

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1716**

S. P. 570

In Senate, May 7, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Berry of Cumberland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Certain Emergency Powers Concerning Radiation Hazards.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, there is being constructed at Wiscasset, Maine, a nuclear power plant, the construction of which will be completed in the near future; with nuclear materials being expected in Maine as early as September, 1971, and the operation of which is expected to commence early in 1972; and

Whereas, it is necessary for the State of Maine and certain of its departments and agencies to enter into certain emergency plans, agreements and arrangements for the protection of the public and property from radiation, radioactive materials, nuclear materials, or the occurrence of a radiological incident; and

Whereas, certain such agreements and arrangements are required by the United States Atomic Energy Commission prior to the licensure and operation of the facility; and

Whereas, the Department of State Police and Department of Health and Welfare have been participating in preliminary planning and arrangements for such agreements and arrangements; and

Whereas, the existing statutes do not assign the responsibility for such arrangements and plans and do not provide for the authority of persons to

take action to protect the public and property in this State from radiation hazards or dangers; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 10, § 103, sub-§ 9, additional. Section 103 of Title 10 of the Revised Statutes is amended by adding a new subsection 9, to read as follows:

9. Duties. To take necessary action to protect the public and property in the State of Maine from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. This subsection shall only apply to such hazards or dangers arising from the peaceful use of nuclear or atomic materials.

Sec. 2. R. S., T. 25, c. 5, additional. Title 25 of the Revised Statutes is amended by adding a new chapter 5, to read as follows:

## CHAPTER 5 RADIATION

### § 50. Radiation hazards

Whenever there are actual or potential hazards or dangers to property or to the public from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State, which hazards or dangers arise from the peaceful use of nuclear or atomic materials, the Governor, after consultation with and advice of the Department of Health and Welfare, shall by proclamation declare the fact and that an emergency exists in any or all areas of the State. A copy of such proclamation shall be filed with the Secretary of State and published in such newspapers of the State as the Governor deems appropriate. In such event, the Governor shall have general direction and control of the Department of State Police, the Department of Health and Welfare, the National Guard, and of any other state department or agency.

The Governor is authorized and empowered to do all things necessary to protect the public and prevent damage to property. The Governor may order the State Police or National Guard to evacuate any area designated by him and to carry out any other orders he deems necessary and they shall in such event have full authority to carry out his orders. The Governor may delegate any authority vested in him under this provision.

Whenever the Governor is temporarily absent from the State or is otherwise unavailable, the next person who would act as Governor if the office of

Governor were vacant shall have all the authority, powers, duties and responsibilities of the Governor under this chapter.

Any person who shall violate any lawful order of the Governor or the person acting in that capacity or any person to whom authority has been delegated or any lawful order of the Maine State Police or National Guard, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500.

#### § 51. Agreements

The Governor, the Department of Health and Welfare and the Department of State Police, or any person, department or agency designated by the Governor shall have authority to enter into agreements, understandings or arrangements with any other department or agency of this State, any federal agency, state, political subdivision or person to provide for mutual aid plans, emergency plans, evacuation plans and their implementation and any other agreements deemed necessary to protect public and property in this State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. The hazards or dangers referred to in this section shall be only those arising from the peaceful use of nuclear or atomic materials.

Sec. 3. R. S., T. 25, § 1502, amended. Section 1502 of Title 25 of the Revised Statutes is amended by adding a new paragraph at the end, to read as follows:

The State Police shall prepare and implement such emergency plans, evacuation plans and other arrangements deemed necessary to protect the public and property in this State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. The hazards or dangers referred to in this paragraph shall be only those arising from the peaceful use of nuclear or atomic materials.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This legislation will clarify the responsibility and powers of various state officials and agencies to take action to protect the public and property in the State of Maine from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State, which hazards or dangers arise from the peaceful use of atomic or nuclear materials.