

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1195

6  
7 S.P. 395

In Senate, March 15, 1983

8 Referred to the Committee on Energy and Natural Resources. Sent down  
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

Cosponsors: Senator Bustin of Kennebec, Representative Michael of  
11 Auburn and Representative Kiesman of Fryeburg.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Revise the Statutes relating to  
18 Radiation Control.  
19

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

22 Sec. 1. 10 MRSA §51 is repealed.

23 Sec. 2. 10 MRSA §52, as amended by PL 1981, c.  
24 439, §§1 to 4, is reallocated to 38 MRSA §1402.

25 Sec. 3. 10 MRSA §§53 and 54 are repealed.

26 Sec. 4. 10 MRSA §103, as amended by PL 1981, c.  
27 109, §§1 and 2, is repealed.

28 Sec. 5. 10 MRSA §104 is repealed.

29 Sec. 6. 10 MRSA §105, as enacted by PL 1979, c.  
30 684, §3, is repealed.



1           2. Safe use of sources. To institute and main-  
2 tain a program to permit development and utilization  
3 of sources of radiation for peaceful purposes con-  
4 sistent with the health and safety of the public; and

5           3. Low-level radiation waste. To provide for  
6 the availability of capacity either within or outside  
7 the State for the disposal of low-level radioactive  
8 waste generated within the State, except for waste  
9 generated as a result of defense or federal research  
10 and development activities.

11       §672. Purpose

12           It is the purpose of this Act to effectuate the  
13 policies set forth in section 671 by providing for:

14           1. Public health and safety. A program of  
15 effective regulation of sources of radiation for the  
16 protection of the public health and safety;

17           2. Orderly regulatory program. A program to  
18 promote an orderly regulatory pattern within the  
19 State, among the states and between the Federal Gov-  
20 ernment and the State, and facilitate intergovern-  
21 mental cooperation with respect to use and regulation  
22 of sources of radiation so that duplication of regu-  
23 lation may be minimized;

24           3. Assumption of responsibilities. A program to  
25 establish procedures for assumption and performance  
26 of certain regulatory responsibilities with respect  
27 to by-product, source and special nuclear materials  
28 and radiation-generating equipment; and

29           4. Use of sources. A program to permit utiliza-  
30 tion of sources of radiation consistent with the  
31 health and safety of the public.

32       §673. Definitions

33           1. By-product material. "By-product material"  
34 means:

35           A. Any radioactive material except special  
36 nuclear material yielded in or made radioactive  
37 by exposure to the radiation incident to the pro-

1 cess of producing or utilizing special nuclear  
2 material; and

3 B. The tailings or wastes produced by the  
4 extraction or concentration of uranium or thorium  
5 from any ore processed primarily for its source  
6 material content.

7 2. Civil penalty. "Civil penalty" means any  
8 monetary penalty levied on a licensee or registrant  
9 because of violations of statutes, regulations,  
10 licenses or registration certificates, but does not  
11 include criminal penalties.

12 3. Closure or site closure. "Closure or site  
13 closure" means all activities performed at a waste  
14 disposal site, such as stabilization and contouring,  
15 to assure that the site is in a stable condition so  
16 that only minor custodial care, surveillance and mon-  
17 itoring are necessary at the site following termina-  
18 tion of licensed operation.

19 4. Decommissioning. "Decommissioning" means the  
20 series of activities undertaken beginning at the time  
21 of closing of a nuclear power plant to ensure that  
22 the final disposition of the site or any radioactive  
23 components or material, but not including spent fuel,  
24 associated with the plant is accomplished safely in  
25 compliance with all applicable state and federal  
26 laws. Decommissioning includes activities undertaken  
27 to prepare a nuclear power plant for final disposi-  
28 tion, to monitor and maintain it after closing and to  
29 effect final disposition of any radioactive compo-  
30 ponents of the nuclear power plant.

31 5. Disposal of low-level radioactive  
32 waste. "Disposal of low-level radioactive waste"  
33 means the isolation of low-level waste from the  
34 biosphere inhabited by people and their food chains.

35 6. High-level radioactive waste. "High-level  
36 radioactive waste" means the highly radioactive mate-  
37 rial resulting from the reprocessing of spent nuclear  
38 fuel, including liquid waste produced directly in  
39 reprocessing and any solid material derived from that  
40 liquid waste that contains fission products in suffi-  
41 cient concentrations; and other highly radioactive

1 material that the United States Nuclear Regulatory  
2 Commission, consistent with existing law, determines  
3 by rule to require permanent isolation.

4 7. License -- general and specific. "License --  
5 general and specific" means the following.

6 A. "General license" means a license effective  
7 pursuant to regulations promulgated by the  
8 department without the filing of an application  
9 with the department or the issuance of licensing  
10 documents to particular persons to transfer, ac-  
11 quire, own, possess or use quantities of, or  
12 devices or equipment utilizing, radioactive mater-  
13 ial.

14 B. "Specific license" means a license, issued to  
15 a named person upon application filed pursuant to  
16 the regulations promulgated pursuant to this Act,  
17 to use, manufacture, produce, transfer, receive,  
18 acquire or possess quantities of, or devices or  
19 equipment utilizing, radioactive material.

20 8. Low-level radioactive waste. "Low-level  
21 radioactive waste" means radioactive material that is  
22 not high-level radioactive waste, spent nuclear fuel,  
23 transuranic waste, or byproduct material as defined  
24 in the United States Code, Title 42, Section  
25 2014(e)(2), the Atomic Energy Act of 1954, section  
26 11e(2); and the United States Nuclear Regulatory Com-  
27 mission, consistent with existing law, classifies as  
28 low-level radioactive waste.

29 9. Radiation. "Radiation" means ionizing radia-  
30 tion and nonionizing radiation.

31 A. "Ionizing radiation" means gamma rays and x  
32 rays; alpha and beta particles, high-speed elec-  
33 trons, neutrons, protons and other nuclear par-  
34 ticles; but not sound or radio waves, or visible,  
35 infrared or ultraviolet light.

36 B. "Nonionizing radiation" means any  
37 electromagnetic radiation, other than ionizing  
38 electromagnetic radiation, and any sonic, ultra-  
39 sonic or infrasonic wave.

1           10. Radiation generating equipment. "Radiation  
2 generating equipment" means any manufactured product  
3 or device, or component part of such a product or  
4 device, or any machine or system which during operation  
5 can generate or emit radiation, except those  
6 which emit radiation, only from radioactive material.

7           11. Radioactive material. "Radioactive mate-  
8 rial" means any material which emits ionizing radia-  
9 tion spontaneously. It includes  
10 accelerator-produced, by-product, naturally occur-  
11 ring, source and special nuclear materials.

12           12. Registration. "Registration" means regis-  
13 tration with the department in accordance with rules  
14 adopted pursuant to this Act.

15           13. Source material. "Source material" means:

16           A. Uranium or thorium, or any combination  
17 thereof, in any physical or chemical form; or

18           B. Ores which contain by weight 1/20th of 1%,  
19 0.05%, or more of uranium, thorium or any combi-  
20 nation thereof. Source material does not include  
21 special nuclear material.

22           14. Source material mill tailings. "Source  
23 material mill tailings" means the tailings or wastes  
24 produced by the extraction or concentration of ura-  
25 nium or thorium from any ore processed primarily for  
26 its source material content, including discrete sur-  
27 face wastes resulting from underground solution  
28 extraction processes, but not including underground  
29 ore bodies depleted by those solution extraction pro-  
30 cesses.

31           15. Source material milling. "Source material  
32 milling" means any processing of ore, primarily for  
33 the purpose of extracting or concentrating uranium or  
34 thorium therefrom and which results in the production  
35 of source material mill tailings.

36           16. Sources of radiation. "Sources of radia-  
37 tion" means, collectively, radioactive material and  
38 radiation generating equipment.

1           17. Special nuclear material. "Special nuclear  
2 material" means:

3           A. Plutonium, uranium 233 and uranium enriched  
4 in the isotope 233 or in the isotope 235, but  
5 does not include source material; or

6           B. Any material artificially enriched by any of  
7 the material listed in paragraph A, but does not  
8 include source material.

9           18. Spent nuclear fuel. "Spent nuclear fuel"  
10 means irradiated nuclear fuel that has undergone at  
11 least one year's decay since being used as a source  
12 of energy in a power reactor. Spent fuel includes  
13 the special nuclear material, by-product material,  
14 source material and other radioactive material asso-  
15 ciated with fuel assemblies.

16           19. Transuranic waste. "Transuranic waste"  
17 means radioactive waste containing alpha emitting  
18 transuranic elements, with radioactive half-lives  
19 greater than 5 years, in excess of 10 nanocuries per  
20 gram.

21 §674. State Radiation Control Agency

22           1. Designated. The Department of Human Ser-  
23 vices, in this chapter referred to as the "depart-  
24 ment," is designated as the State Radiation Control  
25 Agency.

26           2. Commissioner. The Commissioner of Human Ser-  
27 vices shall be referred to as the "commissioner," who  
28 shall perform the functions vested in the department  
29 pursuant to this Act.

30           3. Employees. In accordance with the laws of  
31 this State, the department may employ, compensate and  
32 prescribe the powers and duties of such individuals  
33 as may be necessary to carry out the provisions of  
34 this Act.

35           4. Authority. The department shall, for the  
36 protection of the public health and safety:



- 1       A. Develop programs for the evaluation and control of hazards associated with use of sources of radiation;  
2  
3
- 4       B. Develop programs with due regard for compatibility with federal programs for regulation of by-product, source and special nuclear materials;  
5  
6
- 7       C. Develop programs with due regard for consistency with federal programs for regulation of radiation generating equipment;  
8  
9
- 10      D. Formulate, adopt, promulgate and repeal codes and rules, which may provide for licensing or registration, relating to control of sources of radiation with due regard for compatibility with the regulatory programs of the Federal Government;  
11  
12  
13  
14  
15
- 16      E. Issue such orders or modifications thereof as may be necessary in connection with proceedings under section 677;  
17  
18
- 19      F. Advise, consult and cooperate with other agencies of the State, Federal Government, other states and interstate agencies, political subdivisions and other organizations concerned with control of sources of radiation;  
20  
21  
22  
23
- 24      G. May accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the Federal Government and from other sources, public or private;  
25  
26  
27  
28
- 29      H. Encourage, participate in, or conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation; and  
30  
31  
32
- 33      I. Collect and disseminate information relating to control of sources of radiation, including:  
34
- 35           (1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations;  
36  
37  
38

1                   (2) Maintenance of a file of registrants  
2                   possessing sources of radiation requiring  
3                   registration under this Act and any adminis-  
4                   trative or judicial action pertaining  
5                   thereto; and

6                   (3) Maintenance of a file of all of the  
7                   department's rules relating to regulation of  
8                   sources of radiation, pending or promul-  
9                   gated, and proceedings thereon.

10                   5. Coordination. The commissioner shall serve  
11                   as the coordinator of radiation activities among the  
12                   Bureau of Civil Emergency Preparedness, Department of  
13                   Public Safety and Department of Environmental Protec-  
14                   tion. The commissioner shall:

15                   A. Consult with and review regulations and  
16                   procedures of the agencies to assure consistency  
17                   and to prevent unnecessary duplication,  
18                   inconsistencies or gaps in regulatory require-  
19                   ments; and

20                   B. Review, prior to promulgation, the proposed  
21                   rules of all agencies of the State relating to  
22                   use of control of radiation, to assure that these  
23                   rules are consistent with the Maine Administra-  
24                   tive Procedure Act, Title 5, chapter 375, and  
25                   rules of other agencies of the State. The review  
26                   shall be completed within 15 days.

27                   If the commissioner determines that proposed rules  
28                   are inconsistent with rules of other agencies of the  
29                   State, he shall consult with the agencies involved in  
30                   an effort to resolve these inconsistencies. In the  
31                   event no inconsistency is reported within 15 days,  
32                   the proposed rules shall be presumed consistent for  
33                   the purposes of this subsection. Upon notification  
34                   by the commissioner that the inconsistency has not  
35                   been resolved, the Governor may find that the pro-  
36                   posed rules or parts thereof are inconsistent with  
37                   rules of other agencies of the State and may issue or  
38                   order to that effect, in which event the proposed  
39                   rules or parts thereof shall not become effective.  
40                   The Governor may, in the alternative, upon a similar  
41                   determination, direct the appropriate agency or agen-  
42                   cies to amend or repeal existing rules to achieve  
43                   consistency with the proposed rules.

1           6. Information. The several agencies of the  
2 State shall keep the commissioner fully and currently  
3 informed as to their activities relating to regula-  
4 tion of sources of radiation.

5           §675. Advisory Committee on Radiation

6           1. Appointment. The commissioner may appoint an  
7 Advisory Committee on Radiation consisting of 5 mem-  
8 bers with training and experience in the various  
9 fields in which sources of radiation are used. Mem-  
10 bers of the committee shall serve at the discretion  
11 of the commissioner and receive no salary for ser-  
12 vices, but may be reimbursed for actual expenses  
13 incurred in connection with attendance at committee  
14 meetings or for authorized business of the committee.

15           2. Duties. The committee, if appointed, shall  
16 make recommendations to the commissioner and furnish  
17 such advice as may be requested by the department on  
18 matters relating to the regulation of sources of  
19 radiation.

20           §676. Coordination and liaison with federal agencies

21           The following agencies shall serve as liaison  
22 with federal agencies and coordinate administration  
23 of the issues indicated.

24           1. Health and safety. The Department of Human  
25 Services shall coordinate monitoring of radiation and  
26 health and safety in medical and industrial use of  
27 radiation, and shall serve as liaison with the United  
28 States Food and Drug Administration.

29           2. Emergency procedures. Bureau of Civil Emer-  
30 gency Preparedness shall coordinate off-site emer-  
31 gency procedures for nuclear facilities, and shall  
32 serve as liaison with the federal agencies with  
33 jurisdiction over defense activities and emergency  
34 response management.

35           3. Transportation. The Department of Public  
36 Safety shall coordinate transportation of radioactive  
37 materials.

1           4. Radioactive waste. The Department of Envi-  
2 ronmental Protection shall coordinate management of  
3 high-level and low-level wastes.

4           5. Geology. The Maine Geological Survey shall  
5 provide technical assistance for waste management.

6           6. Energy. The Office of Energy Resources shall  
7 serve as liaison with the United States Department of  
8 Energy.

9           7. Environment. The Department of Environmental  
10 Protection shall serve as liaison with the United  
11 States Nuclear Regulatory Commission and the United  
12 States Environmental Protection Agency.

13 §677. Licensing and registration of sources of  
14 radiation

15           1. Radioactive material, devices or equip-  
16 ment. The department shall provide by rule for gener-  
17 al or specific licensing of radioactive material or  
18 devices or equipment utilizing those materials. That  
19 rule shall provide for amendment, suspension or revo-  
20 cation of licenses.

21           2. Other sources. The department may require  
22 registration or licensing of other sources of radia-  
23 tion.

24           3. Exemptions. The department may exempt cer-  
25 tain sources of radiation or kinds of uses or users  
26 from the licensing or registration requirements set  
27 forth in this section when the department makes a  
28 finding that the exemption of these sources of radia-  
29 tion or kinds of uses or users will not constitute a  
30 significant risk to the health and safety of the  
31 public.

32           4. Recognition of other licenses. Rules promul-  
33 gated pursuant to this Act may provide for recogni-  
34 tion of other state or federal licenses as the  
35 department may deem desirable, subject to such regis-  
36 tration requirements as the department may prescribe.

37 §678. Source material processing and related mate-  
38 rial

1        State regulation of source material processing  
2 shall be subject to the primary jurisdiction of the  
3 Department of Environmental Protection, as specified  
4 in Title 38.

5        §679. Low-level radioactive waste disposal

6        State regulation of low-level radioactive waste  
7 disposal shall be subject to the primary jurisdiction  
8 of the Department of Environmental Protection, as  
9 specified in Title 38.

10       §680. Radiation user fees

11        1. Nuclear power reactors. The annual registra-  
12 tion fee for operating nuclear power reactors is  
13 \$59,200 per year.

14        2. Radiation protection services. The depart-  
15 ment shall prescribe and collect such fees as may be  
16 established by regulation for radiation protection  
17 services provided under this Act. Services for which  
18 fees may be established include:

19        A. Registration of radiation generating equip-  
20 ment and other sources of radiation;

21        B. Issuance, amendment and renewal of licenses  
22 for radioactive materials;

23        C. Inspections of registrants or licensees; and

24        D. Environmental surveillance activities to  
25 assess the radiological impact of activities con-  
26 ducted by licensees.

27        3. Fees. In determining rates of these fees,  
28 the department shall, as an objective, obtain suffi-  
29 cient funds therefrom to reimburse the State for the  
30 direct and indirect costs of the radiation protection  
31 services specified in subsection 2. The department  
32 shall take into account any special arrangements  
33 between the State and a registrant, licensee, another  
34 state or a federal agency whereby the cost of the  
35 service is otherwise partially or fully recovered.

1           4. Public agency fees. Notwithstanding subsection  
2 tion 1, fees for registration of radiation generating  
3 equipment and other sources of radiation and for  
4 licenses for radioactive materials shall not be re-  
5 quired for an agency of the State or any political  
6 subdivision thereof.

7           5. Exemptions. The department may, upon appli-  
8 cation by an interested person, or on its own initia-  
9 tive, grant such exemptions from the requirements of  
10 this section as it determines are in the public  
11 interest. Applications for exemption under this  
12 paragraph may include activities, such as, but not  
13 limited to, the use of licensed materials for educa-  
14 tional or noncommercial displays or scientific col-  
15 lections.

16           6. Penalties. When a registrant or licensee  
17 fails to pay the applicable fee, the department may  
18 suspend or revoke the registration or license or may  
19 issue an appropriate order.

20           §681. Surety requirements

21           §682. Inspections

22           1. Authorized. The department or its duly  
23 authorized representatives may enter at all reason-  
24 able times upon any private or public property for  
25 the purpose of determining whether or not there is  
26 compliance with or violation of the provisions of  
27 this Act and the rules issued thereunder, except that  
28 entry into areas under the jurisdiction of the Fed-  
29 eral Government or its duly designated representa-  
30 tive.

31           2. Equipment inspection. The department shall  
32 promulgate rules requiring periodic inspection, cer-  
33 tification and calibration of equipment, capable of  
34 emitting ionizing radiation, by certified techni-  
35 cians. The rules shall not provide for inspection,  
36 certification and calibration more frequently than  
37 annually.

38           3. Technician certification. The department  
39 shall promulgate rules providing for the qualifica-  
40 tions and certification of technicians to inspect,

1 certify and calibrate equipment capable of omitting  
2 ionizing radiation. The rules shall also provide for  
3 the standardization of calibration equipment, inspec-  
4 tion and calibration methodology and reporting proce-  
5 dures. The department may grant, modify or refuse to  
6 issue a certification in accordance with the Maine  
7 Administrative Procedure Act, Title 5, chapter 375  
8 subchapter V. The Administrative Court shall have  
9 exclusive jurisdiction to suspend or revoke a certi-  
10 fication of any person found guilty of noncompliance  
11 with the rules pertaining to inspection, certifica-  
12 tion and reporting procedures or misrepresentation of  
13 inspection findings.

14 4. Failure to comply. Persons failing to have  
15 their equipment inspected, certified and calibrated,  
16 as required in subsection 2, shall be subject to the  
17 penalties of section 690-A.

18 §683. Records

19 The department may require by rule, or order, the  
20 keeping of such records with respect to activities  
21 under licenses and registration certificates issued  
22 pursuant to this Act as may be necessary to effectuate  
23 the purposes of this Act. These records shall be  
24 made available for inspection by, or copies thereof  
25 shall be submitted to, the department.

26 §684. Federal - State agreements

27 1. General agreements. The Governor, on behalf  
28 of this State, may enter into agreements with the  
29 United States Nuclear Regulatory Commission pursuant  
30 to the Atomic Energy Act of 1954, Section 274b, as  
31 amended, providing for discontinuance of certain of  
32 the commission's licensing and related regulatory  
33 authority with respect to by-product, source and spe-  
34 cial nuclear materials and the assumption of regula-  
35 tory authority therefor by this State.

36 Any person who, on the effective date of an agreement  
37 under this subsection, possesses a license issued by  
38 the United States Nuclear Regulatory Commission for  
39 radioactive materials subject to the agreement shall  
40 be deemed to possess a like license issued under this  
41 Act, which shall expire either 90 days after receipt

1 from the department of a notice of expiration of that  
2 license, or on the date of expiration specified in  
3 the United States Nuclear Regulatory Commission li-  
4 cence, whichever is earlier.

5 2. Limited agreements. The Governor, on behalf  
6 of this State, may enter into an agreement with the  
7 United States Nuclear Regulatory Commission pursuant  
8 to the Atomic Energy Act of 1954, Section 274i, as  
9 amended, other federal government agencies, where  
10 authorized by law, or other states or interstate  
11 agencies, whereby this State will perform on a  
12 cooperative basis inspections or other functions  
13 relating to control of sources of radiation.

14 §685. Training programs

15 The department may institute training programs  
16 for the purpose of qualifying personnel to carry out  
17 the provisions of this Act, and may make the person-  
18 nel available for participation in any program or  
19 programs of the Federal Government, other states or  
20 interstate agencies in furtherance of the purposes of  
21 this Act.

22 §686. Conflicting laws

23 Ordinances, resolutions or regulations, now or  
24 hereafter in effect, of the governing body of a  
25 municipality or county or of state agencies other  
26 than the Department of Human Services relating to by-  
27 product, source and special nuclear materials shall  
28 not be superseded by this Act, provided that the  
29 ordinances or regulations are and continue to be con-  
30 sistent with this Act, amendments thereto and rules  
31 thereunder.

32 §687. Administrative procedure and judicial review

33 1. Rulemaking. In any proceeding for the issu-  
34 ance or modification of rules relating to control of  
35 sources of radiation, the department shall provide an  
36 opportunity for public participation through written  
37 comments or a public hearing, as required in the  
38 Maine Administrative Procedure Act, Title 5, sections  
39 8052 and 10003.



1           2. Hearing. In any proceeding for the denial of  
2 an application for a license or for revocation, sus-  
3 pension or modification of a license, the department  
4 shall provide to the applicant or licensee an oppor-  
5 tunity for a hearing on the record.

6           3. Emergency action. Whenever the department  
7 finds that an emergency exists requiring immediate  
8 action to protect the public health and safety, the  
9 department may, without notice or hearing, issue a  
10 rule or order reciting the existence of the emergency  
11 and requiring that such action be taken as is neces-  
12 sary to meet the emergency. Notwithstanding any  
13 provision of this Act, that rule or order shall be  
14 effective immediately. Any person to whom such rule  
15 or order is directed shall comply therewith immedi-  
16 ately, but on application to the department shall be  
17 afforded a hearing within 30 days. On the basis of  
18 that hearing, the emergency rule or order shall be  
19 continued, modified or revoked within 30 days after  
20 the hearing.

21           4. Judicial review. Any final agency action or  
22 order entered in any proceeding under subsections 1,  
23 2 and 3 shall be subject to judicial review by the  
24 Administrative Court in the manner prescribed in the  
25 Maine Administrative Procedure Act, Title 5, chapter  
26 375.

27           §688. Injunction proceedings

28           Whenever, in the judgment of the department, any  
29 person has engaged in or is about to engage in any  
30 acts or practices which constitute or will constitute  
31 a violation of this Act, or any rule or order issued  
32 thereunder, and at the request of the department, the  
33 Attorney General may make application to the District  
34 Court for an order enjoining those acts or practices,  
35 or for an order directing compliance, and, upon a  
36 showing by the department that the person has engaged  
37 or is about to engage in any such acts or practices,  
38 a permanent or temporary injunction, restraining  
39 order or other order may be granted.

40           §689. Prohibited uses

1       It is unlawful for any person to use, manufac-  
2 ture, produce, distribute, sell, transport, transfer,  
3 install, repair, receive, acquire, own or possess any  
4 source of radiation, unless licensed by or registered  
5 with the department in conformance with rules, if  
6 any, promulgated in accordance with this Act.

7       §690. Impounding

8       The department may in the event of an emergency  
9 impound or order the impounding of sources of radia-  
10 tion in the possession of any person who is not  
11 equipped to observe or fails to observe the provi-  
12 sions of this Act or any rules issued thereunder.

13       §690-A. Penalties

14       1. Violation of rules. Any person who violates  
15 any of the provisions of this Act, or rules or orders  
16 of the department in effect pursuant thereto, is  
17 guilty of a Class D crime.

18       2. Violation of license. Any person who vio-  
19 lates any licensing or registration provision of this  
20 Act or any rule or order issued thereunder, or any  
21 term, condition or limitation of any license or  
22 registration certificate issued thereunder, or com-  
23 mits any violation for which a license or registra-  
24 tion certificate may be revoked under rules issued  
25 pursuant to this Act may be guilty of a Class D  
26 crime.

27       Sec. 16. Effective date; transition. The provi-  
28 sions of this Act relating to the licensing and regu-  
29 lation of by-product, source and special nuclear  
30 materials shall become effective on the effective  
31 date of the agreement between the United States  
32 Nuclear Regulatory Commission and this State, as pro-  
33 vided in Title 22, section 684, subsection 1. The  
34 other provisions of this Act shall take effect on  
35 January 1, 1984. Existing regulations shall remain  
36 in effect until new regulations are promulgated under  
37 this Act.

1

STATEMENT OF FACT

2           In 1961, the State modified its radiation laws to  
3 reflect the Council of State Government's Model  
4 Radiation Act. This bill represents an updating of  
5 Maine law to reflect changes in the model act that  
6 are appropriate for the administration of an adequate  
7 state radiation protection program. The Radiation  
8 Protection Act is placed in Title 22, with other  
9 statutes relating to the Department of Human Ser-  
10 vices. Section 15 contains the new Act. In the new  
11 Act:

12           1. Title 22, section 671, Policy, and section  
13 672, Purpose, are updated versions of Title 10,  
14 section 51;

15           2. Title 22, section 673, Definitions, is an  
16 updated version of Title 10, section 52, with a  
17 number of new and updated definitions;

18           3. Title 22, section 674, is an updated version  
19 of Title 10, section 103, which designates the  
20 Department of Human Services as the State Radiation  
21 Control Agency and assigns them responsibility for  
22 coordinating radiation activities;

23           4. Title 22, section 675, establishes a new  
24 Advisory Committee on Radiation;

25           5. Title 22, section 676, is an updated version  
26 of Title 10, section 151-A, assigning coordination  
27 with federal agencies;

28           6. Title 22, section 677, is an updated version  
29 of Title 10, section 103, subsections 1, 10 and 11 on  
30 licensing of sources;

31           7. Title 22, section 678, assigns jurisdiction  
32 over source material processing to the Department of  
33 Environmental Protection;

34           8. Title 22, section 679, assigns jurisdiction  
35 over low-level radioactive waste disposal to the  
36 Department of Environmental Protection;

1           9. Title 22, section 680, is an updated version  
2 of Title 10, section 105, which provides for the  
3 adoption of user fees;

4           10. Title 22, section 681, is reserved for  
5 future use for surety requirements;

6           11. Title 22, section 682, corrects some of the  
7 problems associated with the administration of Title  
8 10, section 103, subsections 8 and 11, on inspec-  
9 tions, and replaces that section;

10           12. Title 22, section 683, provides for the  
11 maintenance of records for inspection purposes;

12           13. Title 22, section 684, is an updated version  
13 of Title 10, section 152, on federal-state agree-  
14 ments;

15           14. Title 22, section 685, is an updated version  
16 of Title 10, section 153, on training programs;

17           15. Title 22, section 686, is a new section  
18 relating to conflicting laws and ordinances;

19           16. Title 22, section 687, is a new section  
20 clarifying administrative procedures and judicial  
21 review of departmental actions;

22           17. Title 22, section 688, is an updated version  
23 of Title 10, sections 202 and 203, on injunction pro-  
24 ceedings;

25           18. Title 22, section 689, is a new section pro-  
26 hibiting the use of an unregistered source of radia-  
27 tion;

28           19. Title 22, section 690, is a new section pro-  
29 viding for the impoundment of sources or devices in  
30 the event of emergency; and

31           20. Title 22, section 690-A, is an updated ver-  
32 sion of Title 10, section 201, on penalties.

33           There is an unallocated section of the bill which  
34 clarifies the establishment of license dates if an  
35 agreement is signed with the United States Nuclear

1 Regulatory Commission, and makes the rest of the bill  
2 effective January 1, 1984.

3 The other material from Title 10 relating to  
4 radiation and nuclear power is recodified with the  
5 statutes relating to the relevant agencies; Title 35,  
6 Public Utilities Commission, for certification of  
7 nuclear power plants, and Title 38, Department of  
8 Environmental Protection for radioactive waste.

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