

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2260

6
7 S.P. 898

In Senate, March 24, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsored by Representative Mitchell of Freeport, Representative
Coles of Harpswell and Representative Holloway of Edgecomb.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Concerning Nuclear Waste Activity and
18 Requiring Disapproval of a High-level
19 Radioactive Waste Site.
20

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

23 38 MRSA §1465, as enacted by PL 1983, c. 381, §9,
24 is repealed and the following enacted in its place:

25 §1465. Notice of disapproval

26 1. Departmental review and report. In the event
27 the Secretary of the United States Department of En-
28 ergy notifies the State, in accordance with the
29 United States Nuclear Waste Policy Act of 1982, Pub-
30 lic Law 97-425, Section 114(a) or any other provision
31 of law, that the Secretary has decided to recommend
32 to the President of the United States approval of a
33 site within the State for a high-level radioactive
34 waste repository, the Department of Environmental
35 Protection shall review that recommendation with spe-

1 cial attention to the issues identified in section
2 1463, subsection 3. In connection with this review,
3 the department shall hold a public hearing in the vi-
4 city of the proposed site and such other public
5 hearings as may be necessary to obtain adequate pub-
6 lic input, including at least 2 other public hearings
7 at locations convenient to concerned citizens. Any
8 person who resides within the State is entitled to be
9 heard. The department shall report its findings to
10 the Governor and the Legislature within 30 days af-
11 ter the date of the notice from the United States De-
12 partment of Energy.

13 2. Waiver of disapproval. In the event the Sec-
14 retary of the United States Department of Energy sub-
15 mits to the President a recommendation that the Pres-
16 ident approve a site within the State for application
17 for a construction authorization for a repository, in
18 accordance with the United States Nuclear Waste Poli-
19 cy Act of 1982, Public Law 97-425, the Governor and
20 the Legislature shall review that recommendation and
21 consider a resolve with text as follows:

22 "The State of Maine does not disapprove the site at
23 _____ for a high-level radioactive
24 waste repository."

25 The blank space shall be filled with the name of the
26 geographic location of the proposed site of the re-
27 pository.

28 The resolve shall be referred to the joint standing
29 committee of the Legislature having jurisdiction over
30 natural resources for public hearing and committee
31 action, and the committee shall make its report with-
32 in 30 days of the Secretary's recommendation. If the
33 Legislature is not in session when the committee re-
34 port is filed, a special session shall be called in a
35 timely fashion to consider the resolve. Final action
36 by the Legislature shall be taken within 45 days of
37 the Secretary's recommendation.

38 3. Findings. The Governor and the Legislature
39 shall transmit a notice of disapproval in accordance
40 with subsection 4, unless the Legislature finds that:

- 1 A. The proposed repository and transportation of
2 radioactive waste to the repository will not ad-
3 versely affect the health, safety and welfare of
4 the people of the State;
- 5 B. The proposed repository and transportation of
6 radioactive waste to the repository will use the
7 safest available technology;
- 8 C. The proposed repository location is the
9 safest available location nationally;
- 10 D. The proposed repository and transportation of
11 radioactive waste to the repository will not
12 present an immediate or a contingent financial
13 liability to the State;
- 14 E. The proposed repository and transportation
15 system will be insured by the Federal Government
16 without limits on liability for any damages to
17 persons or property that may result from their
18 operation; and
- 19 F. The location of the proposed repository in
20 the State will be in the best interests of the
21 people of the State.

22 4. Notice of disapproval. Unless the Legisla-
23 ture finds and the Governor concurs that location of
24 the proposed repository in the State satisfies the
25 criteria of subsection 3 and will be in the best in-
26 terest of the people of the State, and unless the re-
27 solve waiving disapproval as defined in subsection 2
28 is enacted, the Governor and the Legislature shall
29 transmit a notice of disapproval to the President of
30 the United States and the Congress. That notice
31 shall read:

32 "The State of Maine disapproves the site at
33 _____ for a high-level radioactive
34 waste repository."

35 The blank space shall be filled with the name of the
36 geographic location of the proposed site of the re-
37 pository.

1 The notice of disapproval shall be transmitted within
2 55 days of the Secretary's recommendation, but not
3 later than 55 days after recommendation of that site
4 by the President of the United States to the Con-
5 gress, if the President so recommends.

6 5. Indian tribes. If a proposed site for a
7 high-level radioactive waste repository is located on
8 the reservation of an Indian tribe within the State,
9 the Governor of the State shall transmit a notice of
10 disapproval in accordance with the conditions of sub-
11 section 4, unless the Tribal Council, the Legislature
12 and the Governor concur that the location of the pro-
13 posed repository in the State satisfies the criteria
14 of subsection 3 and will be in the best interests of
15 the people of the tribe and of the State. Nothing in
16 this section may reduce the authority of the tribe to
17 submit their own notice of disapproval in accordance
18 with federal law.

19 STATEMENT OF FACT

20 The Federal Government is looking for a national
21 high-level radioactive waste site and Maine is one of
22 the many states being considered. Under federal law,
23 the state selected may veto its selection, and that
24 veto may only be overridden by Congress. In the
25 event Maine is selected for a site, this bill re-
26 quires the Governor and the Legislature to send a no-
27 tice of disapproval, unless the Legislature and the
28 Governor determine by legislative resolve that a no-
29 tice of disapproval should not be sent.

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