

# MAINE STATE LEGISLATURE

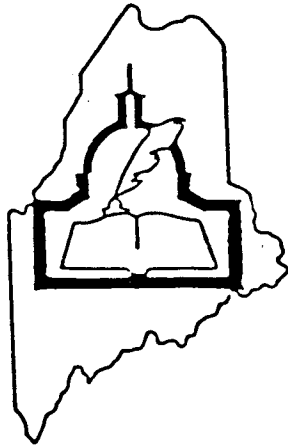
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
ENERGY & NATURAL RESOURCES  
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 1649 AN ACT TO ESTABLISH A STATE POLICY RELATING  
TO THE DISPOSAL OF LOW-LEVEL RADIOACTIVE  
WASTE

HOUSE Enacted  
SENATE Enacted  
GOV  
H-375 HA SCARPINO

SUMMARY:

This is a new draft of the Initiated Bill, LD 615, and was enacted by the Legislature as a competing measure. It will appear on the ballot in November.

Present state law governing low-level radioactive waste facilities requires anyone intending to construct or operate a LLRW storage or disposal facility in the State to notify BEP one year in advance. The board will hold hearings on the proposed facility with an opportunity for participation by the municipality in which the facility is to be located. The board shall either deny permission for construction or operation or shall recommend approval to the Legislature. Before any LLRW disposal or storage facility may be constructed or operated, the Legislature must approve the facility by enactment of Private and Special Law.

Also under current law, the Governor may negotiate on behalf of the State and make recommendations on regional compacts for LLRW disposal facilities. Any regional compact for LLRW disposal must be ratified by an Act of the Legislature.

LD 615 required, in addition to the approval safeguards in present law, that the voters at a state-wide referendum approve both the construction and operation of a storage or disposal facility in Maine or a compact to which Maine is a party for the disposal of LLRW either in or out of State.

There was discussion in the committee on the public policy implications of requiring a referendum on LLRW facilities or compacts, on possible pre-emption and commerce clause problems with the initiated bill and on drafting defects in the bill.

LD 1649, the competing measure, establishes a state policy on the disposal of LLRW generated in Maine by listing, in order of preference, alternatives to be pursued by the State and by enumerating policies for the use of safest available technology and the disposal of LLRW waste generated by defense activities in Maine.

The competing measure requires any LLRW disposal facility located in Maine to be approved by the voters at a referendum except for a facility located at a State-owned facility at the Maine Yankee site in Wiscasset. Voter approval would not be required to ratify a regional compact.

In November 1985, the voters will choose one of 3 options:  
the initiated bill (LD 615), the competing measure (LD 1649),  
or neither.

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