

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

Legislative Document

No. 2305

H.P. 1642

House of Representatives, February 6, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

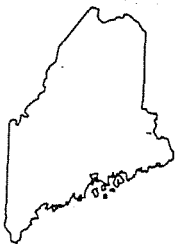
Cosponsored by Representative HOLT of Bath, Representative MICHAUD of East Millinocket and Senator BALDACCI of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Ensure Voter Participation in the Siting of Storage and Disposal of Radioactive Waste.**

(EMERGENCY)



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

4  
Whereas, the selection of possible low-level radioactive  
6 waste disposal or storage facility sites is of vital concern to  
municipalities and unorganized townships; and

8  
Whereas, the participation of residents of the potentially  
10 affected municipalities and unorganized townships must be  
encouraged in the earliest possible stage of selecting a site; and

12  
Whereas, in the judgment of the Legislature, these facts  
14 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

18  
**Be it enacted by the People of the State of Maine as follows:**

20  
**Sec. 1. 38 MRSA §1527, sub-§3, as amended by PL 1991, c. 287,**  
22 **is repealed and the following enacted in its place:**

24 3. Local participation in siting decision. Within 90 days  
26 of the preliminary selection by the authority of a possible  
28 low-level waste disposal facility site or a low-level radioactive  
30 waste storage facility site, the governing body of a municipality  
32 where the facility may be located, or the Secretary of State in  
34 the case of an unorganized township, may hold an election to  
36 withdraw the site from possible selection by the authority. The  
question at election must be submitted to the legal voters who  
reside within a municipality or territory that is located, in  
whole or in part, within a 12-mile radius of the proposed site.  
If a majority of voters casting ballots in the election vote to  
remove the site from possible selection, the authority may not  
consider locating the facility within the municipality or  
territory.

38  
Within 60 days of the final selection by the authority of a  
40 low-level waste disposal facility site or a low-level radioactive  
42 waste storage facility site, the governing body of the  
44 municipality where the facility is to be located, or the  
46 Secretary of State in the case of an unorganized township, shall  
48 hold an election for the purpose of approving the site. The  
question at election must be submitted to the legal voters who  
reside within a municipality or territory that is located, in  
whole or in part, within a 12-mile radius of the proposed sited.  
Unless 60% of the voters casting ballots in the election approve  
of the authority's site location decision, the authority may not  
50 locate the facility within the municipality or territory.

2           **Emergency clause.** In view of the emergency cited in the  
4 preamble, this Act takes effect when approved.

6    **STATEMENT OF FACT**

8           This bill allows a municipality or an unorganized township  
10 that has been selected as a possible site for a low-level waste  
12 storage or disposal facility to vote within 90 days of  
preliminary or final selection to withdraw the municipality or  
unorganized township from selection.