

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1217**

S. P. 413

In Senate, March 10, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

Cosponsors: Representative Nadeau of Lewiston, Senator Clark of Cumberland and Representative McKean of Limestone.

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STATE OF MAINE

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

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**AN ACT to Prohibit the Importation of Spent Nuclear Fuel.**

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

35 MRSA c. 269, sub-c. II is enacted to read:

**SUBCHAPTER II**

**NUCLEAR FUEL**

§ 3341. Findings

1. Dangers posed by transportation and storage. Spent nuclear fuel is highly radioactive, and releases of radioactive materials and emissions to the environment would be inimical to the health and welfare of the people of the State, and would contribute to the occurrences of harmful diseases. The dangers posed by the transportation and storage of spent nuclear fuel are increased further by the long time periods that they remain radioactive and dangerous.

2. Risk of accident or incident. Transporting, handling, storing or otherwise caring for spent nuclear fuel presents a hazard to the health, safety and welfare of the individual citizens of the State because of the ever-present risk that an accident or incident will occur while the wastes are being cared for.

3. **Likelihood of accident.** The likelihood that an accident will occur in this State involving the release of radioactive waste to the environment becomes greater as the volume of spent nuclear fuel transported, handled, stored or otherwise cared for in this State increases.

4. **Financial burden of storage.** Storage of spent nuclear fuel could lead to a large unanticipated financial burden on the State, if there are further delays in the national permanent radioactive waste program, or if unforeseen problems develop in spent fuel storage.

5. **Distribution of burden.** The potential financial burdens and the environmental hazards posed by increasing the volume of spent nuclear fuel transported, handled, stored or otherwise cared for in this State by the importation of spent nuclear fuel from outside this State are not burdens and hazards people of one state should be required to bear for the convenience of other states or nations.

#### § 3342. Definitions

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

1. **High level radioactive waste.** "High level radioactive waste" means any radioactive waste resulting from the reprocessing of spent nuclear fuel.

2. **Spent nuclear fuel.** "Spent nuclear fuel" means fuel elements which have been used in the core of any operating nuclear reactor for any period of time, notwithstanding the possibility that the fuel may have some remaining useful life.

#### § 3343. Prohibition on storage

Notwithstanding any law, order or regulation to the contrary, after July 1, 1982, no area within the geographic boundaries of the State may be used by any person or entity as a temporary, interim or permanent storage site for spent nuclear fuel or high level radioactive waste generated or otherwise produced outside the geographic boundaries of the State.

#### § 3344. Prohibition in transportation

Notwithstanding any law, order or regulation to the contrary, after July 1, 1982, no person or entity may transport spent nuclear fuel or high level radioactive waste generated or otherwise produced outside the geographic boundaries of the State to any site within the geographic boundaries of the State for temporary, interim or permanent storage.

#### § 3345. Sanctions

1. **Sanctions; civil penalty.** Any person who violates section 3343 or 3344 shall be subject to sanctions, as specified in Title 10, sections 201 to 203, and is subject to a civil penalty of \$10,000 for each violation or failure to comply.

2. **Violations.** Each spent fuel cask constitutes a separate violation for the purposes of this section.

**§ 3346. Exception, interstate compacts**

**Notwithstanding the other provisions of this subchapter, the State may enter into an interstate compact, which will become effective upon ratification by a majority of both Houses of the United States Congress, to provide for the regional storage of spent nuclear fuel.**

**STATEMENT OF FACT**

The lack of spent fuel storage facilities is a nationwide problem. In 1980, the accumulated inventory of spent fuel was 10,000 metric tons, which represented a radioactive inventory in excess of 3 billion curies. Most of the spent fuel inventory is located at the reactor sites.

During the normal life of the 70 reactors now operating, they will generate 48,000 metric tons of spent fuel with a radioactive inventory of 9.6 billion curies. This radioactive inventory will decay to 960 million curies in 100 years and to 960,000 curies in 100,000 years.

A rapid expansion of commercial nuclear power could generate 427,000 metric tons of spent fuel by the year 2040 with a radioactive inventory of 42.7 billion curies.

One temporary solution to the lack of spent fuel storage facilities is transferring spent fuel between commercial reactors. The spent fuel storage problem is further complicated by the fact that there exist some contractual agreements for the import of spent fuel from foreign sources.

The findings in this bill describe the economic and environmental problems that the importation of spent nuclear fuel could present to the people of Maine.