

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

**The following initiated legislation**

**(I.B. 1985, ch. 1)**

**was approved in a referendum,**

**November 5, 1985**

**Question:**

**"Do You Want the Right to Vote for or Against Any Plan for the Storage or Disposal of Low-level Radioactive Waste?"**

**A (favoring initiated measure): 86,678**

**B (favoring competing measure, P.L. 1985, c. 493): 45,920**

**C (opposing both measures): 39,893**

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# **INITIATED BILLS**

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AN ACT to Require Voter Approval of the Disposal of Low-level Radioactive Waste.

38 MRSA c. 14-A, sub-c. IV is enacted to read:

SUBCHAPTER IV  
WASTE DISPOSAL

§1491. Title

This subchapter shall be known and may be cited as “An Act to Require Voter Approval of the Disposal of Low-level Radioactive Waste.”

§1492. Purpose

The purpose of this Act is to require approval by the voters of Maine as a precondition for the construction or operation within the State of Maine of any low-level radioactive waste disposal or storage facility and to require approval by the voters of Maine as a precondition for the participation by the State of Maine in any compact or agreement with any other state or states or the Federal Government concerning low-level radioactive waste disposal or storage.

§1493. Low-level radioactive waste disposal referendum

No low-level radioactive waste disposal or storage facility may be constructed or operated within the State of Maine unless such construction and operation are approved by a majority of the voters voting thereon in a statewide election. Such election shall be held in the manner prescribed by law for holding a statewide election and in accordance with the procedures set forth in Title 35, section 3382. The voters shall be asked to vote on the acceptance or rejection of construction or operation by voting on the following question:

“Do you approve (insert construction or operation) of a low-level radioactive waste (insert disposal or storage) facility as proposed for (insert location)?”

This question shall be submitted to the legal voters of the State at the next following statewide election after review and issuance of an order recommending permission for construction or operation of the facility by the Board of Environmental Protection pursuant to section 1478, provided that no construction or operation of any facility may commence prior to such election.

§1494. Low-level radioactive waste compact referendum

The State of Maine shall not enter into any compact or agreement with any other state or states or with the Federal Government concerning the disposal or storage of low-level radioactive waste either within or without the State unless the compact or agreement has been approved by a majority of the voters voting thereon in a statewide election. Such election shall be held in the manner prescribed by law for holding a statewide election and in accordance with the procedures set forth in Title 35, section 3382. The voters shall be asked to vote on the acceptance or rejection of the compact or agreement by voting on the following question:

“Do you approve of the (insert compact or agreement) for the (insert disposal or storage) of low-level radioactive waste proposed to be made with (insert name of state or states or “the Federal Government”)?”

This question shall be submitted to the legal voters of the State at the next following statewide election after any such compact or agreement is recommended by the Governor pursuant to section 1474 or any other provision of law.

§1495. Limiting provisions

The provisions of this Act shall not apply:

1. Power plant waste facilities having all licenses, permits, approvals, etc., for construction and operation. To any nuclear power plant or facility for the disposal or storage of low-level radioactive wastes if, prior to May 1, 1984, such power plant or waste facility has obtained all federal, state and local licenses, permits, certificates, variances and other approvals necessary for the construction and operation thereof; or

2. Facilities used to store or dispose of waste generated through medical or bioresearch applications. To any facility solely for the disposal or storage of low-level radioactive wastes generated within the State of Maine through medical or bioresearch applications.

§1496. Nullifying previous compacts or agreements

Any compact, agreement or contract into which the State of Maine has entered with any individual, corporation or partnership or with any other state or states or the Federal Government between May 1, 1984, and the effective date of this Act concerning the disposal or storage of low-level radioactive wastes shall be null and void.

§1497. Applicability of regulations

Nothing in this Act may be construed to exempt any proposed nuclear power plant, any facility for the disposal or storage of low-level radioactive waste or any compact or agreement or contract subject to the provisions of this Act from meeting any licensing, permit, certification, variance or other approval requirement of the State of Maine or political subdivisions thereof.