

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

The following competing measure

(P.L. 1985, c. 493)

was defeated in a referendum,

November 5, 1985

Question:

"Do You Want the Right to Vote for or Against Any Plan for the Storage or Disposal of Low-level Radioactive Waste?"

A (favoring initiated measure, I.B. 1985, c. 1): 86,678

B (favoring competing measure): 45,920

C (opposing both measures): 39,893

(5) Any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; and

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A.

2. Exceptions. Subsection 1 does not prohibit the following practices:

A. Licensees offering free food or entertainment either with or without the purchase of one drink;

B. Licensees increasing the prices for drinks when entertainment is provided;

C. Licensees including a drink as part of a meal package;

D. The sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person;

E. Those licensed under section 651 offering free wine tastings;

F. Those licensed as bona fide hotels offering room services to registered guests;

G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; or

H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms.

Effective September 19, 1985.

CHAPTER 493

H.P. 1141 - L.D. 1649

AN ACT to Establish a State Policy Relating
to the Disposal of Low-level
Radioactive Waste.

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

Sec. 1. 38 MRSA c. 14-A, sub-c. IV is enacted to read:

SUBCHAPTER IV

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

§1481. Title

This subchapter shall be known and may be cited as the "Low-level Radioactive Waste Disposal Act."

§1482. Purpose

The purpose of this Act is to establish a state policy with respect to the disposal of low-level radioactive waste.

§1483. Findings on low-level radioactive waste

The Legislature finds the following facts with respect to low-level radioactive waste in the State.

1. Quantity of waste. Approximately 12,000 cubic feet of low-level radioactive waste are generated within the State each year.

2. Generators. The principal generator of the waste is the Maine Yankee Atomic Power Station located at Wiscasset, with over 90% of the total production. The remainder is produced by biomedical research and other institutional facilities and the Portsmouth-Kittery Naval Shipyard.

3. Licenses. All of the generators described in subsection 2 may possess some low-level radioactive waste under their current United States Nuclear Regulatory Commission licenses.

4. Waste is a by-product. Low-level radioactive waste is an inevitable by-product of the operation of energy production, research and commercial facilities at the current state of the art of the technologies employed.

5. Maine generates small quantities. All sources of the low-level radioactive waste in the State combined generate less than 2% of total New England waste and 1/2 of 1% of all United States waste in each year.

6. Responsibility under federal law. The Federal Government, through enactment of the United States

Low-level Radioactive Waste Policy Act of 1980, Public Law 96-573, has delegated to each state the responsibility for providing for the capacity for the disposal of low-level radioactive waste generated within the State and has authorized the states to enter into regional compacts for that purpose.

7. Curtailment of existing disposal capacity. The 3 states that currently accept low-level radioactive waste for disposal are expected to curtail substantially or entirely the amounts they will accept by January 1, 1986.

8. Public health and safety. Improper disposal of low-level radioactive waste may result in physical harm to human and other forms of life. The regulation of the disposal of the waste is a proper exercise of the police power of the State.

§1484. State low-level radioactive waste policy

It is the policy of this State to require the permanent disposal of low-level radioactive waste generated within the State and for which this State must provide disposal capacity in facilities which will isolate that radioactive waste from the biosphere inhabited by people and their food chains.

In order to implement this policy, a suitable institutional framework is necessary. It is the policy of the State to pursue the following alternatives, expressed in order of preference.

1. Interstate compact. The relatively small volume of waste generated within the State and the provisions of federal law justify entrance into a regional compact with other states on equitable terms as the first preference of the State for low-level radioactive waste disposal. If the terms of a compact require this State to host any waste facility, that facility must be approved by the voters in a statewide election.

2. Agreement for disposal elsewhere. If an interstate compact is not feasible on satisfactory terms, it is the 2nd preference of the State to enter into an agreement with governmental or private agencies outside the State which are willing and able to accept Maine's low-level radioactive waste for disposal.

3. State facility. If no such compact or agreement is feasible on satisfactory terms, it is the 3rd preference of the State to establish a state-owned

and state-controlled low-level radioactive waste disposal facility at one suitable state-owned site in this State to dispose of only the low-level radioactive waste generated in this State for which this State must provide disposal capacity. Any such facility must be recommended by the Board of Environmental Protection and approved by the Legislature as required by subchapter III. It must also be approved by the United States Nuclear Regulatory Commission under federal law.

A. It is determined that, subject to detailed site review and regulatory approval as required by law, the most appropriate disposal site in this State is within the area presently owned by the Maine Yankee Atomic Power Station located in Wiscasset. The reasons are that site's nearness to the major waste generator, nearness to a work force trained in radiological hazards, nearness to existing waste storage capacity and its established acceptability by the United States Nuclear Regulatory Commission for certain nuclear and radiological activities. Ratification of this Act in referendum shall constitute voter approval of the Maine Yankee Atomic Power Station site for a state facility for the disposal of waste generated within the State for which this State is responsible.

B. If the Maine Yankee Atomic Power Station site is found to be unacceptable or unavailable, the site for a state facility shall be located elsewhere in the State, but only after approval by the voters in a referendum ratifying the Act of the Legislature approving that site in accordance with this subchapter.

4. Defense waste. It is the policy of the State to recommend to the Congress of the United States and the President of the United States that the Federal Government assume all responsibility for the safe and timely disposal of low-level radioactive waste generated by the defense activities of the Federal Government and not to depend upon the states to develop or implement policies with respect to that waste. The Federal Government has a number of operating low-level radioactive waste disposal facilities.

5. Disposal method. It is the policy of this State that the safest available technology shall be used for any low-level radioactive waste disposal facility in the State. The facts as we know them today, including the humid climate, high water table and other geological characteristics of the State,

suggest that conventional shallow land burial will not be adequate in this State. Improved engineered disposal methods are needed.

§1485. State ownership required

Any facilities for the disposal of low-level radioactive waste located within this State and the land required for the operation of those facilities shall be owned by the State and operated by the State or an organization selected by and under the direct supervision of the State. The Governor may accept on behalf of the State such property interests as may be necessary to carry out the purposes of this Act upon terms agreeable to the parties.

§1486. Ratification of compacts

1. General provisions. Any compact or agreement with other states or the Federal Government with respect to the siting, licensing, operation and use of low-level waste disposal facilities within and outside this State shall be negotiated by the Governor on behalf of this State and ratified by an Act of the Legislature in accordance with section 1474.

2. Referendum not required. Voter approval shall not be required to ratify any interstate compact or any agreement with any person, state, group of states, whether or not party to an interstate compact or the Federal Government concerning the disposal of low-level radioactive waste.

§1487. Voter approval of disposal facilities

Except for a disposal facility located within the area owned by the Maine Yankee Atomic Power Station in Wiscasset on the effective date of this Act, to be owned by the State and used exclusively for waste generated in the State, no low-level radioactive waste disposal facility may be established within the State unless the establishment of that facility has been approved by a majority of the voters voting thereon in a statewide election. That election shall be held in the manner prescribed by law for holding a statewide election. The voters shall be asked to vote on the acceptance or rejection of construction and operation by voting on the following question:

"Do you approve construction and operation of a low-level radioactive waste disposal facility as approved by the Maine Legislature as proposed for (insert location)?"

This question shall be submitted to the legal voters of the State at the next following statewide election after review and issuance of an order recommending permission for construction and operation of the facility by the Board of Environmental Protection pursuant to section 1478 and approval by the Legislature of the establishment of the facility in accordance with section 1479, provided that no construction or operation of any facility may commence prior to the election.

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of construction and operation, the Governor shall proclaim that fact without delay.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this subchapter necessary to carry out the purpose of this referendum.

Sec. 2. Intent of the Legislature; competing measure. It is the intent of the Legislature that this Act be interpreted as a competing measure within the meaning of the Constitution of Maine, Article IV, Part Third, Section 18, with Initiated Bill 1, Legislative Document 615 of the 112th Legislature, "AN ACT to Require Voter Approval of the Disposal of Low-level Radioactive Waste." It is the further intent of the Legislature that this measure be subject to referendum as a competing measure with that bill.

Sec. 3. Statutory referendum procedure; submission at statewide election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act as a competing measure with Initiated Bill 1, Legislative Document 615 of the 112th Legislature, "AN ACT to Require Voter Approval of the Disposal of Low-level Radioactive Waste." The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the ac-

ceptance or rejection of this Act by voting on the following question:

"Do you want to vote on any Maine site for disposal of low-level radioactive waste if it is not disposed of safely outside of Maine or at the Maine Yankee site?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective immediately.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective Pending Referendum.

CHAPTER 494

S.P. 535 - L.D. 1436

AN ACT to Allow the Department of Human
Services to Investigate and Provide
Information on Community Health
Issues.

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

Sec. 1. 22 MRSA c. 271, first 2 lines are repealed and the following enacted in their place:

CHAPTER 271

HEALTH PROGRAMS

SUBCHAPTER I

ENVIRONMENTAL HEALTH PROGRAMS