

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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- H. The right to receive visitors and to communicate by telephone and mail;
- I. Procedures to ensure that clients are notified of their rights;
- J. The right to assistance of a right's protection or advocacy service in the exercise or protection of that person's rights; and
- K. Provision for a fair, timely and impartial grievance procedure for the purpose of ensuring appropriate administrative resolution of grievances with respect to infringement of that person's rights.

2. Public hearing. The bureau shall hold a public hearing prior to adopting these rules. Notice of the public hearing shall be given pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

3. Legislative review. When a rule is proposed pursuant to this section, a copy of the proposed rule shall be sent to the legislative committee having jurisdiction over health and institutional services.

A copy of any rule adopted by the bureau shall be submitted to the same committee. The committee may review the rule and, if it determines that it should be stricken or amended, the committee may prepare legislation to accomplish that purpose and submit that legislation to the full Legislature in accordance with the legislative rules.

The rule shall remain in effect unless the full Legislature acts to strike or amend it, or it is repealed or amended by the bureau in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Effective September 18, 1981

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## CHAPTER 444

H. P. 1518 — L. D. 1633

### AN ACT to Establish an Emergency Radiological Response System.

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

Sec. 1. 5 MRSA § 1664, 4th ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 515, is amended to read:

These bills shall include General Fund appropriation bills and allocation bills for the following: Highway Fund, Inland Fisheries and Wildlife Fund, Federal Revenue Sharing Fund, Coastal Protection Fund, **Maine Nuclear Emergency Planning Fund** and for the administrative expenses of the Bureau of Alcoholic

Beverages and the State Liquor Commission, authorizing expenditures for each fiscal year of the ensuing biennium and such other bills as may be required to provide the income necessary to finance the budget.

Sec. 2. 37-A MRSA § 59, sub-§ 9, as amended by PL 1979, c. 672, § 78, is repealed.

Sec. 3. 37-A MRSA c. 5 is enacted to read:

## CHAPTER 5

### NUCLEAR EMERGENCY PLANNING

#### § 121. Short title

This chapter may be cited as the "Maine Nuclear Emergency Planning Act."

#### § 122. Findings and purpose

The Legislature finds that there is the possibility of an accident at any nuclear power plant and that a major accident could create significant hazards to human health and the environment, which are unique to this method of electric power generation.

The Legislature further finds that proper emergency planning could mitigate the consequences of a major accident at a nuclear power plant, and that it is prudent to conduct such planning.

The Legislature notes that it is the responsibility of state and local authorities to carry out emergency planning, but that there are expenses involved.

The Legislature further finds that it is equitable for the cost of emergency planning to be included as part of the cost of nuclear generation of electricity.

The Legislature intends by the enactment of this chapter to require that the operators of any nuclear power plants in the State pay the costs of planning and making necessary preparation for an emergency at a nuclear power plant or related fuel-cycle activities.

#### § 123. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. **Committee.** "Committee" means the Radiological Emergency Preparedness Committee.

2. **Fund.** "Fund" means the Maine Nuclear Emergency Planning Fund.

3. **License-holder.** "License-holder" means the person who holds the federal license for operation of the reactor from the United States Nuclear Regulatory Commission or its successor.

§ 124. **Radiological Emergency Preparedness Committee**

1. **Created.** There is created a Radiological Emergency Preparedness Committee composed of the following people, who shall serve *ex officio*, or their designees:

- A. The Director of Civil Emergency Preparedness, who shall act as chairman;
- B. The Commissioner of Public Safety; and
- C. The Director of Health Engineering.

Each license-holder or his designee shall sit on the committee as a nonvoting member.

2. **Annual review of plan.** The committee shall, in conjunction with all municipalities and state agencies it requires to provide assistance, prepare an Emergency Radiological Response Plan deemed necessary to protect the public and property in the State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. The committee shall establish and annually determine the adequacy of the plan. The plan shall include, but not be limited to, evacuation plans and the requirements for such programs as established by the Federal Emergency Management Agency and the United States Nuclear Regulatory Commission. Any agency of state, county or local government may make requests and recommendations under this program to meet differing needs. This plan shall only apply to those hazards or dangers which arise from the peaceful use of nuclear materials.

3. **Budget.** The committee shall make a determination of the cost for implementing such a plan for the ensuing year. These costs shall include funding for:

- A. Equipment;
- B. Supplies;
- C. Personal costs; and
- D. Services, including contractual services.

§ 125. **Maine Nuclear Emergency Planning Fund**

The Maine Nuclear Emergency Planning Fund is established to be used by the

committee as a nonlapsing revolving fund for carrying out the purposes of this chapter. The fund shall be limited to \$250,000. All fees collected under this chapter shall be credited to this fund. Moneys in the fund not needed currently to meet the obligations of the committee in the exercise of its responsibilities under this chapter shall be deposited with the Treasurer of State to the credit of the fund, and may be invested as provided for by statute. Interest received on the investment shall be credited to the fund.

#### § 126. Funding

1. **Fee.** The license-holder for any nuclear power reactor operating in this State shall be assessed a fee of \$75,000 for the 1982 fiscal year and \$50,000 for each year thereafter. License fees shall be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

2. **Suspension.** Whenever the balance in the fund has reached the limit provided under this chapter, license fees shall be temporarily suspended. Thereafter, the license-holder shall be assessed an annual fee, at the end of each fiscal year, sufficient to reimburse the fund for any expenditures made during the year.

#### § 127. Disbursements from fund

Moneys in the fund shall be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures shall be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services as necessary to carry out the purposes of this chapter. Except as provided in section 129, disbursements from the fund may not exceed \$50,000 each year.

#### § 128. Budget approval

The committee shall report to each legislature its budget recommendations for disbursements from the fund, together with an allocation bill, as provided in Title 5, section 1664. The report shall be reviewed by the legislative committee having jurisdiction over energy and natural resources prior to action by the legislative committee having jurisdiction over appropriations and financial affairs. Upon approval of the allocation Act, the State Controller shall authorize expenditures from the fund, as approved by the committee.

#### § 129. Emergency assistance

In the event of an actual emergency at a nuclear power plant or related fuel-cycle activity, as declared by the Governor in accordance with section 57, subsection 1, any moneys in the fund at that time may be used to assist the State, counties or municipalities or any interjurisdictional or regional civil emergency preparedness agency in meeting the emergency, subject to approval by the committee.

**Sec. 4. Allocation.** The following funds are allocated from the Maine Nuclear Emergency Planning Fund to carry out the purposes of this Act.

	1981-82	1982-83
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE	\$50,000	\$50,000

Effective September 18, 1981

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## CHAPTER 445

H. P. 1545 — L. D. 1659

**AN ACT to Establish Rights for Residents of Nursing, Boarding and Foster Homes.**

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

22 MRSA c. 1666 is enacted to read:

### CHAPTER 1666

#### PATIENTS' RIGHTS

##### § 7921. Intent

It is the intent of the Legislature to establish a mechanism for residents of long-term care facilities in this State to articulate their rights and to be responsible for the protection of those rights.

##### § 7922. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. **Long-term care facility.** "Long-term care facility" means any boarding care facility licensed pursuant to chapters 1663 and 1665, and any skilled nursing or intermediate care facility or unit licensed pursuant to chapter 405.

2. **Resident.** "Resident" means any person who lives in and receives services or care in a long-term care facility.

##### § 7923. Residents' Council

1. **Establishment; composition.** Each long-term care facility of 7 or more