

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundredth Legislature

At The

SPECIAL SESSION, November 27, 1961

to

December 2, 1961

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**Sec. 5. R. S., c. 1, § 21-J, amended.** Section 21-J of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows:

**'Sec. 21-J. Period in which authority may be exercised.** Officials authorized to act as Governor pursuant to sections 21-A to 21-L and emergency interim successors ~~and special emergency judges~~ are empowered to exercise the powers and discharge the duties of an office as authorized only after an attack upon the United States, as defined, has occurred. The Legislature may at any time terminate the authority of said emergency interim successors ~~and special emergency judges~~ to exercise the powers and discharge the duties of office as provided.'

**Sec. 6. R. S., c. 1, § 21-K, amended.** Section 21-K of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows:

**'Sec. 21-K. Removal of designees.** Until such time as the persons designated as emergency interim successors ~~or special emergency judges~~ are authorized to exercise the powers and discharge the duties of an office in accordance with sections 21-A to 21-L, including section 21-J, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.'

Effective March 3, 1962

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## Chapter 403

### AN ACT Relating to the Control of Sources of Ionizing Radiation.

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

**Sec. 1. R. S., c. 52-A, § 2, amended.** Section 2 of chapter 52-A of the Revised Statutes, as enacted by section 1 of chapter 105 of the public laws of 1955 and as amended by section 3 of chapter 210 of the public laws of 1957, is further amended by inserting in alphabetical order the following paragraphs:

**'"Ionizing radiation"** means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.'

**'"Unnecessary radiation"** means the use of gamma rays, x-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other atomic or nuclear particles or rays in such manner as may be hazardous to the health of the industrial or agricultural potentials of the State.'

**Sec. 2. R. S., c. 52-A, §§ 5-A - 5-G, additional.** Chapter 52-A of the Revised Statutes, as enacted by section 1 of chapter 105 of the public laws of 1955, and as amended, is further amended by adding 7 new sections, to be numbered 5-A to 5-G, to read as follows:

**'Sec. 5-A. Duties of Department of Health and Welfare.** The Department of Health and Welfare shall be authorized and empowered:

**I. Rules and regulations.** 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. No such code, rule or regulation and no such amendment or repeal shall be effective until 30 days after it has been submitted to the Coordinator of Atomic Development Activities unless, upon a finding of emergency need, the Governor by order waives all or any part of this 30-day period;

**II. Policies and programs.** To develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation, and for their amelioration;

**III. Cooperate with others.** To advise, consult and cooperate with other agencies of the State, the Federal Government, other states and interstate agencies, and with affected groups, political subdivisions and industries;

**IV. Funds.** To accept and administer according to law loans, grants or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this chapter;

**V. Studies and research.** To encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazard, the measurement of radiation, the effects on health of exposure to radiation and related problems as it may deem necessary or advisable for the discharge of its duties under this chapter;

**VI. Health education information.** To collect and disseminate health education information relating to radiation protection;

**VII. Review plans.** To review plans and specifications for radiation sources submitted pursuant to codes, rules or regulations promulgated under this chapter;

**VIII. Inspection.** To inspect radiation sources, their shielding and immediate surroundings and records concerning their operation for the determination of any possible radiation hazard.

**Sec. 5-B. Sources handled to prevent unnecessary radiation.** All sources of radiation shall be shielded, transported, handled, used and kept in such a manner as to prevent all users thereof and all persons within effective range thereof from being exposed to unnecessary radiation.

**Sec. 5-C. Penalty.** Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this chapter or who violates any order or rule of the department promulgated pursuant to this chapter, shall be guilty of a misdemeanor, and in addition thereto may be enjoined in a civil action by a court of competent jurisdiction from continuing such violation.

**Sec. 5-D. Injunctive relief.** A civil action may be instituted by the Attorney General in the appropriate court on behalf of the department for injunctive relief to prevent the violation of the provisions of this chapter or codes, rules or regulations promulgated under this chapter, and said court may proceed in the action in a summary manner or otherwise and may restrain in all such cases any person from violating any of the provisions of this chapter or said codes, rules or regulations.

**Sec. 5-E. Limitation.** Nothing in this chapter shall be interpreted as limiting intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, as authorized by law.

**Sec. 5-F. Construction.** This chapter shall not be construed as repealing any laws of the State relating to radiation sources, exposures, radiation protection and professional licensure, but shall be held and construed as auxiliary and supplementary thereto, except to the extent that the same are in direct conflict herewith.

**Sec. 5-G. Contracts with federal agencies.** The Governor is authorized to execute contracts with appropriate federal officers or agencies relating to the responsibility of radiation hazards pursuant to P. L. 86-373, Federal-State Amendment to the Atomic Energy Act of 1954.'

Effective March 3, 1962

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## Chapter 404

### AN ACT to Exempt Fallout Shelters from Taxation.

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

**R. S., c. 91-A, § 10, sub-§ VI, ¶ F, additional.** Subsection VI of section 10 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, and as amended, is further amended by adding a new paragraph F, to read as follows:

**F.** Any real property constructed, altered or improved as to include or to include a fallout shelter facility complying with the specifications of the Office of Civil Defense of the Department of Defense of the United States Government to the extent that the increase in value of real property is attributable to the fallout shelter facility; provided that no exemption shall be allowed in an amount greater than \$200 multiplied by the number of occupants which such fallout shelter facility is designed to accommodate in accordance with such specifications.'

Effective March 3, 1962

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## Chapter 405

### AN ACT Relating to Educational Foundation Program Allowance.

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

**Sec. 1. P. L., 1961, c. 389, § 1-A, additional.** Chapter 389 of the public laws of 1961 is amended by adding after section 1, a new section 1-A, to read as follows:

**'Sec. 1-A. Appropriation.** There is appropriated from the General Fund the sum of \$1,210,971 for the fiscal year ending June 30, 1963 to carry out the purposes of section 1.'

**Sec. 2. Effective date.** This act shall become effective on July 1, 1962.

Effective July 1, 1962