

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

person 14 years of age or younger. Violation of this subsection is a Class A crime.

Sec. 3. 17-A MRSA §852, sub-§3, as amended by PL 2013, c. 407, §2, is repealed.

See title page for effective date.

**CHAPTER 470
S.P. 203 - L.D. 819**

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

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

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 person registered with the department pursuant to this chapter. After mitigation has been performed pursuant to this paragraph to reduce the level of radon, the landlord shall provide written notice to tenants that

the radon levels have been mitigated. The department shall pay for the first \$600 in mitigation expenses on behalf of a landlord as a result of a test conducted in accordance with paragraph A if it exceeds a level of radon of 4.0 picocuries per liter of air or above.

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

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

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

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

See title page for effective date.

**CHAPTER 471
S.P. 294 - L.D. 880**

An Act To Protect School Employees from Workplace Bullying

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

Sec. 1. 20-A MRSA §1001, sub-§21 is enacted to read:

21. Workplace bullying. A school board shall adopt and implement a policy to address the negative effects of bullying of school employees by administrators, school employees, parents, students or any other individuals associated with the public school and to ensure the safety of employees and an inclusive environment for all employees and students in the public school. The policy must include, but is not limited to:

- A. A provision identifying the responsibility of all school employees to comply with the policy;
- B. A clear statement that bullying, harassment and retaliation for reporting such behavior are prohibited;
- C. A provision outlining the responsibility of a superintendent to implement and enforce the policy;
- D. A procedure for school employees to report incidents of bullying;
- E. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents; and
- F. A statement that any rights under the policy do not exclude access to or limit any other right or remedy under the law.

If an affected school employee is covered by a collective bargaining agreement, the policy under this subsection is subject to the dispute resolution process of the collective bargaining agreement.

For the purposes of this subsection, "bullying" includes cyberbullying as defined in section 6554, subsection 2, paragraph C.

Sec. 2. Reimbursement. The Department of Education shall develop a process to provide reimbursement to school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

State Mandate Reimbursement - Workplace Bullying N398

Initiative: Provides one-time funds to reimburse local school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

GENERAL FUND	2021-22	2022-23
All Other	\$26,308	\$0
GENERAL FUND TOTAL	\$26,308	\$0

See title page for effective date.

**CHAPTER 472
H.P. 710 - L.D. 964**

**An Act To Expand Access to
Certified Substance Use
Disorder Recovery Residence
Services**

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

Sec. 1. 5 MRSA c. 521, sub-c. 3-A is enacted to read:

**SUBCHAPTER 3-A
RECOVERY**

§20057. Certified recovery residences

Beginning July 1, 2022, recovery residences must be certified pursuant to the requirements established in section 20005, subsection 22, to receive:

- 1. Contracts.** Any department contract for a recovery residence or services related to the recovery residence; or
- 2. Housing assistance.** To the extent not in conflict with federal law, any housing assistance or voucher provided by the department, the Maine State Housing Authority or a municipality provided to or for the person recovering from substance use disorder.

Sec. 2. 22 MRSA §4301, sub-§14 is enacted to read:

14. Recovery residence. "Recovery residence" has the same meaning as in Title 5, section 20003, subsection 19-D.

Sec. 3. 22 MRSA §4309, sub-§6 is enacted to read:

6. Eligibility; recovery residence; exception. The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities.

Sec. 4. Recovery residence assistance levels; rulemaking. No later than July 1, 2022, the Department of Health and Human Services shall amend its rule, Chapter 323: Maine General Assistance Manual, to establish appropriate maximum housing assistance