

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1274

S.P. 416

In Senate, April 15, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate Presented by Senator KANY of Kennebec. Cosponsored by Senator PEARSON of Penobscot, Representative MOHOLLAND of Princeton, Representative VOSE of Eastport.

STATE OF MAINE

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

1 2 3	AN ACT Concerning Radioactive Waste Disposal Facilities on Indian Territory.
4 5	Be it enacted by the People of the State of Maine as follows:
6	Sec. 1. 30 MRSA c. 602 is enacted to read:
7	CHAPTER 602
8	DISPOSAL FACILITIES ON INDIAN TERRITORY
9	<u>§6251. Disposal facilities</u>
10 11 12	No existing Passamaquoddy or Penobscot Indian territory or any of the areas which are designated as potential tribal territory under section 6205, sub-
13	section 1, paragraph B, or subsection 2, paragraph B,

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1 at the time a final disposal site is selected may be 2 chosen as a disposal site for either low-level or 3 high-level radioactive waste, unless the council of 4 the tribe, on whose territory or potential territory 5 such a disposal site is proposed to be located, has 6 certified the prior written approval of the tribe for the disposal site to the Secretary of State. No land within the potential territory of both tribes may be 7 8 chosen as a disposal site, unless the council of each 9 10 tribe has certified the prior written approval of the 11 respective tribe for the disposal site to the Secre-12 tary of State.

13 Sec. 2. Effective date. This Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives 14 15 16 written certification by the Joint Tribal Council of 17 the Passamaquoddy Tribe and the Governor and Council of the Penobscot Nation that the respective tribe and 18 19 nation have agreed to the provisions of this Act pur-20 suant to the United States Code, Title 25, Section 1725 (e) (1), copies of which shall be submitted by 21 22 the Secretary of State, the Secretary of the Senate 23 and the Clerk of the House, provided that in no event may this Act become effective until 90 days after ad-24 25 journment of the Legislature.

STATEMENT OF FACT

This bill will not allow a disposal facility for low-level or high-level radioactive waste to be placed on lands which are territory of the Passamaquoddy Tribe or the Penobscot Nation or which are designated as potential territory of the Passamaquoddy Tribe or Penobscot Nation at the time a

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final disposal site is selected, without the approval of the affected tribe. Certain land is designated as potential territory for both tribes in the Maine Revised Statutes, Title 30, section 6205, subsection 1, paragraph B, and subsection 2, paragraph B. If a waste disposal facility is proposed on land which is potential territory for both tribes, the approval of both tribes is required.

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