

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1261, L.D. 1555,  
Bill, "AN ACT to Require Legislative Approval for  
the Construction of a Nuclear Power Plant used by  
a Public Utility to Generate Electricity."

Amend said Bill by striking out all of  
section 1 and inserting in place thereof the  
following:

'Sec. 1. 35 MRSA §13-A, sub-§§ 1 and 2 are  
enacted to read:

1. Resolution required. No public utility  
may construct an electric power generating facility  
which employs nuclear fission reaction as its heat  
source without, in addition to any other requirement  
of law, obtaining prior approval of the Legislature.  
The approval shall be in the form of a joint  
resolution adopted by both houses, which resolution  
shall specify the location of the plant, its  
expected cost, its generating capability and the  
names of those persons who are financially  
responsible for its construction and operation.

2. Jurisdiction over siting and construction.  
Notwithstanding any other provision of law, no  
public utility shall be required to obtain approval  
from the Public Utilities Commission under section  
13 or approval from the Board of Environmental  
Protection under Title 38, chapter 3, Article 6,  
subchapter 1 for approval of site location of  
development before locating and constructing an  
electric power generating plant which employs  
nuclear fission reaction as its heat source. This  
subsection, however, shall not deprive those agencies  
of jurisdiction over the operation of that electric  
power generating plant to ensure that the operation  
and any emissions or discharges comply with applicable  
statutes and regulations administered by the Board  
of Environmental Protection or by the Public  
Utilities Commission.'

Further amend said Bill in section 2 by striking out in the 2nd line (same in L.D.) the word "reaction" and inserting in place thereof the word 'reactor'

Further amend said Bill in section 2 by inserting at the end the following:

'Subsection 2 of section 1 of this Act shall not apply to any electric power generating plant which employs nuclear fission reaction as its heat source for which an application for a permit or license under Titles 35 or 38 has been made to either the Board of Environmental Protection or the Public Utilities Commission before the effective date of this Act.

#### Statement of Fact

This amendment provides that a public utility intending to construct a nuclear power plant for generating electricity does not need PUC approval or DEP site selection approval before it can construct that plant but need only obtain a resolution of approval from the Legislature. Both the PUC and the DEP retain their statutory jurisdiction over the operation of the nuclear plant, however.

Reported by Report "B" from the Committee on Energy.

Reproduced and distributed under the direction of the Clerk of the House.

5/20/75

(Filing No. H-407)