

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 889, Bill, "An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 22 MRSA c.165 is enacted to read:

CHAPTER 165

RADON REGISTRATION ACT

§801. Short title

This chapter shall be known and may be cited as the "Radon Registration Act."

§802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Associated radiological concerns. "Associated radiological concerns" means radioactive elements other than radon, including, but not limited to, radium, thorium, uranium and their respective decay products.

2. Department. "Department" means the Department of Human Services.

3. Division. "Division" means the Division of Health Engineering within the Department of Human Services.

4. Listed facility. "Listed facility" means a radon testing facility that is designated as a primary company by the Radon Measurement Proficiency Program of the United States Environmental Protection Agency.

1
3 5. Radon. "Radon" means the radioactive gaseous element and
its decay products produced by the disintegration of the element
radium in air, water, soil or other media.

5
7 6. Radon testing device. "Radon testing device" means a
device that:

9 A. Collects radon or its decay products; and

11 B. Requires analysis by an independent measuring facility or
is a continuous monitoring device.

13
15 7. Radon testing services. "Radon testing services" means
an offer for remuneration to determine radon levels or to analyze
or cause the analysis of a radon testing device.

17 §803. Lead agency

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21 The division shall be the lead agency having primary
responsibility for programs related to radon and associated
radiological concerns. The division shall register firms and
individuals who test for the presence of radon or associated
radiological concerns and who provide consulting, construction or
other remedial services for reducing the levels of radon or
associated radiological concerns. The division may facilitate
functions including, but not limited to, education, funding,
liaison, technology transfer and training with the United States
Environmental Protection Agency or other federal agencies. The
division also shall serve as an information clearinghouse for
radon and associated radiological concerns by maintaining records
and disseminating information to educate the public about radon,
describing technical assistance programs and interpreting test
results as appropriate.

35 §804. Registration required; radon testing

37
39 No person may perform, evaluate or advertise to perform or
evaluate tests for the presence of radon in buildings or on
building lots unless registered with the division. This
requirement includes without limit a person whose place of
business is located in the State, or in another state, who offers
radon testing services to residents of the State either directly
or through the mail.

45 §805. Registration required; radon mitigation

47
49 No person may offer advice or plans to reduce the level of
radon or contract to modify an existing structure in a manner
intended to reduce the level of radon unless registered with the
division.

1 **§806. Exemptions**

3 The requirements of sections 804 and 805 shall not apply to
4 any of the following:

5 1. Personal use. A person performing testing or mitigation
6 on a building owned or inhabited by that person; or

7 2. Department employees. Employees of the department in the
8 course of their assigned duties.

11 **§807. Use of listed facilities**

12 Any person who is required to register under section 804
13 shall have all radon testing devices analyzed by a listed
14 facility. When disclosing test results, any person registered
15 under section 804 shall provide in writing the name and address
16 of the listed facility that performed the analysis.

19 **§808. Reports**

20 A person registered under section 804 or 805 to provide
21 testing or mitigation services shall, within 45 days of the date
22 the services are provided, notify the department in writing of
23 the zip code of the client and the results of any tests performed.

24 **§809. Advertising**

25 No person may advertise any radon testing device as
26 "EPA-approved," "approved by the United States Environmental
27 Protection Agency" or by use of any phrases with similar meaning
28 or content.

31 **§810. Fees**

32 The department shall determine a schedule of fees to defray
33 the costs of the registration programs established in sections
34 804 and 805. Fees shall not exceed \$250 for registrants under
35 section 804 or \$75 for registrants under section 805. The fees
36 collected shall be placed in the Radon Relief Fund established in
37 section 814. The fee schedule shall provide for initial
38 registration and biennial registration fees.

41 **§811. Rules**

42 The department shall adopt rules, in accordance with the
43 Maine Administrative Procedure Act, Title 5, chapter 375,
44 necessary to administer and enforce this chapter. Rules shall
45 address, but are not limited to, periodic reregistration,
46 reports, criteria and procedures for revoking registrations and
47 truth-in-advertising requirements.

1 §812. Penalties

3 Any person failing to register, pursuant to section 804 or
5 805, commits a civil violation for which a forfeiture not to
7 exceed \$500 may be adjudged. Any person in violation of sections
9 807, 808 or 809 commits a civil violation for which a forfeiture
11 not to exceed \$250 per violation may be adjudged. Any person who
13 engages in radon testing, advertising or mitigation in violation
15 of this chapter is also in violation of the Maine Unfair Trade
17 Practices Act, Title 5, sections 206 to 214.

11 §813. Registration revoked

13 The department may revoke, in accordance with Title 5,
15 chapter 375, the registration of any person found in violation of
17 this chapter.

17 §814. Radon Relief Fund

19 The Radon Relief Fund is established as a nonlapsing fund to
21 support the radon-related research, testing, educational and
23 mitigation activities of the division. Funds received from
25 registrations pursuant to sections 804 and 805, Federal
27 Government grants relating to radon or other radon grants and the
29 funds appropriated to it by the Legislature shall be deposited in
31 the fund. The division shall administer the fund. Funds in the
33 Radon Relief Fund shall be deposited with the Treasurer of State
35 to the credit of the fund and may be invested as provided by
37 law. Interest on these investments shall be credited to the fund.

31 **Sec. 2. Appropriation.** The following funds are appropriated
33 from the General Fund to carry out the purposes of this Act.

35 1989-90 1990-91

37 **HUMAN SERVICES, DEPARTMENT OF**

39 **Bureau of Health**

41 **Division of Health Engineering**

43	Positions	(2)	(2)
43	Personal Services	\$33,506	\$48,262
45	All Other	2,086	2,341
45	Capital Expenditures	1,695	

47 Provides funds for a Word
49 Processing Operator position,
51 an Environmental Specialist
II position, general
operating expenses and office

COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 889

1 equipment to implement the
2 Radon Registration Act and to
3 carry out educational and
4 public information activities
5 relating to radon and indoor
6 air pollution.

7
8 **DEPARTMENT OF HUMAN SERVICES**
9 **TOTAL** \$37,287 \$50,603

11 **FISCAL NOTE**

12
13 This amendment will increase dedicated revenues to the
14 Department of Human Services from registration fees collected.
15 The amount will be dependent upon the number of registrations
16 received with regard to radon testing and radon mitigation and is
17 estimated to be between \$3,000 and \$4,000 over the biennium.

18 **STATEMENT OF FACT**

19
20 The amendment retains the provisions of the original bill
21 requiring all persons providing radon testing or mitigation
22 services to register while clarifying that it is a violation to
23 provide these services if not registered, including listed
24 facilities. People testing their own buildings and Department of
25 Human Services employees are the only exemptions from
26 registration.

27
28 The amendment also:

29
30 1. Expands the definition of radon testing device to
31 include continuous monitoring devices;

32
33 2. Removes the requirement for expiration dates on radon
34 testing devices;

35
36 3. Removes the requirement to report the name of the
37 municipality where a test is performed;

38
39 4. Adds a section prohibiting the advertisement of radon
40 testing devices as "EPA-approved;"

41
42 5. Adds a biennial registration fee;

43
44 6. Makes technical corrections to language and to section
45 references; and

46
47 7. Broadens the duties of personnel hired under this
48 program to include education and public information activities
49 relating to radon and indoor air pollution.
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