

Title 22: HEALTH AND WELFARE
Chapter 165: RADON REGISTRATION ACT

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Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 165: RADON REGISTRATION ACT

§771. SHORT TITLE

This chapter may be known and cited as the "Radon Registration Act." [1989, c. 657, §1 (NEW).]

SECTION HISTORY
1989, c. 657, §1 (NEW).

§772. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 657, §1 (NEW).]

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.

[1989, c. 657, §1 (NEW) .]

2. Authorized radon testing device. "Authorized radon testing device" means a device that:

A. Collects radon or its decay products; [1989, c. 657, §1 (NEW).]

B. Requires analysis by an independent measuring facility or is a continuous monitoring device; and [1989, c. 657, §1 (NEW).]

C. Has been determined to meet the proficiency requirements as determined by the department through rule. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [2001, c. 574, §8 (AMD).]

[2001, c. 574, §8 (AMD) .]

3. Division. "Division" means the division of environmental health within the Department of Health and Human Services.

[2011, c. 144, §1 (RPR) .]

4. Listed facility. "Listed facility" means a radon testing facility that is designated as providing radon analysis services and that has proven its proficiency to the department.

[1999, c. 76, §2 (AMD) .]

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.

[1989, c. 657, §1 (NEW) .]

6. Radon testing services. "Radon testing services" means providing, for remuneration, determination of radon levels or analysis of an authorized radon testing device. This term includes those services provided by listed facilities.

[1989, c. 657, §1 (NEW) .]

SECTION HISTORY

1989, c. 657, §1 (NEW). 1999, c. 76, §§1,2 (AMD). 2001, c. 574, §8 (AMD). 2003, c. 689, §B6 (REV). 2011, c. 144, §1 (AMD).

§773. LEAD AGENCY

The division is the lead agency having primary responsibility for programs related to radon and associated radiological concerns. The division shall register firms, including listed facilities, and individuals who test for the presence of radon or associated radiological concerns or 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 or state agencies. The division also serves 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. [1989, c. 657, §1 (NEW) .]

SECTION HISTORY

1989, c. 657, §1 (NEW) .

§774. RADON TESTING; REGISTRATION REQUIRED

A person may not 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 registration requirement includes without limitation 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. [1989, c. 657, §1 (NEW) .]

SECTION HISTORY

1989, c. 657, §1 (NEW) .

§775. RADON MITIGATION; REGISTRATION REQUIRED

A person may not offer advice or plans to reduce the level of radon in new or existing structures or contract to modify an existing structure in a manner intended to reduce the level of radon unless registered with the division. [2011, c. 144, §2 (AMD) .]

SECTION HISTORY

1989, c. 657, §1 (NEW). 2011, c. 144, §2 (AMD) .

§776. EXEMPTIONS

The requirements of sections 774 and 775 do not apply to any of the following: [1989, c. 657, §1 (NEW) .]

1. Personal use. A person performing testing or mitigation on a building owned or inhabited by that person but not for sale at the time that person performs testing or mitigation on that building;

[2001, c. 574, §9 (AMD) .]

2. New construction. A builder utilizing preventive or safeguarding measures in new construction as specified in the Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103;

[2011, c. 144, §3 (AMD) .]

3. Department employees. Employees of the department in the course of their assigned duties; or

[1989, c. 657, §1 (NEW) .]

4. Authorized personnel. A person performing testing with the written approval of the department. Registration under section 774 or 775 does not constitute written approval for the purposes of this subsection.

[1989, c. 657, §1 (NEW) .]

SECTION HISTORY

1989, c. 657, §1 (NEW). 2001, c. 574, §9 (AMD). 2011, c. 144, §3 (AMD).

§777. USE OF LISTED FACILITIES

Any person who is required to register under section 774 or 775 shall use only authorized radon testing devices and shall have these devices analyzed by a listed facility. When disclosing test results, any person registered under section 774 or 775 shall provide in writing the name and address of the listed facility that performed the analysis. [1991, c. 2, §74 (COR).]

SECTION HISTORY

1989, c. 657, §1 (NEW). RR 1991, c. 2, §74 (COR).

§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. [2009, c. 278, §2 (AMD).]

SECTION HISTORY

1989, c. 657, §1 (NEW). RR 1991, c. 2, §75 (COR). 2009, c. 278, §2 (AMD).

§779. ADVERTISING

A person may not advertise any radon testing device as "State-approved," "approved by the State of Maine" or by use of any phrases with similar meaning or content. This restriction also applies to any reference denoting municipal approval. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

§780. FEES

The department shall determine a schedule of fees to defray the costs of the registration programs established in sections 774 and 775. Fees may not exceed \$150 for registrants under section 774 or \$75 for registrants under section 775. The fees collected must be placed in the Radon Relief Fund established in section 784. The fee schedule must provide for initial registration and biennial registration fees. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

§781. RULES

The department shall adopt rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, necessary to administer and enforce this chapter. Rules must address, but are not limited to, minimal training requirements for registration, periodic reregistration, performance standards, reports, truth-in-advertising requirements and criteria and procedures for revoking registrations. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

§782. PENALTIES

Any person failing to register pursuant to section 774 or 775, commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Any person in violation of section 777, 778 or 779 commits a civil violation for which a forfeiture not to exceed \$250 per violation may be adjudged. Any person who engages in radon testing, advertising or mitigation in violation of this chapter is also in violation of Title 5, chapter 10. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

§783. REGISTRATION REVOKED

The department may revoke, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, the registration of any person found in violation of this chapter. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

§784. RADON RELIEF FUND

The Radon Relief Fund is established as a nonlapsing fund to support the radon-related research, testing, educational and mitigation activities of the division. Funds received from registrations under sections 774 and 775 and any other miscellaneous sources of income are deposited in the fund. The division shall administer the fund. Funds in the Radon Relief Fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund. [1989, c. 657, §1 (NEW).]

SECTION HISTORY

1989, c. 657, §1 (NEW).

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