

MAINE STATE LEGISLATURE

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(Emergency)
(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1431

S.P. 471 In Senate, May 4, 1987
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.

Reference to the Committee on Utilities suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KERRY of York.

Cosponsored by President PRAY of Penobscot, Speaker MARTIN
of Eagle Lake, Representative VOSE of Eastport.

STATE OF MAINE

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

1 AN ACT to Provide for the Electric Power
2 Needs of the State while Phasing Out
3 Nuclear Power Generation.
4

5 **Emergency preamble.** Whereas, Acts of the Legis-
6 lature do not become effective until 90 days after
7 adjournment unless enacted as emergencies; and

8 Whereas, in order to complete the analysis re-
9 quired in this Act before the referendum scheduled
10 for November 1987, it is necessary to begin as soon
11 as possible; and

12 Whereas, in the judgment of the Legislature,
13 these facts create an emergency within the meaning of
14 the Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-
2 vation of the public peace, health and safety; now,
3 therefore,

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

6 **Sec. 1. Findings.** The Legislature finds that
7 electric power is vital for the health and welfare of
8 the people of the State for use in residences and for
9 almost all economic activity ranging from heavy in-
10 dustry to nonprofit hospitals. It is projected that
11 the demand for electric power in this State will in-
12 crease at a rate of 2% to 3% each year over the next
13 15 to 20 years, rising from present peak demand for
14 electric utilities of about 1,800 megawatts to an es-
15 timated demand in the year 2007 of 3,000 megawatts.
16 It is in the best interests of the State to plan for
17 that increase and to select the optimum combination
18 of sources and conservation measures to meet those
19 needs.

20 The Legislature further finds that there are many
21 reasons for planning for the phasing out of the gen-
22 eration of nuclear power in this State. State law
23 requires voter approval prior to construction of any
24 new nuclear power plant, noting that the large and
25 uncertain costs associated with nuclear power plants,
26 including the costs of low-level and high-level waste
27 disposal, decommissioning and long-term care, will be
28 borne by the consumers and it appears exceedingly un-
29 likely that voter approval could be obtained at the
30 present time. There have been 2 statewide referenda
31 which have shown that a substantial minority of the
32 voters want to close Maine Yankee. In 1980, 41% of
33 the voters favored closing the plant, in 1982, 44%
34 favored closing the plant and a 3rd statewide refer-
35 endum will be on the ballot in November 1987.

36 The Legislature further finds that, because of
37 increasing costs, as well as licensing difficulties,
38 utilities in this State, like others nationally, are
39 not planning any new nuclear power plants to add to
40 or replace Maine Yankee. The people of the State op-
41 pose a high-level waste site in this State and many
42 believe that it will be consistent to stop generating

1 high-level waste in this State. The Chernobyl acci-
2 dent has increased people's concern about nuclear
3 safety; the State's utilities, for economic reasons,
4 phased out their participation in a large out-
5 of-state nuclear power plant by selling their shares
6 of Seabrook in 1986, so that the phase out of the
7 State's dependence on nuclear power has already be-
8 gun.

9 Under state law, beginning July 1, 1992, spent
10 nuclear fuel may not be kept on-site for more than 3
11 years. Access to existing low-level waste sites un-
12 der federal law is scheduled to end December 31,
13 1992. Even though it will not be completely solved,
14 the problem of finding an alternative site would be
15 simplified by ending generation of electricity in
16 this State by nuclear energy which generates over 90%
17 of the low-level waste based on radioactivity; and,
18 in any event, the operating license for Maine Yankee,
19 the only nuclear power plant in Maine, is scheduled
20 to expire in 2008.

21 The Legislature further finds that planning for
22 replacement power is both necessary and possible.
23 Maine Yankee supplied 427 megawatts of power, 19% of
24 the power needs, to this State in 1984, so that a ma-
25 jor source or sources of replacement power will be
26 needed when Maine Yankee does close, whether that oc-
27 curs in 2008, when its license expires, or earlier.
28 Alternative sources of supplying the State's electric
29 needs have been developed with considerable success,
30 including conservation, small hydro power plants,
31 cogeneration and Canadian imports.

32 **Sec. 2. Study.** The Joint Standing Committee on
33 Utilities shall study the ways to meet the electric
34 power needs of the State using several alternative
35 dates for the shutdown of Maine Yankee, including
36 1988, 1992, 1998, 2003 and 2008.

37 The committee shall hold at least one public hearing
38 in conducting the study. The Public Utilities Com-
39 mission, the Office of Energy Resources and the State
40 Planning Office shall provide information requested
41 by the committee. The committee shall also review
42 the findings of the related study requested by the
43 Governor from the State Planning Office. Legislative

1 staff assistance shall be requested from the Legisla-
2 tive Council.

3 The study shall explore the consequences of the
4 shutdown of Maine Yankee in each time frame, includ-
5 ing:

6 What are the likely sources of replacement power?
7 What would they cost? When would they be availa-
8 ble?

9 Can or should the proposed Hydro-Quebec purchase
10 replace Maine Yankee?

11 What would be the impact on electric supply of an
12 unplanned permanent shutdown of the plant due to
13 accident or other cause?

14 What are the estimated costs of a shutdown of
15 Maine Yankee?

16 What are the legal aspects of requiring a
17 shutdown of Maine Yankee?

18 **Sec. 3. Report.** The study required by section
19 2, shall report its findings to the Legislature on or
20 before September 30, 1987, along with any legislative
21 recommendations relating to the shutdown of Maine
22 Yankee.

23 **Emergency clause.** In view of the emergency cited
24 in the preamble, this Act shall take effect when ap-
25 proved.

1

STATEMENT OF FACT

2 Sooner or later, Maine's only nuclear power plant
3 will shut down. The bill requires a study by the
4 Joint Standing Committee on Utilities on the ways to
5 meet the electric power needs of the State when the
6 Maine Yankee nuclear power plant does shut down.
7 Various scenarios will be explored ranging from
8 shutdown in one year, as called for in the referen-
9 dum, to shutdown in 2008, when its federal operating
10 license expires. The study will report to the Legis-
11 lature on or before September 30, 1987, with any leg-
12 islative recommendations relating to the shutdown of
13 Maine Yankee.

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