

§1315. Definitions

As used in this Act, unless the context requires otherwise, the following words shall have the following meanings. [PL 1973, c. 367 (NEW).]

1. Department.

[PL 1991, c. 810, §2 (RP).]

1-A. Child; children. "Child" or "children" means a person or persons up to 6 years of age. [PL 1991, c. 810, §3 (NEW).]

1-B. Children's home.

[PL 1995, c. 453, §1 (RP).]

1-C. Child-occupied facility. "Child-occupied facility" means a building or portion of a building visited regularly for the purpose of child care by the same child, 6 years of age or under, on at least 2 days within any week if each day's visit lasts at least 3 hours, the combined weekly visit lasts at least 6 hours and the combined annual visit lasts at least 60 hours.

[PL 1999, c. 276, §1 (NEW).]

2. Dwelling. "Dwelling" means a structure, all or part of which is designed or used for human habitation, including a dwelling unit.

[PL 1991, c. 810, §4 (AMD).]

3. Dwelling unit. "Dwelling unit" means any room, group of rooms or other areas of a structure designed or used for human habitation.

[PL 1973, c. 367 (NEW).]

3-A. Environmental lead hazard. "Environmental lead hazard" means any condition that may cause exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated water or lead-based paint that is in poor condition.

[PL 1999, c. 276, §2 (AMD).]

3-B. Environmental lead inspection. "Environmental lead inspection" means a lead inspection as defined in rules of the Department of Environmental Protection in chapter 424, "Lead Management Regulations."

[PL 1999, c. 276, §3 (AMD).]

3-C. Environmental lead investigation. "Environmental lead investigation" means a detailed and extensive investigation to determine the potential cause of a confirmed case of lead poisoning in a child.

[PL 1999, c. 276, §3 (AMD).]

3-D. Interim controls. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards and the establishment and operation of management and resident education programs.

[PL 1997, c. 375, §1 (AMD).]

4. Exposed surface.

[PL 1991, c. 810, §6 (RP).]

4-A. Health care provider.

[PL 2011, c. 183, §1 (RP).]

4-B. Lead abatement. "Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. "Lead abatement" includes, but is not limited to:

A. The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures and the removal or covering of lead-contaminated soil; and [PL 1997, c. 375, §2 (NEW).]

B. All preparation, cleanup and post-abatement clearance testing activities associated with such measures. [PL 1997, c. 375, §2 (NEW).]

"Lead abatement" does not include renovation and remodeling as defined in Title 38, section 1291, subsection 26.

For the purpose of this subsection, "permanently" means for at least 20 years.
[PL 1997, c. 375, §2 (AMD).]

4-C. Lead abatement contractor.

[PL 1997, c. 375, §3 (RP).]

4-D. Lead abatement design consultant.

[PL 1997, c. 375, §3 (RP).]

4-E. Lead abatement project supervisor.

[PL 1997, c. 375, §3 (RP).]

4-F. Lead abatement worker.

[PL 1997, c. 375, §3 (RP).]

4-G. Lead-based paint activities. "Lead-based paint activities" means inspection, risk assessment, lead abatement design, lead abatement and services related to lead-based paint such as interim controls, lead screening, lead determination and deleading.

[PL 1997, c. 375, §4 (NEW).]

5. Lead-based substance. "Lead-based substance" means any substance that contains lead at a level that constitutes or potentially constitutes an environmental lead hazard.

[PL 1991, c. 810, §8 (RPR).]

5-A. Lead-free. "Lead-free" means that a residential child-care facility or preschool facility, dwelling or premises contains no lead that is injurious or that could be injurious in the future.

[PL 1995, c. 453, §4 (AMD).]

5-B. Lead inspector. "Lead inspector" means a person licensed by the Department of Environmental Protection pursuant to Title 38, chapter 12-B to perform environmental lead inspections.

[PL 1997, c. 375, §5 (AMD).]

5-C. Lead poisoning. "Lead poisoning" means a confirmed elevated level of blood lead that is equal to or exceeds 5 micrograms per deciliter.

[PL 2019, c. 201, §1 (AMD).]

5-D. Lead-safe. "Lead-safe" means that a residential child-care facility or preschool facility, dwelling or premises does not contain lead at a level or in a condition that constitutes an environmental lead hazard.

[PL 1995, c. 453, §5 (AMD).]

5-E. Occupant. "Occupant" means a person who resides in or uses regularly a dwelling, residential child-care facility or preschool facility.

[PL 1995, c. 453, §5 (AMD).]

5-F. Owner. "Owner" means any person who individually, jointly or in common with others:

A. [PL 1995, c. 453, §5 (RP).]

B. [PL 1995, c. 453, §5 (RP).]

C. Is the chief executive officer of the municipality, school administrative unit or state agency that controls the use of publicly owned property; [PL 1995, c. 453, §5 (AMD).]

D. Is a mortgagee who has taken actual possession in accordance with applicable law. A mortgagee who has not taken actual possession is not the owner; or [PL 1995, c. 453, §5 (AMD).]

E. Is characterized by the following:

(1) Has legal title to any dwelling or premises;

(2) Has charge, care or control of any premises as owner or agent of the owner and has authority to expend money for compliance with the state sanitary code or as an executor, an administrator, a trustee or a guardian of the estate or the holder of legal title;

(3) Is a real estate property manager or other entity that has the authority to fund capital or major property rehabilitation on the owner's behalf;

(4) Is an estate or trust of which the premises is a part or the grantor or beneficiary of an estate or trust; or

(5) Is the association of unit owners of a condominium or cooperative, which is considered as owner solely with respect to common areas and exterior surfaces and fixtures of that condominium or cooperative. [PL 1995, c. 453, §5 (NEW).]

[PL 1995, c. 453, §5 (AMD).]

6. Person. "Person" means any individual, firm, corporation, association or partnership and the State and any political subdivision of the State.

[PL 1991, c. 810, §10 (AMD).]

6-A. Premises. "Premises" means a plotted lot or part of a plotted lot, an unplotted lot or a parcel of land, including developed and undeveloped land and any structure that exists on the land, if the lot, parcel or structure is used by children.

[PL 1991, c. 810, §11 (NEW).]

6-B. Preschool facility.

[PL 1999, c. 276, §4 (RP).]

6-C. Small preschool facility.

[PL 1999, c. 276, §5 (RP).]

6-D. Single-family residence. "Single-family residence" means a dwelling consisting of only one dwelling unit.

[PL 1999, c. 276, §6 (NEW).]

7. Sale or sell.

[PL 1991, c. 810, §12 (RP).]

7-A. State investigator. "State investigator" means a lead inspector who is employed or authorized by the department to conduct environmental lead investigations.

[PL 1991, c. 810, §13 (NEW).]

8. Toys.

[PL 1991, c. 810, §14 (RP).]

9. Lead poisoning.

[PL 1991, c. 810, §15 (RP).]

10. Commissioner.

[PL 1991, c. 810, §16 (RP).]

11. Child care facility.

[PL 1991, c. 810, §17 (RP).]

SECTION HISTORY

PL 1973, c. 367 (NEW). PL 1975, c. 239, §1 (AMD). PL 1975, c. 293, §4 (AMD). PL 1991, c. 810, §§2-17 (AMD). PL 1995, c. 453, §§1-6 (AMD). PL 1997, c. 375, §§1-5 (AMD). PL 1997, c. 494, §3 (AMD). PL 1997, c. 494, §15 (AFF). PL 1999, c. 276, §§1-6 (AMD). PL 2011, c. 183, §1 (AMD). PL 2015, c. 267, Pt. LLLL, §1 (AMD). PL 2019, c. 201, §1 (AMD).

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