

MAINE STATE LEGISLATURE

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L.D. 819

Date: 6/8/21

(Filing No. S-228)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 203, L.D. 819, "An Act To Reduce Lung Cancer Rates in Maine by Requiring Testing for and Mitigation of Radon in Residential Buildings by Landlords"

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce Lung Cancer Rates in Maine by Creating a Voluntary Radon Testing and Mitigation Program for Landlords, Homeowners and Home Builders'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §785 is enacted to read:

§785. Maine Gold Standard for Radon Testing and Mitigation Initiative

The Maine Gold Standard for Radon Testing and Mitigation Initiative is established, beginning July 1, 2022, within the department to reward, recognize, promote and assist with a gold standard designation, landlords, homeowners and home builders who participate in radon testing and mitigation activities under this section. A person who meets the criteria established in this section and by the department in rules may achieve a gold standard designation.

1. Criteria for landlords. In order to obtain the gold standard designation, a landlord must meet the following criteria relating to testing and mitigation.

A. Every 2 years, the landlord shall conduct radon testing in compliance with this chapter and any standards established by the United States Environmental Protection Agency. The results of the test must be submitted to the department, and the department shall post the results to its publicly available website. The department shall pay for all costs for radon testing that occurs in accordance with this subsection.

B. If the results of the radon test completed in accordance with paragraph A reveal a level of radon of 4.0 picocuries per liter of air or above, the landlord shall, within 6 months, mitigate the level of radon in the residential building until it is reduced to a level below 4.0 picocuries per liter of air. Mitigation services must be provided by a

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COMMITTEE AMENDMENT " A " to S.P. 203, L.D. 819 (S-228)

1 person registered with the department pursuant to this chapter. After mitigation has
2 been performed pursuant to this paragraph to reduce the level of radon, the landlord
3 shall provide written notice to tenants that the radon levels have been mitigated. The
4 department shall pay for the first \$600 in mitigation expenses on behalf of a landlord
5 as a result of a test conducted in accordance with paragraph A if it exceeds a level of
6 radon of 4.0 picocuries per liter of air or above.

7 **2. Criteria for homeowners.** In order for a homeowner to obtain the gold standard
8 designation, the homeowner shall, before the conveyance of any residential real property
9 in accordance with Title 33, chapter 7, test for the presence of radon in the air and water in
10 residential real property and arsenic and uranium in water from a private well. For purposes
11 of this subsection, "residential real property" has the same meaning as in Title 33, section
12 171, subsection 6. The department shall pay for all costs for testing that occurs in
13 accordance with this subsection and any rules adopted by the department. The department
14 shall pay for the first \$600 in mitigation expenses on behalf of a homeowner in accordance
15 with any rules adopted by the department.

16 **3. Criteria for home builders.** In order to obtain the gold standard designation, a
17 home builder constructing a new home in a municipality that has up to 4,000 residents shall
18 comply with any standards relating to radon preventive features in the Maine Uniform
19 Building and Energy Code and the new home must receive an inspection in accordance
20 with rules adopted by the department. To the extent testing is required by the department
21 in rule to obtain the gold standard, the department shall pay for all costs for testing. To the
22 extent mitigation is required by the department in rule, the department shall pay for the first
23 \$600 in mitigation expenses.

24 **4. Rules.** The department shall adopt rules to implement this section. Rules adopted
25 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
26 subchapter 2-A.

27 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall adopt
28 rules to implement the Maine Gold Standard for Radon Testing and Mitigation Initiative
29 established in the Maine Revised Statutes, Title 22, section 785. The department shall
30 convene a stakeholder group to assist in the development of the rules.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
32 number to read consecutively.

33

SUMMARY

34 This amendment, which is the unanimous report of the committee, replaces the bill. It
35 establishes the Maine Gold Standard for Radon Testing and Mitigation Initiative within the
36 Department of Health and Human Services to reward, recognize, promote and assist, with
37 a gold standard designation, landlords, homeowners and home builders who participate in
38 radon testing and mitigation activities.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 06/05/21 *MAC*

130th MAINE LEGISLATURE

LD 819

LR 1517(02)

An Act To Reduce Lung Cancer Rates in Maine by Requiring Testing for and Mitigation of Radon in Residential Buildings by Landlords

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-228)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

This bill establishes the Maine Gold Standard for Radon Testing and Mitigation Initiative within the Department of Health and human Services to reward, recognize, promote and assist landlords, homeowners and home builders who participate in radon testing and mitigation activities. If the landlord, homeowner or home builder meets certain requirements of the program, they will be able to receive \$600 towards any mitigation required after the testing is complete. As it is unknown how many landlords, homeowners or home builders would do the required testing to meet the requirements of the program and how many of the tests would result in high levels that require mitigation, no cost estimate is made at this time.