

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 1338**

H. P. 1121

House of Representatives, March 17, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Michael of Auburn.

Cosponsor: Representative H. Higgins of Portland.

STATE OF MAINE

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

**AN ACT to Create the Nuclear Activity Consent Law.**

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

10 MRSA c. 3, sub-c. V is enacted to read:

**SUBCHAPTER V**

**NUCLEAR ACTIVITY CONSENT LAW**

**§ 221. Compliance with subchapter**

**No person may conduct any of the following activities or make application for any permit, license or authorization to conduct the activity from any state or municipal authority without having first complied with the requirements of this subchapter:**

- 1. Reactor. Construction of a nuclear power reactor;**
- 2. Spent fuel. Construction or operation of a spent-fuel processing facility;**
- 3. Waste repository. Construction or operation of a radioactive waste repository or storage facility; or**
- 4. Storage. Construction or operation of a facility for the away-from-reactor storage of spent fuel.**

**§ 222. Notice to department**

Any person subject to the provisions of section 221 shall give notice of the proposed activity to the Department of Environmental Protection on suitable forms supplied by the department. The notice shall describe the specific nature of the proposed activity and the manner in which the conditions imposed by section 223 are, or will be, met.

**§ 223. Conditions**

No proposal for which a notice has been given under section 222 is eligible for submission to the voters under section 225 unless:

1. **Liability.** No legal limits exist regarding the rights of a person or group of persons to bring suit for and recover full and just compensation from the designers, manufacturers, distributors, owners or operators of the proposed activity for damages resulting from the existence or operation of the activity, and that no legal limits exist regarding the total compensation which may be required from the designers, manufacturers, distributors, owners or operators of the activity for damages resulting from the existence or operation of that activity;

2. **Safety.** The effectiveness of all safety systems, including, but not limited to, the emergency core cooling systems of the proposed activity, has been demonstrated, to the satisfaction of the board, by the comprehensive laboratory testing of substantially similar physical systems in actual operation;

3. **Containment.** The radioactive materials from the proposed activity can be contained with no reasonable chance, as determined by the board, of intentional or unintentional escape or diversion of these materials into the natural environment in such manner as to cause substantial or long-term harm or hazard to present or future generations due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war or other social instabilities, or whatever other causes the board may deem to be reasonably possible, at any time during which these materials remain a radiological hazard; and

4. **Bond.** The owner of proposed activity has posted with the board a bond totaling not less than 30% of the total capital cost of the activity, as estimated by the board, to pay for the decommissioning of the activity and the decontamination of any area contaminated with radioactive materials due to the existence or operation of the activity in the event the owner fails to pay the full costs of that decommissioning and decontamination. Excess bond, if any, shall be refunded to the owner upon demonstration, to the satisfaction of the board, that the site and environs of the activity pose no radiological danger to present or future generations, and that whatever other conditions the board may deem reasonable have been met.

**§ 224. Financial responsibility**

Nothing in section 223 shall be construed as relieving the owner of a nuclear facility from full financial responsibility for the decommissioning of the facility

and decontamination of any area contaminated with radioactive materials as a result of the existence or operation of that facility at any time during which the materials remain a radiological hazard.

§ 225. Notice to Legislature; resolve

If the department determines that the conditions of section 223 are met, it shall report that fact and submit copies of the notice given it under section 222 and such other materials it deems appropriate to the Joint Standing Committee on Energy and Natural Resources. The joint standing committee shall report out to the Legislature a resolve describing the proposed activity and submitting the issue of approval to the legal voters of the State at a referendum, according to the Constitution of Maine. If legal voters approve the matter, the subchapter is complied with.

STATEMENT OF FACT

Substantial public concern exists regarding nuclear reactors and other major nuclear facilities, including the following unresolved issues:

1. The generation of waste from nuclear facilities, which remains a severe radiological hazard for many thousands of years and to which no means of containment assuring the protection of future generations exists;
2. The spending of scarce capital to pay the rapidly increasing costs of nuclear facilities, preventing the use of that capital to finance renewable energy sources which hold more promise for supplying useful energy, providing jobs and holding down energy costs;
3. The liability of nuclear facilities to sudden catastrophic accidents which can affect large areas of the State, thousands of people and countless future generations;
4. The refusal of utilities, industry and government to assume normal financial responsibility for compensating victims of such nuclear accidents; and
5. The possible abandonment of used nuclear facilities by their owners, resulting in radiological dangers to present and future societies as well as higher public costs for perpetual management.

This bill reserves to the people of Maine the exclusive right to determine whether major nuclear facilities are built and operated in this State, by requiring a referendum vote on proposed nuclear facilities. The facilities covered in the bill are new nuclear reactors, spent-fuel processing facilities, radioactive waste repositories and away-from-reactor spent fuel storage facilities.