

§1321. Notice and removal

If the department determines that an environmental lead hazard exists in or on any dwelling, premises, residential child-occupied facility, child care facility, premises of a family child care provider or nursery school: [PL 2005, c. 530, §4 (AMD).]

1. Notice posted. The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered; [PL 2019, c. 100, §1 (AMD).]

2. Notice to persons. The department shall give notice of the existence of the environmental lead hazard to all occupants; [PL 1991, c. 810, §28 (AMD).]

3. Notice to owner; removal. The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and permanently covered within 30 days of receipt of the notice. If the lead-based substances can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time. All lead-based paint activities must be performed in accordance with rules adopted by the Department of Environmental Protection pursuant to Title 38, chapter 12-B. In the case of an owner-occupied, single-family residence, the department may provide technical assistance and guidance in lieu of enforcement activity at the department's discretion; [PL 2019, c. 100, §2 (AMD).]

3-A. Notice to owner; interim controls. The department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice until the owner is able to remove, replace or securely and permanently cover lead-based substances. In order to determine the effectiveness of the actions taken or interim controls, the department may inspect the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school; [PL 2023, c. 82, §1 (NEW).]

4. Sale of dwelling, residential facility, child-occupied facility or nursery school. If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, child care facility, premises of the family child care provider, residential child-occupied facility or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period; and [PL 2019, c. 100, §3 (AMD).]

5. Abatement procedures. [PL 1997, c. 375, §6 (RP).]

6. Lead-based paint activities prohibition. [PL 1999, c. 276, §14 (RP).]

7. Notice filed in registry of deeds. The department shall file in the registry of deeds in the county in which the property is located a notice of an order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered. When the department determines that the property owner has complied with the order, the department shall file a notice in

the registry of deeds in the county in which the property is located stating that the property owner has complied with the order. A notice filed pursuant to this subsection must contain:

- A. The name of the property owner; [PL 2019, c. 100, §4 (NEW).]
- B. The book and page in the registry of the property owner's deed; and [PL 2019, c. 100, §4 (NEW).]
- C. A notarized signature of the person from the department filing the notice. [PL 2019, c. 100, §4 (NEW).]

A notice stating that the property owner has complied with the order must also contain the book and page of the original order. The department shall adopt rules to implement this subsection, including, but not limited to, rules establishing the form of the notice to be filed in the registry of deeds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 100, §4 (NEW).]

SECTION HISTORY

PL 1973, c. 367 (NEW). PL 1975, c. 239, §8 (RPR). PL 1981, c. 470, §A65 (AMD). PL 1991, c. 810, §28 (AMD). PL 1995, c. 453, §§10-12 (AMD). PL 1997, c. 375, §§6,7 (AMD). PL 1999, c. 276, §§13,14 (AMD). PL 1999, c. 790, §A23 (AMD). PL 2003, c. 421, §§6-8 (AMD). PL 2005, c. 530, §4 (AMD). PL 2019, c. 100, §§1-4 (AMD). PL 2023, c. 82, §1 (AMD).

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