

STATE OF MAINE

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

—
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.