

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1660

H. P. 1388

House of Representatives, April 13, 1977

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission.

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

Sec. 1. 10 MRSA c. 4 is enacted to read:

CHAPTER 4

**REQUIREMENTS FOR CERTIFICATION OF NUCLEAR POWER
PLANTS BY THE PUBLIC UTILITIES COMMISSION**

§ 251. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Commission. The "commission" means the Public Utilities Commission.

2. Construction. "Construction" means the installation of permanent equipment or structures.

3. Nuclear power plant. A "nuclear power plant" means a nuclear fission thermal power plant.

§ 252. Requirements prior to certification of nuclear power plants by the Public Utilities Commission

No construction shall commence on a nuclear power plant after the effective date of this Act, until the Public Utilities Commission has complied with the provisions of this chapter.

§ 253. Power to certify

The commission shall not certify any nuclear power plant until both of the following conditions are met:

1. Commission finding of United States identification and approval of technology. The commission finds that the United States, through its authorized agency, has identified and approved a demonstrated technology or means for the storage of high-level nuclear waste; and

2. Commission report to the Legislature. The commission has reported its findings pursuant to subsection 1 and the reasons for these findings to the Legislature and the Legislature has not rejected those findings.

§ 254. Contents of resolution of rejection

The Legislature may, within 50 legislative days after the findings set forth in section 253, have been submitted to it, reject those findings by a majority vote in either House.

The vote shall be on a resolution of rejection, which shall set forth the reasons for the rejection and shall provide, to the extent possible, guidance to the commission concerning appropriate standards for making an affirmative finding under section 252, subsection 1.

If the 50 legislative day period has not expired during one session of the Legislature, the period shall run into the next legislative session.

§ 255. Commission action upon adoption of a resolution of rejection

1. Commission reexamination of its findings. If either House of the Legislature adopts a resolution of rejection, the commission shall reexamine its original findings under section 252, subsection 1, in consideration of matters raised in the resolution of disaffirmation. Upon the conclusion of this reexamination, the commission shall reduce its findings and the reasons for those findings to writing, and shall transmit them to the Legislature.

2. Reexamination. The Legislature may, within 50 legislative days after the reexamined findings set forth in section 255, subsection 1, have been submitted to it, reject the reexamined findings by a majority vote in either House.

If the 50 legislative day period has not expired during one session of the Legislature, the period shall run into the next legislative session.

§ 256. Certification of individual nuclear power plant

If the conditions of section 253 have been met, and if the commission has the power to certify nuclear power plants, it may certify an individual nuclear power plant, if:

1. Waste storage facilities operational. Specific facilities with adequate capacity to store nuclear waste are in actual operation or will be in operation at the time the nuclear power plant being certified requires this storage; and

2. Off-site storage. Any necessary storage of nuclear fuel is in an off-site location to the extent necessary to provide continuous onsite full core reserve storage capacity.

§ 257. Commission action if power to grant certificates not granted

If the conditions of section 253 have not been met, and the commission does not have the power to certify nuclear power plants, it may continue to receive and process applications for certification but may not certify a nuclear power plant. Any other governmental entity which grants necessary permits, licenses, approvals or authorizations for entry on or use of land for construction of a nuclear power plant may process and grant those permits, licenses, approvals or authorizations, subject to the commission's granting of certification under this chapter.

STATEMENT OF FACT

Existing law creates the Public Utilities Commission and prescribes the duties and functions thereof relative to forecasting and assessment of energy demands and supplies and certification of power plants.

This bill would prohibit any nuclear power plant from being certified by the commission unless the following 2 conditions are satisfied:

1. The commission finds that the United States through its authorized agency has identified and approved a technology for the storage of high-level nuclear waste; and

2. Neither House of the Legislature has adopted a resolution rejecting such findings within 50 legislative days after the commissions' findings have been filed with the Legislature. In the event of passage of such a resolution, the bill provides a procedure for reexamination of the findings by the commission, resubmission to the Legislature and certification of nuclear power plants if the Legislature does not again act by resolution to reject the re-examined findings within 50 legislative days of resubmission.

The bill would also require the commission to find on a case-by-case basis that facilities with adequate capacity to store such fuel if such storage is approved by an authorized agency of the United States are in actual operation or will be in operation at the time such nuclear facility requires this storage.

The bill would further require the commission to continue to receive and process notices of intention and applications for certification, but would prohibit the commission from issuing a decision granting a certificate until the requirements of the provisions of this bill are met.

The bill applies only to nuclear power plants on which construction is begun after the date on which the bill becomes law.