTORY

PL 2005, c. 403, §1 (NEW). PL 2007, c. 628, Pt. A, §6 (AMD). PL 2019, c. 479, §3 (AMD). PL 2025, c. 388, Pt. RR, §§4, 5 (AMD).

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