

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
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CHAPTER 354

AN ACT to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation Application.

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

39 MRSA § III-A is enacted to read:

§ III-A. Provisional payment of certain disability benefits

1. No delay of benefits. If an employee is due benefits from an employer under an insured disability plan or insured medical payments plan because of a personal injury or disease, the employer shall not delay or refuse payment of those benefits because the employee has filed a workmen's compensation claim based on the same personal injury or disease.

2. Repayment. If an employee has received benefits, as described in subsection 1, because of a personal injury or disease and has later prevailed on a workmen's compensation claim based on the same personal injury or disease, the value of all such benefits may be offset by the employer or respective insurance carriers against the payments of workmen's compensation benefits, and, if not offset, the employee shall repay to the employer, within 30 days of receiving the initial payment of workmen's compensation benefits, the value of all the benefits received under subsection 1.

Effective October 24, 1977

CHAPTER 355

AN ACT to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission.

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

10 MRSA c. 4 is enacted to read:

CHAPTER 4

REQUIREMENTS FOR CERTIFICATION OF NUCLEAR POWER PLANTS BY THE PUBLIC UTILITIES COMMISSION

§ 251. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Commission. "Commission" means the Public Utilities Commission.
2. Construction. "Construction" means the installation of permanent equipment or structures.
3. High level nuclear wastes. "High level nuclear wastes" means those aqueous wastes resulting from the operation of the first cycle of the solvent extraction system or equivalent and the concentrated wastes of the subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel. High level nuclear wastes shall include spent fuel assemblies prior to fuel reprocessing.

4. Nuclear power plant. "Nuclear power plant" means a nuclear fission thermal power plant.

5. Technology or means for the disposal of high-level nuclear waste. "Technology or means for the disposal of high-level nuclear waste" means a method for the permanent and terminal disposal of high-level nuclear waste. It shall not necessarily require that facilities for the application of such technology and means be available at the time the commission makes its findings. Such disposition shall not necessarily preclude the possibility of an approved process for retrieval of such waste.

§ 252. Requirements prior to certification of nuclear power plants
by the Public Utilities Commission

No construction shall commence on a nuclear power plant after the effective date of this chapter until the Public Utilities Commission has complied with this chapter.

§ 253. Power to certify

The commission shall not certify any nuclear power plant until the following condition is met.

1. Commission finding of United States identification and approval of technology. The commission finds that the United States Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high-level nuclear waste.

§ 254. Certification of nuclear power plants

If the conditions of section 253 have been met, the commission may certify a nuclear power plant if it finds that:

1. Waste storage facilities operational. Specific facilities with adequate capacity to contain high-level nuclear waste are in actual operation, or will be in operation, at the time the nuclear power plant being certified requires the means for the disposal of high-level nuclear waste; and

2. Proposal for disposal is in conformity. The disposal of high-level nuclear waste proposed for any nuclear power plant to be certified according

to this chapter is in full conformity with the technology approved by the authorized agency of the United States Government.

§ 255. Commission action upon petition

Upon petition of any person, firm or corporation, the commission shall within a reasonable time conduct public hearings and make specific findings as to the condition set forth in section 253, subsection 1.

§ 256. Commission action if power to grant certificates not granted

If the conditions of section 253 have not been met, the commission may continue to receive and process applications for certification but may not certify a nuclear power plant. Any other governmental entity which grants necessary permits, licenses, approvals or authorizations for construction of a nuclear power plant may process and grant those permits, licenses, approvals or authorizations, subject to the commission's granting of certification under this chapter.

Effective October 24, 1977

CHAPTER 356

AN ACT to Revise the Oil Burner Men Law.

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

Sec. 1. 20 MRSA § 2361, as repealed and replaced by PL 1975, c. 374, § 1, is amended by adding at the end a new paragraph to read:

Applications for a journeyman oil burner man's license shall be accompanied by a certificate of course completion of an approved course of at least 1,000 hours of instruction related to the respective field at a Maine vocational-technical institute, a Maine vocational region or a Maine regional vocational-technical center.

Sec. 2. 32 MRSA § 2301, sub-§ 1-A is enacted to read:

1-A. Approved. "Approved" shall mean acceptable to the Oil Burner Men's Licensing Board as to design, construction, installation or intended use as required by the standards adopted by the board. Devices listed for a specific purpose by Underwriters Laboratories, Inc., may be considered as meeting the requirements of the standards. All other equipment shall be submitted to the board for review. The board may require such equipment to be tested by either the Department of Industrial Cooperation, University of Maine, or Southern Maine Vocational-Technical Institute.

Sec. 3. 32 MRSA § 2301, sub-§ 2, last sentence, as repealed and replaced by PL 1975, c. 374, § 3, is repealed and the following enacted in its place: