

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 770 - L.D. 1042

An Act To Protect State Workers from Exposure to Harmful Substances

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

Sec. 1. 5 MRSA §1742-G is enacted to read:

§1742-G. Bureau of General Services; inventory of asbestos, lead, black mold 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 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:

- A. The results of the inventories completed by the bureau and by the property owners of state-leased buildings pursuant to subsection 2;

B. Detailed plans for the remediation, abatement or containment of asbestos, lead, black mold and other substances that may be harmful to human health found in state-owned buildings and state-leased buildings; and

C. Data on the completion of planned remediation, abatement or containment under paragraph B.

4. Access to database. The database established and maintained pursuant to subsection 3 must be readily accessible electronically to:

A. Collective bargaining agents of employees who work in state-owned buildings or state-leased buildings;

B. State employees whose usual work sites are state-owned buildings or state-leased buildings that contain asbestos, lead, black mold or other substances that may be harmful to human health;

C. Individuals who perform maintenance, repair and custodial services in state-owned buildings or state-leased buildings;

D. Firefighters responsible for providing services to state-owned buildings or state-leased buildings;

E. The Department of Labor;

F. The Department of Health and Human Services, Maine Center for Disease Control and Prevention; and

G. Members of the joint standing committee of the Legislature having jurisdiction over state and local government matters.

5. Building maintenance or repair. Prior to any maintenance or repair of a state-owned building by a person employed by a state agency, the bureau shall review the building's records in the database established and maintained pursuant to subsection 3 or inventory the state-owned building if the state-owned building has not already been inventoried pursuant to subsection 2 and add the results of the inventory into the database established and maintained pursuant to subsection 3. If asbestos, lead, black mold or other substances that may be harmful to human health are found in the state-owned building to be maintained or repaired by a person employed by a state agency, the bureau shall inform the person performing the maintenance or repair work and provide appropriate protective gear.

6. Monitoring, abatement and remediation. To promote a safe and healthy environment in state-owned buildings, the bureau's division of safety and environmental services shall:

A. Provide statewide monitoring of state-owned buildings to continuously identify the presence of health hazards in state-owned buildings, including, but not limited to, asbestos, lead, black mold and other substances that may be harmful to human health;

B. Conduct routine building inventories and testing as appropriate to discover and assess the presence of health hazards in state-owned buildings, including, but not limited to, asbestos, lead, black mold and other substances that may be harmful to human health;

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

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

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

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

Sec. 2. Safety education; black mold standards; safety committees. The Department of Administrative and Financial Services and the Department of Labor shall work together with collective bargaining organizations representing state employees to promote health and safety education of state employees, to identify appropriate standards for black mold prevention and remediation in state-owned buildings and state-leased buildings similar to the standards recommended by the United States Environmental Protection Agency and to develop a framework for regionally based safety committees.