

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
109TH LEGISLATURE
FIRST REGULAR SESSION

L.D. 1004
(Filing No. H-549)

COMMITTEE AMENDMENT "A" to H.P. 799, L.D. 1004, Bill,
"AN ACT to Determine What Environmental Laws Apply to Radioactive
Waste Materials."

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

'Sec. 1. 1 MRSA §15-A is enacted to read:

§15-A. Consent of Legislature for federal radioactive waste
storage facilities

Notwithstanding any other provision of this chapter, this
State does not consent to the acquisition by the United States
Government, by purchase, condemnation, lease, easement or by any
other means, of any land, building or other structure, above or
below ground, in or under the waters of the State for use in
storing, depositing or treating radioactive waste materials,
except by prior affirmative vote of the Legislature.

Sec. 2. 38 MRSA §361-D is enacted to read:

§361-D. Radioactive waste facilities

1. Definitions. For the purposes of this section, unless
the context otherwise indicates, the following terms shall have
the following meanings.

A. "Permanent radioactive waste repository" means a
facility, whether above or below the ground, where radio-
active waste materials are to be stored or disposed of in
such a way as to be permanently isolated from the biosphere.

B. "Radioactive waste material" means any solid, liquor or gas residue, including spent fuel assemblies prior to reprocessing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

C. "Temporary radioactive waste repository" means only a facility which is used for the temporary storage or disposal of spent nuclear fuel elements or the by-products of reprocessing spent nuclear fuel elements.

2. Notification. Any person intending to construct or operate any temporary or permanent radioactive waste repository shall, at least one year prior to commencing any construction or operation, notify the board in writing of his intent and of the nature and location of the facility, together with any other information the board may require.

3. Hearing. Within 30 days of receipt of the notification, the board shall schedule a public hearing in the general area of the proposed project. At the hearing, the board, exercising its investigative authority and the police power of the State, shall solicit and receive testimony to determine whether the project will be subject to section 413, waste discharge licenses, section 590, air emission licensing, and any other laws administered by the board that may be applicable.

4. Findings. Within 90 days after the board adjourns any hearing held under this section, it shall make findings of fact and conclude that the project is or is not subject to each of the laws which were addressed at the hearing.

5. Exemption. This section shall not apply to the temporary storage of spent nuclear fuel elements at existing spent fuel element pools when these spent nuclear fuel elements are from the operation of existing nuclear generating facilities within this State.

Sec. 3. Report to Legislature. The ←→ Joint Standing
of the 109th Legislature
Committee on Energy and Natural Resources/or its successor shall
report to the 110th Legislature prior to February 14, 1981, the
following:

1. The effects of this Act;
2. The methods actually in use or proposed to be used for the storage or disposal of radioactive waste materials in Maine;
3. The state of the art for treating, storing and disposing of radioactive waste materials; and
4. The amount and type of radioactive waste materials generated, treated, stored or disposed of in Maine.'

Statement of Fact

In this amendment, section 1 establishes a requirement that an affirmative vote of the Legislature would be necessary prior to establishing a federal facility for the storage of radioactive waste materials in this State.

Section 2 restructures the original bill and clarifies the facilities that would require review. The amendment covers 2 types of facilities:

1. All storage facilities for the permanent storage of radioactive waste materials; and
2. Temporary storage facilities for nuclear spent fuel and reprocessing elements. Existing spent fuel pools at Maine Yankee are exempted from review.

The requirements are consolidated and reorganized into a single statutory section, but the substantive provisions are the same as the original bill.

Reported by the Majority of the Committee on Energy
and Natural Resources.
Reproduced and distributed under the direction of the
Clerk of the House.
5/30/79 (Filing No. H-549)