

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

nance organization, the option of selecting alternative health benefits coverage which does not restrict the ability of the covered person to obtain health care services from the provider of their choice.

Any employer subject to this section shall contribute to the alternative health benefits coverage to the same extent as it contributes to the health maintenance organization.

No employer may be required to pay more for health benefits as a result of the application of this section than would otherwise be paid.

Effective July 16, 1986.

CHAPTER 705

S.P. 892 - L.D. 2242

AN ACT to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State has accepted its responsibility for providing for the capacity, either within the State or elsewhere, for the disposal of low-level radioactive waste generated within the State as required by federal law; and

Whereas, the United States Low-level Radioactive Waste Policy Amendments Act of 1985, PL 99-240, has been signed into law on January 15, 1986, by the President of the United States; and

Whereas, those amendments require that each state which is not a member of a low-level radioactive waste compact meet certain milestones in order to have continued access to existing regional disposal facilities; and

Whereas, the first milestone is that "By July 1, 1986, each such non-member state shall ratify compact legislation or ... indicate its intent to develop a site for the location of a low-level radioactive waste disposal facility within such State."; and

Whereas, the penalties for failing to reach that milestone could reach \$100,000 for each year plus, beginning January 1, 1987, denial of access to regional disposal facilities; and

Whereas, the purpose of this legislation is to meet that first milestone; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §1471, as enacted by PL 1983, c. 381, §9, is amended to read:

§1471. Purpose

In accordance with the United States Low-level Radioactive Waste Policy Act of 1980, Public Law 96-573, as amended by the United States Low-level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240, the Legislature State accepts its responsibility for providing for the capacity for the disposal of low-level radioactive waste generated within this State that consists of or contains Class A, B or C radioactive waste, as defined by the Code of Federal Regulations, Title 10, Section 61.55, as in effect on January 26, 1983, except for waste owned or generated by the United States Department of Energy or waste owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy or waste owned or generated as a result of any research, development, testing or production of any atomic weapon. It is the purpose of this subchapter to establish a program for the safe management of low-level radioactive waste, and to provide capacity for its disposal either within this State or in regional facilities.

Sec. 2. 38 MRSA §1472, as enacted by PL 1983, c. 381, §9, is amended to read:

§1472. Reporting

Each low-level radioactive waste generator shall annually report, by March 31st, the volume and, ra-

radioactivity and other physical and chemical characteristics of low-level waste generated and the volume and radioactivity of low-level waste shipped to commercial disposal facilities, and the volume, radioactivity and other pertinent characteristics of low-level radioactive waste stored on-site. This report shall be submitted to the commissioner and to the Commissioner of Human Services, and shall include information on the specific radioactive materials handled.

Sec. 3. 38 MRSA §1474, as repealed and replaced by PL 1983, c. 862, §91, is repealed and the following enacted in its place:

§1474. Regional compacts

1. Negotiation. The Governor may negotiate on behalf of the State compacts or other agreements, with other states and the Federal Government with respect to the siting, licensing, operation and use of low-level radioactive waste disposal facilities.

2. Ratification. Any compact or agreement with any other state or states or the Federal Government for low-level waste disposal must be ratified by legislative act and, in accordance with subchapter IV, by the voters of the State.

Sec. 4. 38 MRSA §1479, as amended by PL 1983, c. 583, §25, is further amended by adding at the end a new paragraph to read:

Approval under this subchapter is in addition to the voter approval required by subchapter IV.

Sec. 5. 38 MRSA §§1481 and 1482 are enacted to read:

§1481. State low-level radioactive waste disposal facility

1. Intent. It is the present intent of the State to develop a site for the location of a low-level radioactive waste disposal facility within the State.

2. Federal milestone. It is the intent of this section to meet the July 1, 1986, milestone requirements for interim access to existing regional disposal facilities as required by the United States Low-level Radioactive Waste Policy Amendments Act of 1985, PL 99-240.

§1482. Requirements to be met by any low-level radioactive waste disposal facility

1. State ownership and control. Any low-level radioactive waste disposal facility developed in the State shall be owned and controlled by the State, but the State may contract for services as necessary.

2. Protection of public health and safety. Any low-level radioactive waste disposal facility developed in the State shall employ the safest available technology. In order to cope with the humid climate, high water table, cold winters and other geological characteristics of the State, improved engineered disposal methods in addition to geological barriers shall be used rather than conventional shallow land burial.

3. Financing. Any low-level radioactive waste disposal facility developed in the State shall be financed by funds collected prior to their expenditure from the generators of that waste within the State. This includes funds for planning, licensing, siting, construction, operation, closure, long-term monitoring and any other necessary functions.

4. Licensing. Any low-level radioactive waste disposal facility developed in the State shall be licensed by the United States Nuclear Regulatory Commission or, in the event the State becomes an agreement state, by the State. The facility must be recommended by the Board of Environmental Protection and approved by the Legislature in accordance with this subchapter and approved by the voters in accordance with subchapter IV.

Sec. 6. Report. The Governor is directed to continue discussions and negotiations with other states to develop a compact or other agreement in a timely fashion which would provide for disposal elsewhere of the relatively small amount of low-level radioactive waste generated in Maine. The Governor shall report to the Legislature on or before July 1, 1987, on the likelihood of success of those efforts, with an interim progress report on December 2, 1986.

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