

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1094

H. P. 923

House of Representatives, March 3, 1981

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Huber of Falmouth.

Cosponsors: Representatives J. Martin of Eagle Lake and Senator J. Sewall of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish an Emergency Radiological Response System.

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

Sec. 1. 37-A MRSA § 59, sub-§ 9, as amended by PL 1979, c. 672, § 78, is repealed.

Sec. 2. 37-A MRSA c. 5 is enacted to read:

CHAPTER 5

NUCLEAR EMERGENCY PLANNING

§ 121. Short title

This chapter may be cited as the "Maine Nuclear Emergency Planning Act."

§ 122. Findings and purpose

The Legislature finds that there is the possibility of an accident at any nuclear power plant, and that a major accident could create significant hazards to human health and the environment, which are unique to this method of electric power generation.

The Legislature further finds that proper emergency planning could mitigate

the consequences of a major accident at a nuclear power plant, and that it is prudent to conduct such planning.

The Legislature notes that it is the responsibility of state and local authorities to carry out emergency planning, but that there are expenses involved.

The Legislature further finds that it is equitable for the cost of emergency planning to be included as part of the cost of nuclear generation of electricity.

The Legislature intends by the enactment of this legislation to require that the operators of any nuclear power plants in the State pay the costs of planning and making necessary preparation for an emergency at a nuclear power plant or related fuel cycle activities.

§ 123. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Committee. "Committee" means the Radiological Emergency Preparedness Committee.
2. Fund. "Fund" means the Maine Nuclear Emergency Planning Fund.
3. License-holder. "License-holder" means the person who holds the federal license for operation of the reactor from the Nuclear Regulatory Commission or its successor.

§ 124. Radiological Emergency Preparedness Committee

1. Created. There is created a Radiological Emergency Preparedness Committee composed of the following people, who shall serve ex officio, or their designees:

- A. The Director of Civil Emergency Preparedness, who shall act as chairman;
- B. The Commissioner of Public Safety;
- C. The Chairman of the Public Utilities Commission;
- D. The Commissioner of Transportation;
- E. The Commissioner of Environmental Protection; and
- F. The Commissioner of Human Services.

2. Annual review of plan. The committee shall, in conjunction with all municipalities and state agencies it requires to provide assistance, prepare an Emergency Radiological Response Plan deemed necessary to protect the public and property in the State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials,

radioactivity or nuclear materials in this State. The committee shall establish, and annually determine after public hearing the adequacy of the plan. The plan shall include, but not be limited to, evacuation plans and the requirements for such programs as established by the Federal Emergency Management Agency and the Nuclear Regulatory Commission. Any agency of state, county or local government may make requests and recommendations under this program to meet differing needs. This plan shall only apply to those hazards or dangers which arise from the peaceful use of nuclear materials.

3. **Costs of plan.** The committee shall make a determination of the cost for implementing such a plan for the ensuing year. These costs shall include funding for:

- A. **Equipment;**
- B. **Supplies;**
- C. **Personal costs; and**
- D. **Services, including contractual services.**

§ 125. **Maine Nuclear Emergency Planning Fund**

The Maine Nuclear Emergency Planning Fund is established to be used by the committee as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The fund shall be limited to \$250,000. To this fund shall be credited all fees collected under this chapter, and to this fund shall be charged any expenses of the committee related to emergency planning in connection with nuclear power plants and related fuel cycle activities including, but not limited to, the preparation and implementation of the plan required by section 124.

Moneys in the fund not needed currently to meet the obligations of the committee in the exercise of its responsibilities under this chapter shall be deposited with the Treasurer of State to the credit of the fund, and may be invested as provided for by statute. Interest received on the investment shall be credited to the Maine Nuclear Emergency Planning Fund.

§ 126. **Funding**

1. **Fee.** The license-holder for any nuclear power reactor operating in the State shall be assessed a fee of \$100,000 per year to initially establish the fund. License fees shall be paid to the committee and, upon receipt by it, credited to the Maine Nuclear Emergency Planning Fund.

2. **Suspension.** Whenever the balance in the fund has reached the limit provided under this chapter, license fees shall be temporarily suspended. Thereafter, the license-holder shall be assessed an annual fee, at the end of each fiscal year, sufficient to reimburse the fund for any expenditures made during the year.

§ 127. **Disbursements from fund.**

Moneys in the Maine Nuclear Emergency Planning Fund shall be disbursed only for the purposes of this chapter. Expenditures may include, but are not limited to, support of state agency activities, grants to counties or municipalities or interjurisdictional or regional civil emergency preparedness agencies and contracts with public and private organizations as necessary to carry out the purposes of this chapter.

§ 128. Budget approval

The committee shall submit to each Legislature its budget recommendations for disbursements from the fund. Upon its approval, the State Controller shall authorized expenditures from the fund as approved by the committee.

§ 129. Emergency assistance

In the event of an actual emergency at a nuclear power plant or related fuel-cycle activity, as declared by the Governor in accordance with section 57, subsection 1, any moneys in the fund at that time may be used to assist the State, counties or municipalities or any interjurisdictional or regional civil emergency preparedness agency in meeting the emergency, subject to approval by the committee.

STATEMENT OF FACT

This bill would require any nuclear power plant to pay the cost to state or local authorities for planning and making necessary preparations for an emergency at a nuclear power plant or related fuel cycle activities. The United States Nuclear Regulatory Commission and the Federal Emergency Management Agency requires both a state plan and a Maine Yankee plan. Public Law 1979, chapters 672 and 51 required the Bureau of Civil Emergency Preparedness to prepare and implement such a plan.

Cost of preparing the draft plan has been, perhaps, \$250,000, with a major portion paid directly by the utility, and significant parts paid by various agencies within their normal budgets. No special appropriation was made, so this effort necessarily took away from other programs. It would cost additional funds per year to keep the plan updated, train the necessary people and conduct an annual exercise, as required by federal regulations. A draft has been completed and is undergoing public comment and review for submission April 1, 1981. The following Maine agencies were involved in preparation of the draft plan: The Bureau of Civil Emergency Preparedness, the State Police, the National Guard, the Department of Transportation, the Bureau of Health, County Sheriffs, County Civil Emergency Preparedness, as well as the Department of Agriculture, Food and Rural Resources, the Department of Conservation and the Department of Inland Fisheries and Wildlife, the 20 neighboring municipalities and private organizations, including hospitals, the Red Cross and other organizations.

The bill would create the Radiological Emergency Preparedness Committee to establish and review, annually, the plan. The committee would consist of the

Commissioners of Public Safety, Transportation, Environmental Protection and Human Services, the Chairman of the Public Utilities Commission and the Director of Civil Emergency Preparedness, who would be the chairman. The committee would also determine the annual cost for implementing the plan, to be paid from the fund.