

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2246

S.P. 858

In Senate, February 11, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator TUTTLE of York.

Cosponsored by President PRAY of Penobscot, Senator WEBSTER of Franklin, Representative CARROLL of Gray.

STATE OF MAINE

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

AN ACT to Require State-Leased Buildings
to Meet Certain Air Quality Standards.

1
2
3

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

6 22 MRSA c. 260 is enacted to read:

7

CHAPTER 260

1 INDOOR AIR QUALITY

2 §1501. Definitions

3 As used in this chapter, unless the context
4 otherwise indicates, the following terms have the
5 following meanings.

6 1. ASHRAE. "ASHRAE" means the American Society
7 of Heating, Refrigeration and Air-Conditioning
8 Engineers, Inc.

9 2. State-leased building. "State-leased
10 building" means a building leased from a landlord by
11 the State or its instrumentality which is occupied
12 during working hours by employees of the State or its
13 instrumentality.

14 3. State-owned building. "State-owned building"
15 means a building owned by the State or its
16 instrumentality which is occupied during working hours
17 by employees of the State or its instrumentality.

18 §1502. Standards; rulemaking

19 1. Air ventilation. The minimum standards for
20 indoor air ventilation in buildings subject to this
21 chapter shall be the American National Standards for
22 Ventilation for acceptable indoor air quality adopted
23 by ASHRAE.

24 2. Air quality. The minimum standards for indoor
25 air quality in buildings subject to this chapter shall
26 be the more comprehensive or stringent of one of the
27 following:

28 A. The American National Standards for air
29 quality adopted by ASHRAE; or

30 B. Such air quality standards as may be adopted
31 by the Board of Occupational Safety and Health,
32 pursuant to Title 26, section 565, upon
33 recommendations made by the Division of Health
34 Engineering.

1 §1503. Compliance

2 Compliance with minimum standards for indoor air
3 ventilation and indoor air quality shall be according
4 to this section.

5 1. State-owned buildings. Within 90 days of the
6 effective date of this chapter, all state-owned
7 buildings shall meet the standards in section 1502.
8 If new standards are adopted subsequent to the
9 effective date of this chapter, state-owned buildings
10 shall comply with those new standards 90 days after
11 their adoption.

12 2. State-leased buildings. All leases for
13 state-leased buildings, including new leases or
14 renewal of existing leases, shall contain a clause
15 which requires the landlord to comply with section
16 1502. Existing leases shall be deemed to contain such
17 a clause 90 days after the effective date of this
18 chapter. The clause shall treat noncompliance with
19 the standards in section 1502 as constructive eviction
20 relieving the State or its instrumentality from its
21 responsibilities under the lease and shall contain
22 notice provisions consistent with subsection 3. The
23 clause may apportion the cost of compliance with newly
24 adopted standards as the parties may negotiate.

25 3. Noncompliance; state-leased buildings. Upon
26 receiving evidence of a landlord's noncompliance with
27 the standards in section 1502, the State or its
28 instrumentality shall immediately give 30 days' notice
29 of termination of lease to the landlord of that
30 state-leased building and shall exercise its right to
31 constructive eviction upon the expiration of the
32 30-day period if the conditions of noncompliance have
33 not been corrected by the landlord.

34 §1504. Third-party beneficiary

35 Any employee or organization duly authorized to
36 represent any employee in a state-owned or
37 state-leased building shall be considered a 3rd-party
38 beneficiary of the lease provisions specified in
39 section 1503, subsections 2 and 3, and shall have the

1 right to take legal action to enforce those provisions.

2 §1505. Enforcement

3 The Division of Health Engineering shall receive
4 complaints on indoor air quality and ventilation, and
5 shall respond by testing the subject buildings, using
6 methods and instruments consistent with current
7 technology. The division shall establish a regular
8 monitoring program to check periodically indoor air
9 quality and ventilation in state-owned and
10 state-leased buildings. Anyone violating this chapter
11 or rules under this chapter commits a civil violation
12 for which a forfeiture of not more than \$200 may be
13 adjudged. Each day of violation shall be considered a
14 separate offense. Such forfeitures shall be deposited
15 in the Bureau of State Employee Health Internal
16 Service Fund Account.

17 §1506. Civil remedies

18 Nothing in this chapter may be construed as
19 precluding any person from pursuing, in any court of
20 competent jurisdiction, any civil remedy at law or in
21 equity for harm occasioned to that person from air
22 quality in a building covered by this chapter.

23 STATEMENT OF FACT

24 This bill requires that all state leases with
25 private landlords contain a clause mandating
26 compliance with air quality and ventilation standards
27 recommended by the American Society of Heating,
28 Refrigeration and Air Conditioning Engineers, Inc.
29 (ANSI-ASHRAE 62, 1981R, July 15, 1986) or established
30 under state rulemaking. Failure to meet these
31 standards shall constitute constructive eviction
32 releasing the State from all obligations under the
33 lease. Existing leases shall be deemed to contain
34 such a clause 90 days after the effective date of this
35 bill. State-owned buildings must also comply. The
36 standards shall be enforced by the Division of Health
37 Engineering.