

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
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CHAPTER 519

H. P. 799 — L. D. 1004

AN ACT to Determine What Environmental Laws Apply to Radioactive Waste Materials.

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

Sec. 1. 1 MRSA § 15-A is enacted to read:

§ 15-A. Consent of Legislature for federal radioactive waste storage facilities

Notwithstanding any other provision of this chapter, this State does not consent to the acquisition by the United State Government, by purchase, condemnation, lease, easement or by any other means, of any land, building or other structure, above or below ground, in or under the waters of the State for use in storing, depositing or treating radioactive waste materials, except by prior affirmative vote of the Legislature.

Sec. 2. 38 MRSA § 361-D is enacted to read:

§ 361-D. Radioactive waste facilities

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Permanent radioactive waste repository" means a facility, whether above or below the ground, where radioactive waste materials are to be stored or disposed of in such a way as to be permanently isolated from the biosphere.

B. "Radioactive waste material" means any solid, liquid or gas residue, including spent fuel assemblies prior to reprocessing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

C. "Temporary radioactive waste repository" means only a facility which is used for the temporary storage or disposal of spent nuclear fuel elements or the by-products of reprocessing spent nuclear fuel elements.

2. Notification. Any person intending to construct or operate any temporary or permanent radioactive waste repository shall, at least one year prior to commencing any construction or operation, notify the board in writing of his intent and of the nature and location of the facility, together with any other information the board may require.

3. **Hearing.** Within 30 days of receipt of the notification, the board shall schedule a public hearing in the general area of the proposed project. At the hearing, the board, exercising its investigative authority and the police power of the State, shall solicit and receive testimony to determine whether the project will be subject to section 413, waste discharge licenses, section 590, air emission licensing, and any other laws administered by the board that may be applicable.

4. **Findings.** Within 90 days after the board adjourns any hearing held under this section, it shall make findings of fact and conclude that the project is or is not subject to each of the laws which were addressed at the hearing.

5. **Exemption.** This section shall not apply to the storage of spent nuclear fuel elements at spent fuel element pools when those spent nuclear fuel elements are from the operation of existing nuclear generating facilities within this State and when located within the confines of the site of such a facility.

Sec. 3. Report to Legislature. The Joint Standing Committee on Energy and Natural Resources of the 109th Legislature or its successor shall report to the 110th Legislature prior to February 14, 1981, the following:

1. The effects of this Act;
2. The methods actually in use or proposed to be used for the storage or disposal of radioactive waste materials in Maine;
3. The state of the art for treating, storing and disposing of radioactive waste materials; and
4. The amount and type of radioactive waste materials generated, treated, stored or disposed of in Maine.

Effective September 14, 1979

CHAPTER 520

H. P. 1068 — L. D. 1326

AN ACT Providing for Administrative Changes in Maine Tax Law.

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

Sec. 1. 36 MRSA § 3, as enacted by PL 1967, c. 45, is amended by adding at the end a new sentence to read:

The State, a department, an agency or an official thereof acting in his official