

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2123

H.P. 1538

House of Representatives, January 5, 1990

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOLT of Bath.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative FOSTER of Ellsworth and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Establishing Ownership of and Liability for Nuclear Waste.



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

2
4 Sec. 1. 38 MRSAs §1451, sub-§§4-A, 5-A, 15-A, 16-A, 21-A, 21-B and 22-A are enacted to read:

6 4-A. Disposal. "Disposal" means the isolation of
8 radioactive waste from the biosphere.

10 5-A. Hazardous life. "Hazardous life" means the time it
12 takes for all the radionuclides in the radioactive waste to
14 undergo 1/10 of the maximum permissible concentrations for public
exposure to those radionuclides allowed by the Nuclear Regulatory
Commission as prescribed in the 10 Code of Federal Regulations,
Section 20, Appendix B.

16 15-A. Person. "Person" means an individual, a partnership,
18 a voluntary association, a firm or a corporation.

20 16-A. Radioactive waste generator. "Radioactive waste
22 generator" means any person who produces radioactive waste
24 directly or indirectly through the process of nuclear fission in
the State, whether or not that waste is treated, stored,
transported off site or disposed of in any manner.

26 21-A. Storage. "Storage" means the temporary location of
radioactive waste.

28 21-B. Transportation. "Transportation" means the physical
30 movement of radioactive waste from one location to another.

32 22-A. Treatment. "Treatment" means any process that
changes the form, concentration or volume of radioactive waste.

34 Sec. 2. 38 MRSAs §1455 is enacted to read:

36 §1455. Ownership of and liability for radioactive waste

38 1. Ownership. Radioactive waste generators retain title to
40 the radioactive waste they generate regardless of the method of
treatment or disposal used.

42 2. Liability. Radioactive waste generators are jointly and
44 severally liable for damages to any person or property or to the
environment caused by the waste they generate during the
46 hazardous life of that waste.

48 STATEMENT OF FACT

50 Federal law establishes that states must take responsibility
52 for isolation of low-level radioactive waste generated within
their borders except for waste generated by the Department of

2 Defense. This bill ensures that the generators of this waste
will maintain ownership of this waste and assume costs of
4 liability in case of accidents that cause damage to people, the
environment or property.