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An Act To Amend the Laws Relating to Radon Testing

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

Sec. 1. 14 MRSA §6030-D, as amended by PL 2011, c. 96, §3 and c. 157, §1, is further amended to read:

§ 6030-D. Radon testing

1. Testing. ~~By March 1, 2014 and every 10 years thereafter, a~~ landlord or other person who on behalf of a landlord ~~or a tenant who~~ enters into a lease or tenancy at will agreement for a residential ~~building shall have~~ housing unit may test the air of the residential ~~building tested~~ housing unit for the presence of radon. A test ~~required to be performed~~ under this section must be conducted by a person registered with the Department of Health and Human Services ~~pursuant to using an authorized radon testing device as defined in Title 22, chapter 165 section 772, subsection 2.~~

1-A. Residential housing unit definition; short-term rentals. As used in this section, "residential ~~building~~ housing unit" means a room or suite of rooms used for human habitation located below the 3rd story above ground level of a building, but does not include a building used exclusively for rental under short-term leases of 100 days or less where no lease renewal or extension can occur.

2. Notification. ~~A~~ Except as provided in subsection 2-A, a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential ~~building~~ housing unit shall provide written notice to a tenant or potential tenant regarding the presence of radon in the ~~building~~ housing unit, including the date and results of the most recent test conducted under subsection 1, and the risk associated with radon. The Department of Health and Human Services shall prepare a standard disclosure statement form for a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for real property to use to disclose to a tenant or potential tenant information concerning radon. The form must include an acknowledgment that the tenant or potential tenant has received the disclosure statement required by this subsection. The department shall post and maintain the forms required by this subsection on its publicly accessible website in a format that is easily downloaded.

2-A. Subsequent test. If a landlord or other person acting on behalf of a landlord or a tenant subsequently tests a residential housing unit after a test under subsection 1 indicated that the presence of radon existed in the residential housing unit and the subsequent test indicates that there is no presence of radon in the residential housing unit, then the landlord or other person acting on behalf of the landlord is not required to provide notification under subsection 2.

3. Mitigation. When the test of a residential ~~building~~ housing unit under subsection 1 reveals a level of radon of 4.0 picocuries per liter of air or above, the landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for that ~~building~~ residential housing unit shall,

within 6 months, mitigate the level of radon in the residential buildinghousing unit until it is reduced to a level below 4.0 picocuries per liter of air or declare the lease or tenancy at will is terminated and within 6 months discontinue rental of the residential housing unit. If a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential buildinghousing unit is required to obtain a permit under a local or municipal ordinance, mitigation must occur within 6 months after obtaining any necessary permit. Mitigation services must be provided by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165. After mitigation has been performed pursuant to this subsection to reduce the level of radon, the landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for the residential buildinghousing unit shall provide written notice to tenants residing in the residential housing unit at the time of mitigation that radon levels have been mitigated.

3-A. Other areas of building. If a radon test under subsection 1 indicates the presence of radon in a common area of a building that contains residential housing units but not in a residential housing unit, the landlord or person acting on behalf of the landlord shall provide notice to all tenants in the building pursuant to subsection 2 of the presence of radon in the common area and a tenant may use the common area at the tenant's discretion.

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$250 per violation may be assessed.

Sec. 2. 22 MRSA §776, sub-§§3 and 4, as enacted by PL 1989, c. 657, §1, are amended to read:

3. Department employees. Employees of the department in the course of their assigned duties;
or

4. Authorized personnel. A person performing testing with the written approval of the department. Registration under section 774 or 775 does not constitute written approval for the purposes of this subsection; or

Sec. 3. 22 MRSA §776, sub-§5 is enacted to read:

5. Landlords and tenants of residential housing units. A landlord, person acting on the landlord's behalf or tenant testing pursuant to Title 14, section 6030-D, subsection 1.

SUMMARY

This bill amends the laws concerning radon testing by:

1. Removing the requirement that all residential housing units be tested for radon by March 1, 2014 and every 10 years thereafter;

2. Allowing, instead of requiring, landlords and people acting on behalf of landlords to conduct radon tests and allowing tenants to conduct radon tests;

3. Applying the radon testing laws to only residential housing units located below the 3rd story above the ground floor of a building;
4. Removing the requirement that a landlord or a person acting on the landlord's behalf provide notice of a positive radon test if a subsequent test indicates there is no presence of radon;
5. Allowing a landlord or person acting on behalf of a landlord to terminate a lease or tenancy at will following a test indicating the presence of radon as an alternative to mitigation; and
6. Requiring a landlord or a person acting on behalf of a landlord to provide notice to tenants that a common area of a building tests positive for radon. If there is no presence of radon in a residential housing unit a tenant may use the common area at the tenant's discretion.