

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2116

H.P. 1531

House of Representatives, January 5, 1990

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Business Legislation suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DORE of Auburn.

Cosponsored by Representative GWADOSKY of Fairfield and Senator TITCOMB  
of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Require Home Radon Testing Prior to Sale.**

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

10 M.R.S.A. c. 214-A is enacted to read:

CHAPTER 214-A

RESIDENTIAL RADON DISCLOSURE

§1431. Definitions

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

1. Residential building. "Residential building" means a structure with no more than 2 dwelling units.

2. Lowest livable level. "Lowest livable level" means the lowest level of a residential building that can be readily converted to living quarters. For example, the lowest livable floor in a residence with a basement dirt floor and granite walls would be the first floor and not the basement floor.

§1432. Radon disclosure

Any owner of a residential building shall disclose to any buyer of that building the tested radon level in picocuries per liter on the building's lowest livable level. This radon measurement must be taken within 6 months of the sale and the radon level must be determined by a radon testing laboratory that has passed the United States Environmental Protection Agency's radon proficiency test. The owner shall disclose the test result and the testing date to the buyer prior to execution of a purchase and sale agreement, an option to buy, or any other legal agreement in which the seller and buyer agree to the sale of the residential building.

§1433. Penalty

Violation of this chapter is prima facie evidence of an unfair trade practice in violation of Title 5, section 207.

STATEMENT OF FACT

This bill requires homeowners to test their homes for radon prior to selling them and disclose the results to the buyers. The Department of Human Services maintains a listing of laboratories in the State that have passed the United States Environmental Protection Agency's radon proficiency test.