

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

LEGISLATURE

Joint Select Commission to Study
the Integration of the Maine State
Retirement System and the United
States Social Security System.

Personal Services	\$ 1,500
All Other	4,500
Total	\$6,000

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 26, 1987.

CHAPTER 54

H.P. 760 — L.D. 1023

Resolve, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the presence of naturally occurring radon poses a grave threat to the health of the State's citizens; and

Whereas, standards for the collection of radon data, testing methodologies, remediation procedures and building construction are not available; and

Whereas, there are many questions of liability which could hinder real estate transactions resulting in economic loss; and

Whereas, a coordinated effort to investigate the problem and to develop a sound program of public education is vital; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Commission established. Resolved: That the Maine Study Commission on Radon is established. The commission shall be comprised of the following 13 members: 2 Senators to be appointed by the President of the Senate; 2 members of the House of Representatives to be appointed by the Speaker of the House; 2 members from the Bureau of Health to be appointed by the Commissioner of Human Services; 2 members from the

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University of Maine System, one of whom shall represent the Department of Engineering and one of whom shall represent the Cooperative Extension Service, to be appointed by the Chancellor of the University of Maine System; and one member representing real estate brokers and salesmen and one member representing labor, one member representing the construction industry, one member representing the Maine Municipal Association and one physician to be appointed by the Governor; and be it further

Procedures. Resolved: That the appointing authorities, after making an appointment, shall provide the Executive Director of the Legislative Council with notice of their appointments within 30 days. The Governor shall designate one of the representatives from the Bureau of Health to be the chairman of the commission. The Governor shall call the first meeting of the commission within 60 days of the effective date of this resolve; and be it further

Duties. Resolved: That the commission shall undertake a comprehensive study with the ultimate task of establishing standards and programs to protect the citizens of this State from the dangers of radon gas and radon progeny contamination. The study shall include, but not be limited to, the following issues:

1. Coordination of efforts of various state and local agencies to deal with radon related problems, including at least the Division of Health Engineering, the Department of Environmental Protection, the Real Estate Commission, the Plumbers' Examining Board, the Maine Municipal Association and municipal officers and others involved with municipal building codes and regulations;
2. Standards used in the collection of radon-related data, including the establishment of a schedule of exposure and risk probabilities, and whether the high-risk areas in the State may be determined through a series of tests;
3. Testing methodology available, including exploration of the technological possibilities to ensure the utmost accuracy in testing for radon and radon progeny contamination presence and exposure;
4. Examination of current or emerging methods used in other states or jurisdictions for dealing with radon-related issues;
5. Certification standards for inspection for radon and radon progeny presence and installation of corrective or remedial devices, including a determination of which persons, agency or agencies shall be allowed or certified to conduct testing and the establishment of a certification mechanism for installers of devices to remedy or correct a radon exposure problem;
6. Establishment of standards for new home construction and corrective and remedial measures, taking into consideration building standards and the fact that the

dangers of radon are often undetectable until after construction is completed;

7. Examination of the various questions of legal liability, especially the possible liabilities of construction contractors and sellers of real estate, including homeowners and real estate brokers and salesmen and the possible liabilities of persons offering real estate for rent;

8. Providing education and information to the public, including availability of tests, schedules of high-risk areas and information on corrective and remedial measures;

9. Establishment of parameters for mandatory state action in unusual or extremely high-risk radon-related situations, including radon gas or radon progeny presence in state institutions; and

10. Assistance provided by the state, including provision of radon and radon progeny testing kits to homeowners at cost, assistance in laboratory processing and interpretation of test result data and other forms of assistance; and be it further

Staff. Resolved: That the Bureau of Health shall provide such staff assistance as the commission requires and that the Attorney General shall provide such legal assistance as the commission requires; and be it further

Compensation. Resolved: That legislative members shall receive the legislative per diem and other members of the commission shall be compensated for actual expenses; and be it further

Report. Resolved: That the commission shall submit its report together with any recommendations requiring legislative action to the Joint Standing Committee on Energy and Natural Resources on or before January 15, 1988; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve. This appropriation may be carried over for one fiscal year.

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LEGISLATURE

Maine Study Commission on Radon

Personal Services	\$1,320
All Other	3,680

Total	<u>\$5,000</u>
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Provides funds for members' per diem, travel and related expenses.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 26, 1987.

CHAPTER 55

H.P. 1368 — L.D. 1873

Resolve, to Extend the Existence of the Office of Bicentennial of the United States Constitution and the Reporting Deadline of the Maine Commission to Commemorate the Bicentennial of the United States Constitution.

Resolve 1985, c. 85, 2nd paragraph after the emergency preamble, 2nd sentence. Resolved: That the Resolve of 1985, c. 85, 2nd paragraph after the emergency preamble, 2nd sentence is amended to read:

The office shall continue in existence through December 31, ~~1987~~ 1991.

; and be it further

Resolve 1985, c. 85, 2nd paragraph. Resolved: That the Resolve of 1985, c. 85, 2nd paragraph before the emergency clause is amended to read:

Report to Legislature. Resolved: That the commission, by January 30, ~~1988~~ 1992, shall report to the joint standing committee of the Legislature having jurisdiction over ~~State Government~~ state and local government with respect to its income of the office from all sources and detailed expenditures of the office during the life of the office; and be it further

; and be it further

Resolve 1985, c. 85, last paragraph. Resolved: That the Resolve of 1985, c. 85, last paragraph before the emergency clause, 2nd sentence is amended to read:

These funds shall not lapse on June 30, ~~1986~~ 1991, but shall carry forward until the purposes of the office have been achieved.

Effective September 29, 1987.

CHAPTER 56

S.P. 588 — L.D. 1742

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the existing conditions at the Augusta Mental Health Institute and the Bangor Mental Health Institute pose a hazard to the health and safety of both patients and staff; and