

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 328

S.P. 124

In Senate, February 12, 2013

An Act Relating to Radon Testing and Disclosure to Tenants

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative CRAY of Palmyra and
Senators: CUSHING of Penobscot, MASON of Androscoggin, SHERMAN of Aroostook,
THOMAS of Somerset, YOUNGBLOOD of Penobscot, Representatives: DUNPHY of
Embden, LIBBY of Waterboro, LONG of Sherman.

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

2 **Sec. 1. 14 MRSA §6030-D**, as amended by PL 2011, c. 96, §3 and c. 157, §1, is
3 repealed.

4 **Sec. 2. 14 MRSA §6030-F** is enacted to read:

5 **§6030-F. Disclosure of radon hazard to current and prospective tenants**

6 **1. Definitions.** For the purposes of this section, the following terms have the
7 following meanings unless the context otherwise indicates.

8 A. "Dwelling unit" means a room or suite of rooms used for human habitation
9 located in a residential building below the 3rd story above ground level and for which
10 a landlord or other person acting on behalf of a landlord enters into a lease or tenancy
11 at will agreement.

12 B. "Radon hazard" means a level of radon of 4.0 picocuries per liter of air or above.

13 C. "Residential building" does not include a building used exclusively for rental
14 under short-term leases of 100 days or less when no lease renewal or extension can
15 occur.

16 **2. Disclosure.** A landlord or other person acting on behalf of a landlord who enters
17 into a lease or tenancy at will agreement for a dwelling unit in a residential building shall
18 disclose the existence of a radon hazard in accordance with this section.

19 A. If a tenant provides written notice to a landlord or other person acting on behalf of
20 a landlord of the results of a radon test that indicate the presence of a radon hazard in
21 a dwelling unit, the landlord or other person acting on behalf of the landlord shall
22 provide written notice of the existence of a radon hazard to any tenant or prospective
23 tenant of a dwelling unit in that residential building, except that, after receiving notice
24 of a radon test indicating a radon hazard, a landlord or other person acting on behalf
25 of a landlord may conduct a radon test in the dwelling unit, and, if the radon test
26 conducted by the landlord or other person acting on behalf of the landlord
27 demonstrates that a radon hazard does not exist in the dwelling unit, the landlord or
28 other person acting on behalf of the landlord is not required to provide written notice
29 to a tenant or prospective tenant.

30 B. If a landlord or other person acting on behalf of a landlord conducts a test for the
31 presence of radon in a residential building or dwelling unit and the test indicates that
32 a radon hazard exists in that residential building or dwelling unit, the landlord or
33 other person acting on behalf of the landlord shall provide written notice of the
34 existence of a radon hazard to any tenant or prospective tenant.

35 **3. Mitigation.** If mitigation has been performed to reduce the level of radon in a
36 dwelling unit and a subsequent radon test indicates that a radon hazard does not exist in
37 the dwelling unit, the landlord or other person acting on behalf of the landlord is not
38 required to provide the disclosure required by this section for that dwelling unit.

