

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.

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

efficient administration of the functions with which it is charged under this chapter.

§19007. Cost of administration

Any cost of administering this chapter may be prorated among the political subdivisions joining this plan. A revolving fund is established from which costs of administration shall be paid and to which shall be credited the amounts billed to and received from the political subdivisions in the plan.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

MAINE STATE RETIREMENT SYSTEM

All Other \$14,016

Sec. 7. Effective date. This Act shall take effect on January 1, 1987.

Effective January 1, 1987.

CHAPTER 802

S.P. 945 - L.D. 2371

**AN ACT Concerning Radioactive Waste Activity
and Disapproving High-level
Radioactive Waste Sites in the State.**

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

Sec. 1. 1 MRSA §1, as amended by PL 1979, c. 512, §1, is further amended to read:

§1. Extend of sovereignty and jurisdiction

The jurisdiction and sovereignty of the State extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted by the State over places ceded by the State to the United States. This section shall not limit or restrict the jurisdiction of the State over any person or with respect to any subject, within or without

its boundaries, which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law.

Sec. 2. 1. MRSA §9, first ¶ is amended to read:

In no event shall any transfer of legislative jurisdiction between the United States and this State take effect nor shall the Governor transmit any notice proposing such a transfer pursuant to section 8, subsection 2, unless under the applicable laws of the United States in addition to the other requirements of law:

Sec. 3. 1 MRSA §9, sub-§1 is amended to read:

1. Title acquired by United States. The United States of America has acquired title to such land by purchase, condemnation or otherwise.

Sec. 4. 1 MRSA §29 is enacted to read:

§29. Consent not given for high-level radioactive waste deep geological repository

Notwithstanding any other provisions of chapter 1 or any other provision of law, the State does not consent to the acquisition by the United States, or any agent, agency or person acting under its authority or direction, of any interest in land or waters within the State to be used for the exploration, siting, construction or operation of a repository for the deep geological disposal of high-level waste, and does not cede any legislative jurisdiction over lands or waters acquired by or on behalf of the United States for such purposes.

Sec. 5. 38 MRSA §1452, as enacted by PL 1983, c. 381, §9, is amended to read:

§1452. Consent of Legislature for federal radioactive waste storage facilities

Notwithstanding any other provision of law, this State does not consent to the acquisition by the Federal Government, by purchase, condemnation, lease, easement or by any other means, of any land, building or other structure, above or below ground, or in or under the waters of the State for use in storing, depositing or treating high-level or low-level radioactive waste materials, except by prior affirmative vote of the Legislature. The Legislature may consent, by prior affirmative vote, to such activities, except that consent is expressly withheld for any

such activity undertaken in connection with the deep geological disposal of high-level radioactive waste, as provided in section 1461-A.

Sec. 6. 38 MRSA §1461, as enacted by PL 1983, c. 381, §9, is repealed.

Sec. 7. 38 MRSA §1461-A is enacted to read:

§1461-A. Disapproval of high-level radioactive waste repository

1. Disapproval. The State has received notice that the United States Department of Energy, in accordance with the United States Nuclear Waste Policy Act of 1982, Public Law 97-425, is considering 2 sites within the State of Maine as potentially acceptable sites for location of a high-level radioactive waste repository and has considered at least 3 other sites within Maine for this purpose. The Legislature finds:

A. That, based on all available technical information, the geology at these sites is not suitable for a high-level radioactive waste repository;

B. That exploration for, construction or operation of such a repository at these sites is contrary to the economic well-being of the people of this State; and

C. That the location of such a repository at these sites is contrary to the safety and health of the people of the State of Maine and would substantially interfere with the power and ability of the State to govern its citizens and provide for their health, safety and welfare.

For each of these reasons, the State of Maine expressly disapproves the further exploration for, construction or operation of a high-level radioactive waste repository at any of these sites.

2. Review by State. If the Federal Government, or any person acting under its direction, in spite of the State's disapproval as provided in subsection 1, proceeds with further efforts to investigate the siting, construction or operation of a high-level radioactive waste repository within the State of Maine, the provisions of sections 1463 to 1466 apply to the extent necessary to allow the State to monitor, review and regulate such activities in order to mini-

mize the adverse effects on the health, safety and economic well-being of the people of this State arising from these activities.

Sec. 8. 38 MRSA §1462, as enacted by PL 1983, c. 381, §9, is repealed.

Sec. 9. 38 MRSA §§1463 and 1464, as enacted by PL 1983, c. 381, §9, are amended to read:

§1463. Area studies

1. Plan. Prior to initiation of area studies by the Federal Government or any person acting under its authority, the commissioner, in consultation with the State Geologist, shall submit a plan for these studies to the Legislature for approval, including, ~~by reference,~~ any federal plan for conduct of those studies and a plan for state oversight, review and verification of area studies. ~~This~~ The State plan shall include procedures for the establishment of a state review group to monitor and review the conduct of area studies and report ~~the~~ their findings of ~~these studies~~ to the Governor and the Legislature. This review group shall include representatives of the scientific community, the Legislature and the general public. The review group may be established and may conduct its activities before other elements of the plan are approved.

2. Exploration. No person may explore geological formations within this State for the purpose of ~~siting~~ investigating whether the site may be suitable for a high-level radioactive waste repository without a written permit from the State Geologist the permission of the Legislature. The State Geologist shall approve requests for these exploration permits, if advise the Legislature whether the proposed activity is consistent with the plan required by subsection 1 and with the General Guidelines for Recommendation of Sites for Nuclear Waste Repositories promulgated in final form by the United States Department of Energy, in accordance with rules promulgated by the United States Department of Energy, the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency relevant to siting a high-level radioactive waste repository and the United States Nuclear Waste Policy Act of 1982, Public Law 97-425.

3. Public hearings. No plan for area studies may be approved unless it contains provision for pub-

lic hearings in the State within 12 months after commencement of the studies to receive comments on:

- A. The technical feasibility of the proposed waste management technology;
- B. The environmental impact of a waste repository in the area of study;
- C. The social impact of a waste repository in the area of study;
- D. The economic impact of a waste repository in the area of study;
- E. Whether the proposed facility will be subject to section 413, waste discharge licenses; section 483, site location of development; section 590, air emission licensing; section 1304, licenses for waste facilities; and any other laws administered by the department or the Maine Land Use Regulation Commission that may be applicable;
- F. Conformance of the plan with the federal guidelines cited in subsection 2; ~~and~~
- G. A reasonable comparative evaluation of the suitability of sites in the study area compared with sites in other areas; and
- H. Such other matters as the commissioner deems appropriate.

4. Approval of plan required. ~~No~~ Except for oversight monitoring and public information activities, no agent of the State may participate in area studies after the end of the session of the Legislature at which the plan was submitted, until unless the Legislature has approved a plan for these studies.

No person may conduct borings or excavations relating to area studies, unless the Legislature has approved a plan for the studies, including those borings or excavations.

5. Reports. The commissioner shall keep the Governor and the Legislature fully and currently informed about the conduct of any area studies and, ~~immediately upon~~ within 90 days of completion of those studies, shall ~~review their~~ review the findings and report them, together with ~~his~~ the commissioner's comments to the Governor and the Legislature.

§1464. Site characterization and selection

1. Limitation. No Except for oversight, monitoring and public information activities, no agent of the State may participate in site characterization or selection efforts, unless studies, until the Legislature finds that all of the matters in section 1463, subsection 3, have been adequately addressed and has approved a plan for the studies and the Federal Government agrees that the site characterization or selection process includes:

A. Compliance with the United States National Environmental Policy Act of 1969, Public Law 91-190, including preparation of a specific environmental impact statement; and

B. Compliance with all applicable state and local laws.

2. Legislative findings. No agent of the State may participate in site selection or construction of a high-level radioactive waste repository, unless the Legislature finds that all of the issues in section 1463, subsection 3, have been adequately addressed.

No person may excavate any exploratory shaft for site characterization, selection or construction, unless the Legislature has approved that activity.

2-A. Limitations on excavation activities. No person may excavate any exploratory shaft for site characterization, selection or construction, unless the Legislature has approved that activity.

3. Reports. The commissioner shall keep the Governor and the Legislature fully and currently informed about the conduct of any site characterization and, immediately upon within 90 days of completion of that effort, shall review the findings and report them, together with his the commissioner's comments to the Governor and the Legislature.

Sec. 10. 38 MRSA §1465, as enacted by PL 1983, c. 381, §9, is repealed.

Sec. 11. 38 MRSA §1466, first ¶, as enacted by PL 1983, c. 381, §9, is amended to read:

Except for on-site storage of spent fuel from a nuclear power plant, any facility for storage or processing of high-level radioactive waste which is not

a repository covered by section 1461, subsection 1, is subject to the requirements in this section. Except for storage in existing licensed capacity, on-site storage of spent fuel from a nuclear power plant shall be subject to subsections 1 and 2.

Effective July 16, 1986.

CHAPTER 803

H.P. 951 - L.D. 1370

AN ACT to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs.

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

Sec. 1. 28 MRSA §474, sub-§3, as enacted by PL 1981, c. 454, §8, is amended to read:

3. Amount of premium. The premium imposed by subsections 1 and 2 shall be 5¢ 10¢ per gallon, or its metric equivalent, or fraction or multiple thereof, on all malt beverages sold in this State; ~~15¢~~ 30¢ per gallon, or its metric equivalent, or fraction or multiple thereof, on all wine containing 14% or less alcohol by volume sold in this State; ~~12¢~~ 24¢ per gallon, or its metric equivalent, or fraction or multiple thereof, on all sparkling wines manufactured in or imported into this State; ~~62 1/2¢~~ \$1.25 per proof gallon as the term proof gallon is defined in the United States Code, Title 26, Section 5002, or its metric equivalent, or fraction or multiple thereof, on all spirituous liquors and wines containing more than 14% alcohol by volume sold in this State.

Sec. 2. 28 MRSA §475, sub-§1, as enacted by PL 1981, c. 454, §8, is amended to read:

1. Purposes and objects. The Legislature may make allocations from the fund to any public or private agency or person to carry out the purposes of this chapter. Beginning in 1987, legislation relating to allocations from the fund shall be reviewed by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. This legislation shall be submitted in the same line category format, including position count,