

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

6-A. Proceeds from disposal or sale of property. Proceeds received by the authority from the disposal, by sale or in some other means, of property it may have acquired in accordance with section 1025 shall be credited either to the Mortgage Insurance Fund, the Guarantee Reserve Fund, the Debt Service Fund or the General Fund unappropriated surplus as directed by the State Controller.

This provision shall take effect on June 30, 1983.

Sec. 2. Authority. Authority is given to the State Controller to transfer \$2,152,233 from the Group Life Insurance Fund to the General Fund to be effective June 30, 1983.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 24, 1983.

CHAPTER 500

S.P. 609 - L.D. 1738

AN ACT to Require Legislative Approval of Low-level Radioactive Waste Facilities.

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

Sec. 1. 10 MRSA §174 is reallocated to Title 38, section 1474.

Sec. 2. 38 MRSA §482, sub-§2-C, as enacted by PL 1981, c. 449, §5, is amended to read:

2-C. Hazardous activity. "Hazardous activity" means any activity that consumes, generates or handles any of the following:

- A. Hazardous wastes, as defined in section 1303;
- B. Hazardous matter, as defined in section 1317;
- C. Oil, as defined in section 542; or
- D. Quantities of road salt in excess of one ton per year.

"Hazardous activity" also includes any low-level radioactive waste storage or disposal facility, as

defined in section 1451.

This definition shall not include an expansion of an existing development unless that expansion by itself would be a hazardous activity.

The board shall identify by regulation activities that are exempt from this definition, including domestic and other uses of substances in quantities too small to present a significant risk of groundwater contamination.

Sec. 3. 38 MRSA §484, 8th ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

Within 30 days after the board adjourns any hearing held under this section, it shall make findings of fact and issue an order granting or denying permission to the person proposing such development to construct or operate the same as proposed, or granting such permission upon such terms and conditions as the board may deem advisable to protect and preserve the environment and the public's health, safety and general welfare, except in the case of any low-level radioactive waste storage or disposal facility in which case the board shall act in accordance with section 1478.

Sec. 4. 38 MRSA §1402, as reallocated by PL 1983, c. 345, §2, is repealed.

Sec. 5. 38 MRSA §§1478 to 1480-A are enacted to read:

§1478. Departmental review of low-level radioactive waste facilities

1. Notice. Any person intending to construct or operate a low-level radioactive waste storage or disposal facility shall file a preliminary notice with the department and the municipality in accordance with section 483, subsection 1 and also notify the board of his intent in accordance with section 483, subsection 2.

2. Hearings. The board shall hold hearings on the proposed facility in accordance with section 484. Subject to the requirements of Title 5, section 9057 any person who resides within the State is entitled to be heard. The hearings shall as a minimum address the following issues:

A. The technical feasibility of the proposed

waste disposal or storage facility;

B. The environmental impact of the proposed waste disposal or storage facility on the surrounding area;

C. The social impact of the proposed waste disposal or storage facility on the surrounding area; and

D. The economic impact of the proposed waste disposal or storage facility on the surrounding area.

Whether the proposed facility will satisfy any requirements under: Section 413, waste discharge licenses; section 590, air emission licensing; section 1304, licenses for waste facilities; and any other laws administered by the department that may be applicable.

3. Municipal participation. The municipality in which the proposed facility would be located may participate in the departmental site review using procedures conformed to the procedures for municipal participation in siting or hazardous waste facilities under section 1305-A, subsection 2.

4. Findings; recommendations. Notwithstanding any requirement of chapter 3, subchapter I, Article 6, within 90 days after adjournment of the hearings, the board shall make findings of fact and conclusions derived from those findings. Based upon those findings and conclusions, the board shall issue an order denying permission for construction and operation of the facility on grounds stated in section 484, or shall recommend to the Legislature granting that permission, subject to any terms and conditions deemed appropriate. Any favorable recommendation shall be transmitted to the Legislature, together with the supporting findings and conclusions, for action under section 1479.

5. Judicial review. Either action of the board under subsection 4 shall constitute final agency action, reviewable in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

§1479. Legislative approval of facilities required

No low-level radioactive waste disposal or storage facility may be established in the State, unless the Legislature has, by statute, approved the establishment of that facility pursuant to the provisions of this subchapter. The Legislature shall act

expeditiously on any recommendation of the board under section 1478, but shall not act until after the conclusion of any judicial review of the recommendation and any resulting administrative proceedings.

Approval under this subchapter constitutes approval under the site location of development laws, but does not replace any other license required by law.

§1480. Applicability of regulations

All low-level radioactive waste storage facilities, whether privately or publicly owned or operated, shall be subject to regulation in accordance with this chapter.

§1480-A. Joint hearings; intervention

The board may hold joint hearings with the United States Nuclear Regulatory Commission and intervene in any federal licensing proceeding to carry out the purpose of this chapter.

Effective September 23, 1983.

CHAPTER 501

S.P. 618 - L.D. 1753

AN ACT Relating to the Period
of License Suspension for Drivers
Convicted or Adjudicated of Operating
Under the Influence.

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

Sec. 1. 29 MRSA §1312, sub-§1, as amended by PL 1981, c. 679, §14, is further amended to read:

1. Prerequisites to tests. Before any test specified is given, the law enforcement officer shall inform the person as to whom there is probable cause that, if he fails to comply with the duty to submit to and complete a test to determine the level of blood-alcohol at the direction of the law enforcement officer, his license or permit to operate, his right to operate or his right to apply for or obtain a license will be suspended for 180 days, and or, in the case of a 2nd or subsequent failure to submit to and