

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 14 MRSA §6030-D** is enacted to read:

§ 6030-D. Radon testing

1. Testing. By 2012 and every 10 years thereafter, a landlord or other lessor of a residential building shall have the air of the residential building tested 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 Title 22, chapter 165.

2. Notification. A landlord or other lessor of a residential building shall provide written notice to a tenant or potential tenant regarding the presence of radon in the building, including the date and results of the most recent test conducted under subsection 1, and the risk associated with radon. The department shall prepare a standard disclosure statement form for landlords and other lessors of 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.

3. Mitigation. When the test of a residential building under subsection 1 reveals a level of radon of 4.0 picocuries per liter of air or above, the landlord or other lessor of that building 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. If a landlord or other lessor of a residential building 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 lessor of the residential building shall provide written notice to tenants that radon levels have been mitigated.

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 §778, as corrected by RR 1991, c. 2, §75, is amended to read:

§ 778.Reports

A person registered under section 774 or 775 shall, within 45 days of the date the services are provided, notify the department in writing of the street address and zip code of the client and the results of any tests performed. The department may, by rule, specify an alternative notification procedure and notification period and any additional data required in the report.’

SUMMARY

This amendment replaces the bill. The amendment requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. The bill would have required testing every 5 years. The amendment clarifies that the testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the amendment also requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. The bill would have required mitigation immediately and did not include a specific radon level to trigger the mitigation requirement. The amendment reduces the financial penalty for a violation from \$500 to \$250. The amendment also requires persons registered with the department to include the street address of the property and any additional data required when reporting the provision of mitigation services under current law.

FISCAL NOTE REQUIRED

(See attached)