

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 965

H.P. 714 House of Representatives, March 26, 1987
Reference to the Committee on Business Legislation
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative DORE of Auburn.

Cosponsored by Representatives JOSEPH of Waterville and
NADEAU of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to Radon Gas.

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

32 MRSA c. 59, sub-c. V is enacted to read:

SUBCHAPTER V

RADON GAS LIABILITY

§4141. Contract with notice

No contract for the sale of any residential real
estate, including real estate composed of apartment
or separate dwelling units, may be enforceable unless
the purchaser is furnished, within 10 days of the
date the contract is signed by the purchaser, with a

1 notice that the purchaser has a right to have con-
2 ducted, at the purchaser's expense, a test to deter-
3 mine the concentration, if any, of radon gas in the
4 air or domestic water of the suspect real estate.

5 §4142. Responsibility of giving notice

6 It shall be the responsibility of the listing
7 real estate broker to assure that the notice is fur-
8 nished. The purchaser shall have the right to have
9 the tests conducted within a reasonable time speci-
10 fied in the notice, not to be less than 20 days. The
11 purchaser may waive that right by a document signed
12 by the purchaser. In the event that a purchaser
13 waives the right or in the event that a purchaser
14 proceeds to a closing upon the real estate, notwith-
15 standing the disclosure in the tests of the presence
16 of radon gas either in the domestic water or air,
17 that person and his family, coresidents, invitees,
18 lessees and tenants shall have no right of action
19 against the sellers or the real estate brokers aris-
20 ing out of the presence of radon gas in the domestic
21 water or air of the real estate so sold.

22 §4143. Concentration of radon.

23 In the event that the tests disclose the presence
24 of radon in concentrations in excess of 4.0
25 picocuries per liter of air of the finished space of
26 the residence or any trace of radon in the domestic
27 water of the residence, the purchaser shall have the
28 right to terminate the contract without liability un-
29 der the contract and to have all consideration paid
30 by him refunded.

1 STATEMENT OF FACT

2 The discovery of the proliferation of radioactive
3 radon gas throughout many homes in the northeast and
4 particularly in Maine has resulted in litigation, as
5 well as a confusion as to the roles and obligations
6 of the parties to a real estate transaction. This
7 bill attempts to clarify the obligations and rights
8 of those parties.

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