

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1941

S.P. 737

In Senate, December 14, 1989

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

Received by the Secretary of the Senate on December 14, 1989. Referred to the Committee on Energy and Natural Resources and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KANY of Kennebec.

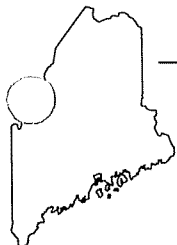
Cosponsored by Representative COLES of Harpswell, Representative MITCHELL of Freeport and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the Maine Low-level Radioactive Waste Authority
6 desires to amend certain portions of the Maine Low-level
Radioactive Waste Authority Act; and

8 Whereas, the Act makes no provision for the disposition of
10 the property of the authority when the authority ceases to
function; and

12 Whereas, the Act contains no provision for a referendum vote
14 in an unorganized township with no inhabitants; and

16 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
18 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
20 safety; now, therefore,

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

24 **Sec. 1. 38 MRSA §1522**, as enacted by PL 1987, c. 530, §4, is
amended to read:

26 **§1522. Property**

28 All property of the authority and all property held in the
30 name of the State pursuant to this chapter shall be exempt from
levy and sale by virtue of any execution, and no execution or
32 other judicial process may be a lien upon its property held
pursuant to this chapter; provided that the authority shall not
34 lease, sell or otherwise convey any of its real or personal
property or easements in property, franchises, buildings or
36 structures, except that the authority may permit the erection or
installation of electric power, telegraph, telephone, water,
38 sewer or pipeline facilities. At the time of termination of the
authority, all property of the authority shall revert to the
40 State and shall be considered state property for all purposes.
The Legislature shall determine any further disposition of such
42 property.

44 **Sec. 2. 38 MRSA §1527, sub-§3**, as enacted by PL 1987, c. 530,
§4, is amended to read:

46 **3. Local participation in siting decision.** Within 60 days
48 of the final selection by the authority of the low-level waste
disposal facility site, the governing body of the municipality
50 where the facility is to be located, or the Secretary of State in
the case of an unorganized township, shall hold an election for
52 the purpose of approving the site. Unless 60% of the voters

2 casting ballots in the election approve of the authority's site
location decision, the authority shall not locate the facility
4 within the municipality or territory. If the unorganized
township is uninhabited, the voters shall be those individuals
6 who reside in the county where the unorganized township is
located and shall vote on behalf of that unorganized township.

8 **Emergency clause.** In view of the emergency cited in the
preamble, this Act shall take effect when approved.
10

12
14 **STATEMENT OF FACT**

16 This bill amends the Maine Low-level Radioactive Waste
Authority Act by providing that all of the property acquired by
the Maine Low-level Radioactive Waste Authority shall become
18 state property when the authority ceases its operations.
Additionally, the bill amends the local referendum provision of
20 the law by requiring a countywide vote when an unorganized
township with no inhabitants has been selected as a disposal
22 facility site.