

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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**

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

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:

- 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 mitigation, remediation, abatement or containment of asbestos, lead, black mold, radon 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 mitigation, 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, radon 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, radon 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, mitigation, 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, radon 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, radon and other substances that may be harmful to human health;

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