

MAINE STATE LEGISLATURE

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Date 6/21/23 Majority

L D 1173
(Filing No H-668)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 745, L D 1173, "An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings"

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

Sec. 1. 5 MRSA §1742-G, as enacted by PL 2021, c 262, §1, is amended to read §1742-G. Bureau of General Services; inventory of asbestos, lead, black mold, radon and other substances that may be harmful to human health in state-owned and state-leased buildings

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings

- A "Bureau" means the Bureau of General Services within the department
- B "Department" means the Department of Administrative and Financial Services
- C "State-owned building" means a building owned by the State in which persons employed by a state agency perform job duties, including, but not limited to, maintenance and repair work

2. Initial inventory. The bureau shall inventory all state-owned buildings to identify the presence of asbestos, lead, black mold, radon and other substances that may be harmful to human health. The department shall require property owners of buildings leased to the State to conduct a similar inventory and provide the results of the inventory to the bureau prior to executing a new lease or renewing or extending an existing lease and, with respect to a lease that on the effective date of this subsection has a remaining term of more than 2 years, within 12 months of the effective date of this subsection. The bureau shall enter the results of the inventories into the database established and maintained by the bureau pursuant to subsection 3

3. Database. The bureau shall establish and maintain an electronic database including, for each state-owned building or state-leased building

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H P 745, L D 1173

- 1 A The results of the inventories completed by the bureau and by the property owners
2 of state-leased buildings pursuant to subsection 2,
- 3 B Detailed plans for the mitigation, remediation, abatement or containment of
4 asbestos, lead, black mold, radon and other substances that may be harmful to human
5 health found in state-owned buildings and state-leased buildings, and
- 6 C Data on the completion of planned mitigation, remediation, abatement or
7 containment under paragraph B
- 8 **4. Access to database.** The database established and maintained pursuant to
9 subsection 3 must be readily accessible electronically to
- 10 A Collective bargaining agents of employees who work in state-owned buildings or
11 state-leased buildings,
- 12 B State employees whose usual work sites are state-owned buildings or state-leased
13 buildings that contain asbestos, lead, black mold, radon or other substances that may
14 be harmful to human health,
- 15 C Individuals who perform maintenance, repair and custodial services in state-owned
16 buildings or state-leased buildings,
- 17 D Firefighters responsible for providing services to state-owned buildings or state-
18 leased buildings,
- 19 E The Department of Labor,
- 20 F The Department of Health and Human Services, Maine Center for Disease Control
21 and Prevention, and
- 22 G Members of the joint standing committee of the Legislature having jurisdiction over
23 state and local government matters
- 24 **5. Building maintenance or repair.** Prior to any maintenance or repair of a state-
25 owned building by a person employed by a state agency, the bureau shall review the
26 building's records in the database established and maintained pursuant to subsection 3 or
27 inventory the state-owned building if the state-owned building has not already been
28 inventoried pursuant to subsection 2 and add the results of the inventory into the database
29 established and maintained pursuant to subsection 3 If asbestos, lead, black mold, radon
30 or other substances that may be harmful to human health are found in the state-owned
31 building to be maintained or repaired by a person employed by a state agency, the bureau
32 shall inform the person performing the maintenance or repair work and provide appropriate
33 protective gear
- 34 **6. Monitoring, mitigation, abatement and remediation.** To promote a safe and
35 healthy environment in state-owned buildings, the bureau's division of safety and
36 environmental services shall
- 37 A Provide statewide monitoring of state-owned buildings to continuously identify the
38 presence of health hazards in state-owned buildings, including, but not limited to,
39 asbestos, lead, black mold, radon and other substances that may be harmful to human
40 health,
- 41 B Conduct routine building inventories and testing as appropriate to discover and
42 assess the presence of health hazards in state-owned buildings, including, but not



1 limited to, asbestos, lead, black mold, radon and other substances that may be harmful
2 to human health,

3 C Identify any mitigation, abatement, remediation, containment and maintenance
4 necessary to address and prevent potential health hazards in state-owned buildings,
5 including, but not limited to, asbestos, lead, black mold, radon and other substances
6 that may be harmful to human health, and

7 D Work with state departments and state agencies to develop safety protocols and
8 train state employees on safety protocols

9 7. **Biennial report.** The department shall submit a report to the joint standing
10 committee of the Legislature having jurisdiction over state and local government matters
11 that describes the conditions of state-owned buildings and state-leased buildings and areas
12 of concern by February 1st of every even-numbered year

13 8. **Rules.** The department may adopt rules to implement this section Rules adopted
14 pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter
15 2-A

16 **Sec. 2. State House radon testing; report.** By January 15, 2024, the Department
17 of Administrative and Financial Services, Bureau of General Services shall test the air
18 quality in the State House for the presence of radon and shall submit a report with the
19 results of the testing to the Legislative Council The report must also include
20 recommendations on mitigation measures to reduce exposure to harmful levels of radon by
21 persons working in or visiting the State House '

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
23 number to read consecutively

24 **SUMMARY**

25 This amendment, which is the majority report of the committee, replaces the bill The
26 amendment adds radon to the list of substances that may be harmful to human health that
27 the Department of Administrative and Financial Services, Bureau of General Services must
28 test for and develop mitigation plans for under the Maine Revised Statutes, Title 5, section
29 1742-G The amendment also requires the bureau to conduct radon tests in the State House
30 and report the findings with mitigation recommendations to the Legislative Council of the
31 Legislature by January 15, 2024

32 **FISCAL NOTE REQUIRED**

33 (See attached)



131st MAINE LEGISLATURE

LD 1173

LR 1594(02)

An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings

Fiscal Note for Bill as Amended by Committee Amendment

A (H-668)

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Administrative and Financial Services, Bureau of General Services associated with testing the State House air quality for the presence of radon and including radon as a substance for which testing and mitigation planning is required for state-owned buildings can be absorbed within existing budgeted resources