

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 697

S. P. 266

In Senate, February 15, 1955.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT to Coordinate Development and Regulatory Activities Relating to the
Peaceful Uses of Atomic Energy.**

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

Sec. 1. R. S., c. 52-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 52-A, to read as follows:

'Chapter 52-A.

Peaceful Uses of Atomic Energy.

Sec. 1. Declaration of policy. The State of Maine endorses the action of the Congress of the United States in enacting the Atomic Energy Act of 1954 to institute a program to encourage the widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public; and therefore declares the policy of the State to be:

- I. To cooperate actively in the program thus instituted; and
- II. To the extent that the regulation of special nuclear materials and by-product materials, of production facilities and utilization facilities, and of persons operating such facilities may be within the jurisdiction of the State, to provide for the exercise of the State's regulatory authority so as to conform, as nearly as may be, to the Atomic Energy Act of 1954 and regulations issued thereunder, to the end that there may, in effect, be a single harmonious system of regulation within the State.

The State of Maine recognizes that the development of industries producing or utilizing atomic energy may result in new conditions calling for changes in

the laws of the State and in regulations issued thereunder with respect to health and safety, working conditions, workmen's compensation, transportation, public utilities, life, health, accident, fire and casualty insurance, the conservation of natural resources, including wildlife, and the protection of streams, rivers and airspace from pollution, and therefore declares the policy of the State to be:

I. To adapt its laws and regulations to meet the new conditions in ways that will encourage the healthy development of industries producing or utilizing atomic energy while at the same time protecting the public interest; and

II. To initiate continuing studies of the need for changes in the relevant laws and regulations of the State by the respective departments and agencies of the State which are responsible for their administration; and

III. To assure the coordination of the studies thus undertaken, particularly with other atomic industrial development activities of the State and with the development and regulatory activities of other States and of the Government of the United States.

Sec. 2. Definitions. As used in this Chapter, the term "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

The term "by-product material" means any radioactive materials, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.

The term "production facility" means any equipment or device capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or any important component part especially designed for such equipment or device.

The term "special nuclear material" means plutonium and uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission has determined the material to be such; or any material artificially enriched by any of the foregoing.

The term "utilization facility" means any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or any important component part especially designed for such equipment or device.

Sec. 3. United States licenses or permits required. No person shall manufacture, construct, produce, transfer, acquire or possess any special nuclear material, by-product material, production facility or utilization facility, or act as an operator of a production or utilization facility wholly within this State unless he shall have first obtained a license or permit for the activity in which he proposes to engage from the United States Atomic Energy Commission if, pursuant to

the Atomic Energy Act of 1954, the Commission requires a license or permit to be obtained by persons proposing to engage in activities of the same type over which it has jurisdiction.

Sec. 4. Conduct of studies concerning changes in laws and regulations with a view to atomic industrial development. Each of the following departments and agencies of the State Government is directed to initiate and to pursue continuing studies as to the need, if any, for changes in the laws and regulations administered by it that would arise from the presence within the State of special nuclear materials and by-product materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to law administered by it, and such proposals for amendments to the regulations issued by it, as may appear necessary and appropriate.

I. The Department of Health and Welfare, particularly as to hazards, if any, to the public health and safety.

II. The Department of Labor & Industry, particularly as to hazardous working conditions, if any.

III. The Industrial Accident Commission, particularly as to the time and character of proof of claims of injuries and the extent of the compensation allowable therefor.

IV. The State Highway Commission, particularly as to the transportation of special nuclear materials and by-product materials on highways of the State.

V. The Public Utilities Commission, particularly as to the transportation of special nuclear materials and by-product materials by common carriers not in interstate commerce and as to the participation by public utilities subject to its jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use.

VI. The Insurance Commissioner, particularly as to the insurance of persons and property from hazards to life and property resulting from atomic development.

VII. The Departments of Forestry, Inland Fisheries and Game, Sea and Shore Fisheries and the Aeronautics Commission, particularly as to the hazards, if any, to the natural resources of the State, including wildlife, and as to the protection, if necessary, of rivers, streams and airspace from pollution.

VIII. Such other departments and agencies, including departments and agencies of political subdivisions of the State, as the Governor may direct and for the purposes specified by him.

Sec. 5. Coordination of studies and development activities. The Governor and Council shall appoint a citizen of this State to serve as adviser to the Governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to the industrial and commercial uses of atomic energy; and as deputy of the Governor in matters relating to atomic energy, including participation in the activities of any committee formed by the New England States to represent their interest in

such matters and also cooperation with other States and with the Government of the United States. The person so appointed shall have the title of Coordinator of Atomic Development Activities.

The Coordinator of Atomic Development Activities shall have the duty of coordinating the studies, recommendations and proposals of the several departments and agencies of the State and its political subdivisions required by section 4 with each other and also with the programs and activities of the Department of Labor and Industry and the Maine Development Commission and of the State. So far as may be practicable, he shall coordinate the studies conducted, and the recommendations and proposals made, in this State with like activities in the New England and other States and with the policies and regulations of the United States Atomic Energy Commission. In carrying out his duties, he shall proceed in close cooperation with the Department of Labor and Industry and the Maine Development Commission.

The several departments and agencies of the State and its political subdivisions which are directed by section 4 to initiate and pursue continuing studies are further directed to keep the Coordinator of Atomic Development Activities fully and currently informed as to their activities relating to atomic energy. No regulation or amendment to a regulation applying specifically to an atomic energy matter which any such department or agency may propose to issue shall become effective until 30 days after it has been submitted to the Coordinator. If the Coordinator objects to any such regulation or amendment thereto he may, within said 30 days, notify the Governor of his objection and the reasons therefor, and the Governor, after due consideration thereof, and after discussion with said department or agency, and within 15 days after receipt of said notice from the Coordinator, may declare the proposed regulation or amendment thereto valid and effective, or he may declare it invalid and ineffective. Upon a finding of emergency need, the Governor may declare any proposed regulation or amendment thereto immediately effective.

The Coordinator of Atomic Development Activities shall keep the Governor and Council and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this State.

Sec. 6. Injunction proceedings. Whenever, in the opinion of the Attorney General, any person is violating or is about to violate section 3, the Attorney General may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this chapter and upon a showing that such person has engaged, or is about to engage in any such activity, a permanent or temporary injunction, restraining order or other order may be granted.'

Sec. 2. R. S., c. 44, § 2, amended. The 2nd sentence of section 2 of chapter 44 of the revised statutes is hereby amended to read as follows:

'No Commissioner shall hold any other civil office of profit or trust under the Government of the United States or of this State except the office of **Coordinator of Atomic Development Activities** or the office of justice of the peace or notary public, nor shall he serve on or under any committee of any political party.'