

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1004

H. P. 799

House of Representatives, March 5, 1979

On Motion of Mr. Blodgett of Waldoboro, referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

Cosponsor: Mr. Blodgett of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Determine What Environmental Laws Apply to Radioactive Waste
Materials.**

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

Sec. 1. 38 MRSA § 361-A, sub-§ 4-A-1 is enacted to read:

4-A-1. **Radioactive waste materials.** "Radioactive waste materials" means any solid, liquid or gas residue remaining after the primary usefulness of radioactive materials has been exhausted, and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

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

§ 361-D. **Radioactive waste materials inquiry**

1. **Notification.** Any person intending to construct, operate, lease or develop a radioactive waste materials disposal, storage or treatment project above, on, in or under the lands or waters of the State shall at least one year before commencing any onsite activity notify the board in writing of the nature of the project together with such information as the board may require.

2. 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, licensing, and any other laws administered by the board that may be applicable.

3. 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.

4. Exemption. This section shall not apply to:

A. The temporary storage of radioactive waste materials in existing pools located at existing nuclear power generating stations;

B. The storage for a period of up to 6 months of low level radioactive waste materials as defined by the United States Nuclear Regulatory Commission at existing nuclear power generating stations, which waste is awaiting transfer to an approved permanent disposal site; or

C. Temporary storage of radioactive waste materials at state approved education and medical institutions, which waste is awaiting transfer to an approved disposal site.

Sec. 3. 38 MRSA § 362-B is enacted to read:

§ 362-B. Radioactive waste materials

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 or above, in or under the waters of the State for use in storing, depositing or treating radioactive waste materials.

Sec. 4. Report to Legislature. The 109th Joint Standing 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

This bill will permit the State of Maine, acting through the Board of Environmental Protection, to make certain formal inquiries of the developers of a radioactive waste material project. This inquiry will explore the possibility of the project discharging pollutants to the waters of the State, surface and subsurface, and contaminants to the ambient air and the applicability of the other environmental laws administered by the board. This inquiry will take the form of a public hearing and at its conclusion the board will inform the developer what environmental laws, if any, apply to the project.

Section 1 of the bill defines radioactive waste materials as that which remains after the substances are no longer being used for their original purposes. In addition, these residues must have radioactive characteristics.

Section 2 of the bill establishes the procedures that developers and the board will follow in the conduct of the inquiry. In addition, certain activities that are now going on in the State will be allowed to continue without being subject to this bill. The spent fuel pools now located at Maine Yankee Atomic in Wiscasset and temporary storage of radioactive contaminated rags, gloves, clothes, tools, liquids and other materials at this plant are not covered by this proposal. Educational institutions approved by the State as educational institutions and medical facilities approved by the State as medical facilities who need to temporarily store radioactive waste will also be exempt from this bill.

Section 3 adds a section to Title 1 which puts forth the State's position that it does not consent to the use of Maine for a federal radioactive waste material repository. This statement is needed because Title 1, chapter 1, has a number of sections that state that the Legislature consents to the United States Government acquiring lands for lighthouses, custom houses, court houses, post offices, arsenals or other public buildings ". . . .or for any other purposes of the government."

Section 4 requires a report by the Joint Standing Committee on Energy and Natural Resources to the 110th Legislature concerning radioactive waste material and the effects of the bill.