

MAINE STATE LEGISLATURE

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S.
D. OF R.

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L.D. 1195
(Filing No. S- 89)

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STATE OF MAINE
SENATE
111TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " A " to S.P. 395,
L.D. 1195, Bill, "AN ACT to Revise the Statutes
relating to Radiation Control."

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Amend the Bill by inserting after section 7 the
following:

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'Sec. 8. 10 MRSA §151-A, as enacted by PL 1981,
c. 439, §5, is repealed.'

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Further amend the Bill by striking out all of
sections 10, 11 and 12.

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Further amend the Bill in section 14 in the last
2 lines (page 2, lines 17 and 18 in L.D.) by striking
out the following: "is reallocated to 35 MRSA §3361
to 3366" and inserting in its place the following:
'are reallocated to 35 MRSA §§3371 to 3376'

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Further amend the Bill in section 15 in that part
designated "§671." by striking out all of subsection
3 and inserting in its place the following:

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'3. State authority. Nothing in this Act may be
construed to limit the authority of the State to
regulate radioactive materials, or the facilities in
which they are used or stored, to the fullest extent
consistent with federal law.'

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Further amend the Bill in section 15 in that part
designated "§673." by inserting before subsection 1
the following underlined paragraph:

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'As used in this Act, unless the context indi-
cates otherwise, the following terms have the follow-
ing meanings.'

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1 Further amend the Bill in section 15 in that part
2 designated "§673." by striking out all of subsection
3 7 and inserting in its place the following:

4 '7. License. "License" means a license, issued
5 to a named person upon application filed pursuant to
6 the regulations promulgated pursuant to this Act, to
7 use, manufacture, produce, transfer, receive, acquire
8 or possess quantities of, or devices or equipment
9 utilizing, radioactive material.'

10 Further amend the Bill in section 15 in that part
11 designated "§673." by striking out all of subsection
12 18 and inserting in its place the following:

13 '18. Spent nuclear fuel. "Spent nuclear fuel"
14 means fuel that has been withdrawn from a nuclear
15 reactor following irradiation, the constituent ele-
16 ments of which have not been separated by
17 reprocessing.'

18 Further amend the Bill in section 15 in that part
19 designated "§674." in subsection 4 in paragraph D by
20 adding after the first paragraph a new paragraph to
21 read:

22 'Promulgate such rules in addition to the rule
23 specified in this paragraph as are appropriate to
24 carry out the purposes of this Act, including,
25 but not limited to, rules concerning acquisition,
26 ownership, possession and use of radioactive
27 materials or devices or equipment utilizing
28 radioactive material.'

29 Further amend the Bill in section 15 in that part
30 designated "§674." in subsection 5 in paragraph A in
31 the 2nd line (page 9, line 16 in L.D.) by inserting
32 after the underlined word "agencies" the underlined
33 words 'and federal law'

34 Further amend the Bill in section 15 in that part

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1 designated "§674." in subsection 5 in the last para-
2 graph, 3rd line (page 9, line 29 in L.D.) by insert-
3 ing after the underlined word "State" the underlined
4 words 'or federal law'

5 Further amend the Bill in section 15 in that part
6 designated "§674." in subsection 5 in the last para-
7 graph, 11th line (page 9, line 37 in L.D.) by insert-
8 ing after the underlined word "State" the underlined
9 words 'or the Federal Government'

10 Further amend the Bill in section 15 in that part
11 designated "§674." by adding at the end the follow-
12 ing:

13 '7. Report. The commissioner shall report prior
14 to January 31, 1984, to the joint standing committee
15 of the Legislature having jurisdiction over natural
16 resources on the need for regulation of nonionizing
17 radiation.'

18 Further amend the Bill in section 15 in that part
19 designated "§675." in subsection 1 in the first line
20 (page 10, line 6 in L.D.) by striking out the under-
21 lined word "commissioner" and inserting in its place
22 the underlined word 'Governor'

23 Further amend the Bill in section 15 in that part
24 designated "§676." in subsection 1 in the last line
25 (page 10, line 28 in L.D.) by inserting after the
26 underlined word "Administration" the following: 'and
27 the United States Nuclear Regulatory Commission,
28 except as specified in subsection 4'

29 Further amend the Bill in section 15 in that part
30 designated "§676." in subsection 4 in the last line
31 (page 11, line 3 in L.D.) by striking out the follow-
32 ing: "high-level and low-level" and inserting in its
33 place the following: 'and shall serve as liaison with
34 the United States Nuclear Regulatory Commission for
35 high-level and low-level radioactive'

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1 Further amend the Bill in section 15 in that part
2 designated "§676." in subsection 7 in the 2nd and 3rd
3 lines (page 11, lines 10 and 11 in L.D.) by striking
4 out the underlined words "United States Nuclear
5 Regulatory Commission and the"

6 Further amend the Bill in section 15 in that part
7 designated "§677." in subsection 1 in the 2nd and 3rd
8 lines (page 11, lines 16 and 17 in L.D.) by striking
9 out the underlined words "general or specific" and in
10 the 4th line (page 11, line 18 in L.D.) by inserting
11 after the underlined word "equipment" the underlined
12 punctuation and words ', including nuclear power
13 plants,'

14 Further amend the Bill in section 15 in that part
15 designated "§677." by adding at the end the follow-
16 ing:

17 '5. Federal license or permit required. No
18 person may manufacture, construct, produce, transfer,
19 acquire or possess any special nuclear material,
20 source material, by-product material, production
21 facility or utilization facility, or act as an oper-
22 ator of a production or utilization facility wholly
23 within this State, unless he has first obtained a li-
24 cence or permit for the activity in which he proposes
25 to engage from the United States Atomic Energy Com-
26 mission if, pursuant to the United States Atomic
27 Energy Act of 1954, the commission requires a license
28 or permit to be obtained by persons proposing to
29 engage in activities of the same type over which it
30 has jurisdiction.'

31 Further amend the Bill in section 15 in that part
32 designated "§680." in subsection 1 in the first line
33 (page 12, line 11 in L.D.) by striking out the under-
34 lined word "reactors" and inserting in its place the
35 underlined word 'plants' and in the 2nd line (page
36 12, line 12 in L.D.) by striking out the underlined
37 word "reactors" and inserting in its place the under-
38 lined word 'plants'

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1 Further amend the Bill in section 15 in that part
2 designated "§680." in subsection 2 in the 5th line
3 (page 12, line 18 in L.D.) by inserting after the
4 underlined word "include" the underlined punctuation
5 and words ', but are not limited to'

6 Further amend the Bill in section 15 in that part
7 designated "§680." by striking out all of subsection
8 4 and inserting in its place the following:

9 '4. Report. The department shall report annu-
10 ally, before January 31st, to the joint standing com-
11 mittee of the Legislature having jurisdiction over
12 natural resources on the fee schedule established and
13 the justification for those fees.'

14 Further amend the Bill in section 15 in that part
15 designated "§680." by striking out all of subsection
16 6 and inserting in its place the following:

17 '6. Penalties. When a registrant or licensee
18 fails to pay the applicable fee, the department may
19 take action in accordance with the Maine Administra-
20 tive Procedure Act, Title 5, chapter 375.'

21 Further amend the Bill in section 15 in that part
22 designated "§680." by adding at the end the follow-
23 ing:

24 '7. Permanent fund. All fees shall be paid to
25 the Treasurer of State to be maintained in a perma-
26 nent fund and used by the Department of Human Ser-
27 vices for carrying out the provisions of this Act.'

28 Further amend the Bill in section 15 in that part
29 designated "§682." in subsection 3 in the 4th line
30 (page 14, line 1 in L.D.) by striking out the under-
31 lined word "omitting" and inserting in its place the
32 underlined word 'emitting'

33 Further amend the Bill in section 15 in that part

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1 designated "§684." in the first line (page 14, line
2 26 in L.D.) by inserting after the underlined word
3 "agreements" the underlined words 'and contracts'

4 Further amend the Bill in section 15 in that part
5 designated "§684." in subsection 1 by striking out
6 all of the 2nd paragraph.

7 Further amend the Bill in section 15 in that part
8 designated "§684." by adding at the end the follow-
9 ing:

10 '3. Contracts with federal agencies. The Gover-
11 nor may, subject to the conditions of Title 5,
12 section 1669 and any other provision of law, execute
13 contracts with appropriate federal officers or agen-
14 cies relating to radiation hazards.'

15 Further amend the Bill in section 15 by striking
16 out all of that part designated "§687." and inserting
17 in its place the following:

18 '§687. Administrative procedure and judicial review
19 Administrative procedure and judicial review
20 shall be in accordance with the Maine Administrative
21 Procedure Act, Title 5, chapter 375.'

22 Further amend the Bill in section 15 in that part
23 designated "§688." in the first line (page 16, line
24 27 in L.D.) by inserting after the underlined word
25 "proceedings" the underlined punctuation and word ';
26 impounding'

27 Further amend the Bill in section 15 in that part
28 designated "§688." by inserting at the beginning of
29 the 2nd line (page 16, line 28 in L.D.) the follow-
30 ing: '1. Injunctions.'

31 Further amend the Bill in section 15 in that part
32 designated "§688." in the 7th line (page 16, line 33
33 in L.D.) by striking out the underlined word "Dis-

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1 strict" and inserting in its place the underlined word
2 'Superior'

3 Further amend the Bill in section 15 in that part
4 designated "§688." by adding at the end the follow-
5 ing:

6 '2. Impounding. In accordance with all applica-
7 ble statutes and regulations, the department may, in
8 the event of an emergency, impound or order the
9 impounding of sources of radiation in the possession
10 of any person who is not equipped to observe or fails
11 to observe the provisions of this Act or any rules
12 issued under this Act.

13 Further amend the Bill in section 15 in that part
14 designated "§689." in the 2nd line (page 17, line 1
15 in L.D.) by striking out the underlined word "It" and
16 inserting in its place the following: 'Except for
17 consumer products, it'

18 Further amend the Bill in section 15 in that part
19 designated "§689." in the last line (page 17, line 6
20 in L.D.) by inserting after the underlined word and
21 punctuation "Act." the following: 'Notwithstanding
22 this paragraph, licensing or registration of specific
23 consumer products may be required by the department
24 by rule in specified circumstances.'

25 Further amend the Bill in section 15 by striking
26 out all of those sections designated "§690." and
27 "§690-A." and inserting in their place the following:

28 '§690. Penalties

29 1. Criminal penalties. Any person who willfully
30 violates any of the provisions of this Act, or rules
31 or orders of the department in effect pursuant to
32 this Act, is guilty of a Class D crime.

33 Any person who willfully violates any term, condition
34 or limitation of any license or registration certifi-

