

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1791

H. P. 1682

House of Representatives, January 10, 1980

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Prescott of Hampden.

Cosponsors: Mr. Tarbell of Bangor, Mrs. Curtis of Milbridge and Mrs. Payne of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to License Users of Ionizing and Nonionizing Radiation Equipment.

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

Sec. 1. 10 MRSA § 103, sub-§ 1, first sentence is amended to read:

To formulate and promulgate, amend and repeal codes and rules and regulations, including licensing of sources of radiation, as may be necessary to prohibit and prevent unnecessary radiation, with due regard for compatibility with the regulatory programs of the Federal Government and the **Maine Administrative Procedure Act, Title 5, chapter 375.**

Sec. 2. 10 MRSA § 103, sub-§§ 10 and 11 are enacted to read:

10. Registering sources of radiation. To register sources and devices capable of emitting ionizing radiation.

11. Registration fees. To assess annual fees for the registration of sources and devices capable of emitting ionizing radiation in accordance with the fee schedule in section 106.

Sec. 2. 10 MRSA §§ 105 and 106 are enacted to read:

§ 105. Registration

1. **Issuance; fee; renewal.** A full-year registration shall be issued for one year from date of issuance and the prescribed fee shall accompany the application for registration. Registrations may be renewed upon application and payment of the annual fee, subject to the department's rules and regulations. Registrations erroneously issued by the department are void and shall be returned to the department on demand.

2. **Notice of expiration.** The department shall notify registration holders not less than 30 days prior to the expiration of their registration and shall provide them with any necessary reregistration forms.

3. **Suspension or revocation; complaint.** When the department believes a registration should be suspended or revoked, it shall file a complaint with the Administrative Court in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375. A person aggrieved by the refusal of the department to issue a registration may request a hearing in conformity with the Maine Administrative Procedure Act.

§ 106. Registration fees

1. **Diagnostic-type x-ray source.** The fee for registration issued for a diagnostic-type x-ray source, including medical, medical fluoroscopic, dental, chiropractic, veterinary or similar uses, is \$30.

For each additional source at the same location, the fee is \$10.

2. **Therapeutic type x-ray source not above 500,000 volts per unit.** The fee for registrations issued for a therapeutic type x-ray source and particle accelerators capable of being operated at potentials not above 500,000 volts is \$45 per unit.

3. **Therapeutic type x-ray source above 500,000 volts per unit.** The fee for registrations issued for a therapeutic type x-ray source and particle accelerators capable of being operated at potentials above 500,000 volts is \$175 per unit.

4. **Industrial x-ray source.** The fee for registrations issued for an industrial x-ray source, including fluoroscopic, x-ray fluorescence and x-ray diffraction units is \$45 per unit.

5. **Combination registration fee.** Any person or organization may elect to pay a combination registration fee of \$500 in place of the multiplicity of separate registration fees required in subsections 1, 2, 3 and 4. The combined fee shall cover all specific registrations issued by the department to the person or organization for users at one location or address.

6. **Nuclear power reactors.** The fee for registrations issued for operating nuclear power reactors is \$75,000 per unit.

7. **Fees paid to Treasurer of State.** All fees shall be paid to the Treasurer of the State to be maintained as a permanent fund and used by the department for carrying out this chapter.

FISCAL NOTE

A license program will alleviate the Department of Human Services' continued dependence on federal funds which recently were cut back and continue to be in jeopardy.

This proposal will generate \$103,500 for the department's radiological health program.

STATEMENT OF FACT

This is a revision of the Department of Human Services' present authority to license sources of radiation and allows for the collection of license fees. The fee schedule establishes a fund to defray the expenses of protecting the public from the hazards of radiation.