

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1100

H. P. 892

House of Representatives, March 16, 1977

On Motion of Mr. Carroll of Limerick referred to the Committee on Transportation. Sent up for concurrence and 2,000 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Regulating the Transportation of Radioactive Materials
in the State of Maine.

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

Sec. 1. 10 MRSA §§ 105, 106 and 107 are enacted to read:

§ 105. Duties of the Department of Transportation

The Commissioner of the Department of Transportation shall:

1. Rules and regulations. Within 180 days of the effective date of this section and after consultation with the Commissioner of Public Safety, the Commissioner of Environmental Protection, the Director of the Bureau of Health, the Director of the Bureau of Civil Emergency Preparedness and the Director of the State Planning Office, promulgate rules and regulations to insure the safe ground transportation of special nuclear material within the State. Such regulations shall include, but not be limited to, provisions specifying:

- A. The permissible routes of the transportation of such material which shall avoid densely populated areas to the maximum extent possible;
- B. The security to be accorded such material while it is in transit, which shall include the presence at all times of a police escort and a professionally qualified monitoring team; and
- C. The weather conditions under which such material may be safely transported; and

2. Permits. Within 180 days of the effective date of this section, develop an application form for permits to transport special nuclear materials on the ground within the State, such applications to contain, but not be limited to:

- A. The name of the shipper or carrier;
- B. The type and quantity of special nuclear material to be transported, including the exact chemical composition of such material;
- C. The mode of transportation to be employed; and
- D. The date, time and exact route of the proposed shipment.

Upon receipt of a completed application, the commissioner shall act thereon within 3 days, excluding Saturdays, Sundays and holidays. If he finds that the proposal is consistent with the regulations required by this section and otherwise will not endanger the public health, safety and welfare, he shall grant the permit. If he determines that the permit may be granted only if certain modifications are made in the proposal to conform to the regulations required by this section, and to protect the public health, safety and welfare, he may grant the permit subject to appropriate conditions. If he finds that the proposal is not consistent with the regulations required by this section or will endanger the public health, safety and welfare, he shall deny the permit.

§ 106. Costs of security

Any person securing a permit from the commissioner pursuant to section 105, shall reimburse any public agency incurring expenses to assist such person in satisfying the conditions of the permit.

§ 107. Prohibitions

1. Transport by air. No person shall transport special nuclear material by air within the State.

2. Transport by ground. No person shall transport special nuclear material on the ground in the State without a permit therefor issued by the commissioner.

Sec. 2. 10 MRSA § 201 is repealed and the following enacted in its place:

§ 201. Penalties; injunctions

Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this chapter or who violates any order, permit, rule or regulation issued or promulgated pursuant to this chapter, shall be guilty of a Class D crime, and in addition thereto may be enjoined in a civil action by a court of competent jurisdiction from continuing such violation.

STATEMENT OF FACT

This bill is intended to insure that the transportation of radioactive materials such as uranium and plutonium in the State shall be safe, by requiring persons undertaking such transportation to obtain permits therefor in advance from the Commissioner of the Department of Transportation.