

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

HOUSE AMENDMENT "A" to S.P. 381, L.D. 1232, Bill,
"AN ACT Relating to Nuclear Power Plant Construction."

Amend said Bill by striking out everything after the
enacting clause and inserting in place thereof the following:

'10 MRSA §51 is repealed and the following enacted in
place thereof:

§51. Nuclear power plant construction

1. Legislative findings. The Legislature finds that serious
and substantial questions of a complex and technical nature have been
raised concerning the effects of nuclear fission power plants on
public health, safety and general welfare and concerning the
creation of potential hazards with which future generations will
be forced to contend.

The Legislature further finds that presently existing laws and procedure
provide the State with little opportunity to have these questions
carefully scrutinized by capable persons representing the present
and future interests of the general citizenry of the State of
Maine.

2. Nuclear fission power plants; construction considerations.

A nuclear fission power plant shall not be constructed in the
State of Maine unless the following conditions have been considered
and are deemed acceptable pursuant to subsection 3:

A. The effectiveness of all safety systems, including
but not limited to the emergency core cooling system, is demonstrated
beyond reasonable doubt; and

B. It is demonstrated that the radioactive wastes from
the plant can be stored or disposed of with no reasonable

chance of escape of radioactivity into the natural environment; and

C. Either the liability limits imposed by the Federal Government have been removed or full compensation is adequately guaranteed by the applicant for the people and businesses of Maine in the event of personal injury, property damage or economic losses resulting from escape or diversion of radioactivity or radioactive materials from a nuclear fission power plant; and

D. It is demonstrated that upon decommissioning of the plant the premises and plant site will be made free from dangerous or harmful levels of radiation; and

E. Evacuation plans for people, in the event of accident or threatened accident, of a size up to that considered by the Nuclear Regulatory Commission to be the maximum credible size for a plant of the size and type proposed are demonstrated to be effective to preserve life.

3. Nuclear fission power plant review committee.

A. A nuclear fission power plant review committee is hereby formed consisting of the Chairman of the Public Utilities Commission, the Chairman of the Board of Environmental Protection, the Commissioner

of Health and Welfare, the Coordinator of Atomic Development Activities, the Attorney General and the Director of Energy Resources. The chairman shall be selected by the committee members from their number and staff assistance as needed shall be drawn from the departments represented on the committee.

B. An applicant proposing the construction of a nuclear fission power plant shall notify the review committee by filing with it a certified copy of the applicant's petition to the Public Utilities Commission required by Title 35, section 13-A. The review committee shall schedule and hold public hearings to be held concurrently and in combination with the hearings to be held by the Public Utilities Commission under Title 35, section 13-A, to determine whether the conditions specified in subsection 2 have been satisfied. In making its determination, the review committee shall prepare findings of fact based upon relevant evidence adduced at such hearings.

C. The Public Utilities Commission may issue a certificate of public convenience and necessity for a nuclear fission power plant, as provided under Title 35, section 13-A, only after the review committee has made a determination that the considerations specified in subsection 2 are acceptable to that committee.

D. Any person aggrieved by any determination of the review committee pursuant to this Act may within 30 days after notice of such determination appeal therefrom to the Supreme Judicial Court pursuant to the provisions of Rule 73 (f) of the Maine Rules of Civil Procedure. The proceedings shall not be de novo. Review shall be limited to the application, the record of any hearing before and the order of the board. The court shall decide whether the review committee acted regularly and within the scope of its authority and whether the determination is supported by substantial evidence and on the basis of such decision may enter judgment affirming or nullifying such determination.'

Statement of Fact

This amendment is a redraft of L.D. 1232. The amendment provides that consideration be given to those issues surrounding the construction of a nuclear power plant which are currently not adequately regulated by state or federal statute.

Filed by Mr. Greenlaw of Stonington.

Reproduced and distributed under the direction of the Clerk of the House.
5/29/75

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