

# MAINE STATE LEGISLATURE

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AUGUSTA, MAINE

**MAINE CITIZEN'S GUIDE TO THE  
REFERENDUM ELECTION**

**Tuesday, November 2, 1993**



In Accordance with  
the July 9, 1993  
Proclamation of the Governor  
and with the Acts and Resolutions  
Passed by the 116th Legislature  
at the First Regular Session

**Bill Diamond**  
Secretary of State



State of Maine  
Office of the  
Secretary of State  
Augusta, Maine 04333

Dear Citizen,

Ninety years ago "referendum" was the term used by reform movements throughout the world to denote the idea of putting issues directly to the people. Today, referendum questions allow you, the voter, to directly participate in governmental decision-making by either directly deciding upon or legitimizing governmental policy.

With regard to democracy and citizen participation, Thomas Jefferson once commented that he knew of "no safe depository of the ultimate power of society but the people themselves," and he said, "if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

A central task of mine, as Maine's chief election official, is to assist in doing precisely that — informing your discretion. That is to say — I want to provide you with as much information as possible regarding the initiative, bond issues, constitutional amendment and referendum to be voted on November 2, 1993.

Toward this end, my office, the State Treasurer and the Attorney General have worked together to provide you with this pamphlet explaining the referendum questions which will be voted on this fall. It is our hope that this information will enable you to become aware of the issues and therefore to determine the position which you wish to support.

Enclosed you will find the referendum questions and the legislative documents pertaining to each, followed by a summary of the intent and content, an explanation of the significance of a vote for or against the measure, and an analysis of the debt service on the bond issues. I hope this information will be helpful to you, that you will study it thoroughly and that you will exercise your democratic privilege by voting on November 2, 1993.

Sincerely,

A handwritten signature in cursive script that reads "Bill Diamond".

Bill Diamond  
Secretary of State

**STATE OF MAINE**  
**Referendum Election, November 2, 1993**

**LISTING OF**  
**REFERENDUM QUESTIONS**

**Question 1: Initiative**

“Do you favor the changes in Maine law concerning limiting the number of terms which may be served by Maine’s State Legislators, Secretary of State, Treasurer, Attorney General and State Auditor proposed by citizen petition?”

**Question 2: Bond Issue**

“Do you favor a \$5,000,000 bond issue to provide funds for the closure and remediation of municipal solid waste landfills?”

Total Estimated Debt Service of \$5,652,500 of which Principal is \$5,000,000, Estimated Interest at 4.35% over 5 years is \$652,500.

**Question 3: Bond Issue**

“Do you favor a \$39,500,000 bond issue for improvements to highways, state and local bridges, airports, cargo ports and the ferry service, which make the State eligible for up to \$125,500,000 in matching federal funds?”

Total Estimated Debt Service of \$62,933,375 of which Principal is \$39,500,000, Estimated Interest at 5.65% over 20 years is \$23,433,375.

**Question 4: Bond Issue**

“Do you favor a \$15,150,000 bond issue for the construction of water pollution control facilities which will provide the match for \$20,000,000 in federal money?”

Total Estimated Debt Service of \$19,316,250 of which Principal is \$15,150,000, Estimated Interest at 5% over 10 years is \$4,166,250.

**Question 5: Constitutional Amendment**

“Do you favor amending the Constitution of Maine to protect state park or other designated conservation or recreation land by requiring a  $\frac{2}{3}$  vote of the Legislature to reduce it or change its purpose?”

**Question 6: Referendum**

“Do you approve of the interstate compact to be made with Texas, Maine and Vermont for the disposal of the State’s low-level radioactive waste at a proposed facility in the State of Texas?”

## Treasurer's Statement

The issuing of bonds by the State of Maine is the way in which the State borrows money for purposes designated in the legislation authorizing the issue. The following is a summary of the bonded indebtedness of the State of Maine as of June 30, 1993.

### Bonds Outstanding and Unpaid to Mature Through 2008

|              |                      |
|--------------|----------------------|
| Highway fund | \$136,320,000        |
| General fund | <u>\$408,385,000</u> |
| Total        | <u>\$544,705,000</u> |

### Interest to be Repaid on Bonds Issued

|              |                      |
|--------------|----------------------|
| Highway fund | \$ 45,014,782        |
| General fund | <u>\$110,521,583</u> |
| Total        | <u>\$155,536,365</u> |

Total to be Repaid on Bonds Issued \$700,241,365

Additional Bonds Authorized But Not Yet Issued \$ 34,295,600

Limit of Contingent Bonds Liability Authorized by Constitution and Laws But Unissued \$100,125,000

Total Bonds Authorized But Unissued \$134,420,600

Total Additional Bonds to be Authorized if Ratified by Voters \$59,650,000

Potential New Estimate of Interest \$28,252,125

When money is borrowed by issuing bonds, the State must repay not only the principal amount of the bonds but interest on the amount as well. The amount of interest to be paid will vary depending upon the rate of interest and the years of maturity at the time of issuance; an estimate of the total interest that may reasonably be expected to be paid on the issues submitted herewith for ratification is \$28,252,125 if the bonds are issued for the full statutory debt retirement period. The total principal and interest to be repaid over the life of the bonds on the issues submitted herewith if ratified is thus estimated to be \$87,902,125. The amount that must be paid in the present fiscal year (July 1, 1993 to June 30, 1994) for debt already outstanding is \$63,953,680 in principal and \$31,419,047 in interest, a total of \$95,372,727.

*Samuel D. Shapiro*

Samuel D. Shapiro  
Treasurer of State

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**Question 1: Initiative**

“Do you favor the changes in Maine law concerning limiting the number of terms which may be served by Maine’s State Legislators, Secretary of State, Treasurer, Attorney General and State Auditor proposed by citizen petition?”

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**STATE OF MAINE**

TO THE 116TH LEGISLATURE OF THE STATE OF MAINE:

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby respectfully propose to the Legislature for its consideration the following entitled bill:

“AN ACT to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor” Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA c. 8 is enacted to read:

**CHAPTER 8**

**LIMITATION OF TERMS**

**§551. Short title**

This chapter may be known and cited as the “Term Limitation Act of 1993.”

**§552. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Responsible electoral official.** “Responsible electoral official” means a public official who is responsible for accepting a nomination or nomination petition for an elected office and also means a public official who is responsible for placing the name of a person nominated for public office on a ballot, ballot label, calendar or other similar instrument.

**2. Term.** “Term” means a full term or any portion of a term served by an elected official in an office subject to the provisions of this chapter.

**§553. Limitation on terms**

Notwithstanding any other provision of law, consecutive terms in office are limited as follows.

**1. State Senate.** A person may not serve more than 4 consecutive terms as a state Senator.

**2. State Representative.** A person may not serve more than 4 consecutive terms as a member of the state House of Representatives.

**3. Secretary of State.** A person may not serve more than 4 consecutive terms as Secretary of State.

4. Treasurer of State. A person may not serve more than 4 consecutive terms as Treasurer of State.

5. Attorney General. A person may not serve more than 4 consecutive terms as Attorney General.

6. State Auditor. A person may not serve more than 2 consecutive terms as State Auditor.

This section applies to terms of office that begin on or after December 3, 1996.

**§554. Exclusion from nomination, election and service**

Notwithstanding any other provision of law, a person who is prohibited from service in an office as set forth in section 553 may not be nominated for or elected to that office. A responsible electoral official may not accept or certify such a person's nomination or nomination petition for an office subject to this chapter. A responsible electoral official may not print or cause to be printed such a person's name on a ballot, ballot label, calendar or other similar instrument for election to an office subject to this chapter. This section applies to nominations occurring and ballots printed after January 1, 1996.

**Sec. 2. Transition.** A person elected or appointed to an office subject to the provisions of this Act who is disqualified from service by this Act may complete that person's term of office if the term commences on or before December 2, 1996. The limitations imposed by this Act apply to the terms of office served by persons elected to serve in or persons elected to serve by the First Regular Session of the 118th Legislature and to all terms of office served by persons elected to serve thereafter.

**STATEMENT OF FACT**

This bill establishes limitations on terms for state legislators, the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor. The bill would limit those officeholders to 4 consecutive terms, except for the State Auditor, who is limited to 2 terms, beginning with terms of office commenced in the First Regular Session of the 118th Legislature.

**STATE OF MAINE**

**Proclamation**

WHEREAS, written petitions bearing the signatures of 88,297 electors of this State, which number is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State within fifty days after the convening of the One Hundred and Sixteenth Legislature in First Regular Session, requesting that the Legislature consider an act entitled "An Act to Impose Term Limitations on State Legislators and Officers," and

WHEREAS, the initiated act, known as Legislative Document 751, was referred to the Joint Standing Committee on State and Local Government; and

WHEREAS, on May 13, 1993 the Joint Standing Committee on State and Local Government, without holding a public hearing, reported by unanimous vote that L.D. 751 Ought Not to Pass; and

WHEREAS, on May 15, 1993 the Maine House of Representatives and the Maine Senate Pursuant to Joint Rule 15(3) accepted the Ought Not to Pass Report; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, if such an initiated bill proposed to the Legislature is not enacted without change, the measure must be, by proclamation, referred to the people of Maine so that the initiated bill shall go to referendum vote, such measure being referred together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18, an election must be held in November of the year in which the petition is filed, by proclamation;

NOW, THEREFORE, I, JOHN R. MCKERNAN, Jr., Governor of the State of Maine acting under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, do hereby proclaim that an election shall be called for Tuesday, November 2, 1993 so that "An Act to Impose Term Limitation on State Legislators and Officers" be submitted to the people of this State for a referendum vote.



In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this ninth day of July in the year of our Lord One Thousand Nine Hundred and Ninety-Three.

JOHN R. MCKERNAN, Jr.  
Governor

G. WILLIAM DIAMOND  
Secretary of State

## Intent and Content

This initiated legislation would limit persons holding the offices of State Senator, State Representative, Secretary of State, Treasurer of State, and Attorney General to four consecutive two-year terms, and a person holding the office of State Auditor to two consecutive four-year terms. These limitations would apply to the general election of 1996; meaning that any person who has served the requisite number of terms by that time would be disqualified from seeking reelection or reappointment in that year.

A "YES" vote approves the initiative question and imposes term limitations on Legislators, Constitutional Officers and the State Auditor.

A "NO" vote disapproves the initiative question.

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## Question 2: Bond Issue

"Do you favor a \$5,000,000 bond issue to provide funds for the closure and remediation of municipal solid waste landfills?"

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## STATE OF MAINE

### Chapter 50

#### Private and Special Laws of 1993

"AN ACT to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Landfill Closure and Remediation"

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the closure and remediation of municipal solid waste landfills and for the purchase of recycling equipment.

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

**Sec. 1. Authorization of bonds to provide for the closure and remediation of municipal solid waste landfills.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and behalf of the State in an amount not exceeding \$5,000,000 to raise funds for the closure and remediation of municipal solid waste landfills as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 5 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. 2. Records of bonds issued to be kept by the Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection for the closure and remediation of municipal solid waste landfills.

**Sec. 6. Allocations from General Fund bond issue; closure and remediation of municipal solid waste landfills.** The proceeds of the sale of bonds must be expended as designated in the following schedule.



**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

|   |                    |
|---|--------------------|
| Site Evaluation and Planning Program    | \$2,000,000        |
| Municipal Implementation Grants Program | 3,000,000          |
| <b>TOTAL ALLOCATIONS</b>                | <b>\$5,000,000</b> |

**Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 8. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$5,000,000 bond issue to provide funds for the closure and remediation of municipal solid waste landfills?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Approved July 13, 1993

This Act would authorize the State to issue bonds in an amount not to exceed \$5,000,000 to raise funds for the closure and remediation of municipal solid waste landfills. The bonds would run for a period of not longer than 5 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds of the sale of the bonds would be expended by the Department of Environmental Protection to provide grants to municipalities for the closure and remediation of solid waste landfills (\$3,000,000), and for site evaluation and program planning (\$2,000,000).

If approved, the bond authorization would take effect 30 days after the Governor’s proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A “YES” vote approves the authorization of a \$5,000,000 bond issue to fund the closure and remediation of municipal solid waste landfills.

A “NO” vote disapproves the bond issue.

Total Estimated Debt Service of \$5,652,500 of which Principal is \$5,000,000, Estimated Interest at 4.35% over 5 years is \$652,500.

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**Question 3: Bond Issue**

“Do you favor a \$39,500,000 bond issue for improvements to highways, state and local bridges, airports, cargo ports and the ferry service, which make the State eligible for up to \$125,500,000 in matching federal funds?”

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**STATE OF MAINE**

**Chapter 52**

**Private and Special Laws of 1993**

“AN ACT to Authorize Department of Transportation Bond Issues in the Amount of \$39,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, Cargo Ports, and the Ferry Service”

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds to match available federal funds for highways, bridge, airport and cargo port improvements.

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

**Sec. 1. Authorization of bonds to provide for highway, bridge and airport improvements.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and behalf of the State in an amount not exceeding \$39,500,000 to raise funds to match available federal funds for surface and air transportation improvements as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. 2. Records of bonds issued to be kept by the Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Commissioner of Transportation.

**Sec. 6. Allocations from Highway Fund and General Fund bond issues.** The proceeds of the sale of bonds must be expended as designated in the following schedule.

**Summary of bond issues**

Highway Fund Bond Issues

|                                 |                     |
|---------------------------------|---------------------|
| Highway and bridge improvements | \$30,000,000        |
| Total Highway Fund              | <u>\$30,000,000</u> |

General Fund Bond Issues

|   |             |
|---|-------------|
| Airport improvements  | \$2,500,000 |
| Cargo port improvements                                     | 2,000,000   |
| Ferry service improvements<br>(Penobscot Bay and Casco Bay) | 5,000,000   |

|                    |                    |
|--------------------|--------------------|
| Total General Fund | <u>\$9,500,000</u> |
|--------------------|--------------------|

|   |                     |
|---|---------------------|
| Total Highway Fund and General Fund Bonds | <u>\$39,500,000</u> |
|---|---------------------|

**Sec. 7. Allocation of Highway Fund bond issue.** For fiscal year 1993-94 and fiscal year 1994-95, receipt of the Highway Fund from the proceeds of the sale of bonds must be segregated, apportioned and expended as designated in the following schedule.

|                                 | 1993-94      | 1994-95      |
|---------------------------------|--------------|--------------|
| Highway and Bridge Improvements | \$20,000,000 | \$10,000,000 |

**Sec. 8. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 9. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. 10. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 11. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$39,500,000 bond issue for improvements to highways, state and local bridges, airports, cargo ports and the ferry service, which make the State eligible for up to \$125,500,000 in matching federal funds?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Approved July 13, 1993

**Intent and Content**

This Act would authorize the State to issue bonds in an amount not to exceed \$39,500,000 to raise funds to match available federal funds for surface and air transportation improvements. The bonds would run for a period of not longer than 20 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds of the sale of the bonds would be expended by the State Commissioner of Transportation and would be used to match available federal funds for highway and bridge improvements (\$30,000,000), airport improvements (\$2,500,000), cargo port improvements (\$2,000,000) and ferry service improvements in Penobscot Bay and Casco Bay (\$5,000,000).

If approved, the bond authorization would take effect 30 days after the Governor’s proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A “YES” vote approves the authorization of a \$39,500,000 bond issue for surface and air transportation improvements.

A “NO” vote disapproves the bond issue.

Total Estimated Debt Service of \$62,933,375 of which Principal is \$39,500,000, Estimated Interest at 5.65% over 20 years is \$23,433,375.

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**Question 4: Bond Issue**

“Do you favor a \$15,150,000 bond issue for the construction of water pollution control facilities which will provide the match for \$20,000,000 in federal money?”

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**STATE OF MAINE**

**Chapter 51**

**Private and Special Laws of 1993**

“AN ACT to Authorize a General Fund Bond Issue in the Amount of \$15,150,000 for Construction of Water Pollution Control Facilities”

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the construction of water pollution control facilities.

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

**Sec. 1. Authorization of bonds to provide for construction of water pollution control facilities.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and behalf of the State in an amount not exceeding \$15,150,000 to raise funds for the construction of water pollution control facilities as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. 2. Records of bonds issued to be kept by the Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection and the Department of Conservation.

**Sec. 6. Allocations from General Fund bond issue; cost of capital construction for water pollution control facilities.** The proceeds of the sale of bonds must be expended as designated in the following schedule.

|   | <b>1993-94</b>      |
|---|---------------------|
| <b>DEPARTMENT OF CONSERVATION</b>             |                     |
| Park Septic Systems                           | \$3,000,000         |
| Park Surface Water System                     | 150,000             |
| <b>DEPARTMENT OF CONSERVATION</b>             | <b>TOTAL</b>        |
|   | \$3,150,000         |
| <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b> |                     |
| State Revolving Loan Fund                     | \$4,000,000         |
| Small Community Program                       | 1,000,000           |
| Overboard Discharge Program                   | 1,000,000           |
| Large Project Grant Program                   | 6,000,000           |
| <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b> | <b>TOTAL</b>        |
|   | \$12,000,000        |
| <b>TOTAL ALLOCATIONS</b>                      | <b>\$15,150,000</b> |

**Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 8. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$15,150,000 bond issue for the construction of water pollution control facilities which will provide the match for \$20,000,000 in federal money?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Approved July 13, 1993

#### Intent and Content

This Act would authorize the State to issue bonds in an amount not to exceed \$15,150,000 to raise funds for the construction of water pollution control facilities. The bonds would run for a period of not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds of the sale of the bonds would be expended under the direction of the Department of Environmental Protection for its Large Project Grant Program (\$6,000,000), State Revolving Loan Fund (\$4,000,000), Small Community Program (\$1,000,000), and Overboard Discharge Program (\$1,000,000); and under the direction of the Department of Conservation for the construction of State park septic systems (\$3,000,000) and State park surface water systems (\$150,000).

If approved, the bond authorization would take effect 30 days after the Governor’s proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A “**YES**” vote approves the authorization of a \$15,150,000 bond issue for the construction of water pollution control facilities.

A “**NO**” vote disapproves the bond issue.

Total Estimated Debt Service of \$19,316,250 of which Principal is \$15,150,000, Estimated Interest at 5% over 10 years is \$4,166,250.

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**Question 5: Constitutional Amendment**

“Do you favor amending the Constitution of Maine to protect state park or other designated conservation or recreation land by requiring a  $\frac{2}{3}$  vote of the Legislature to reduce it or change its purpose?”

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**STATE OF MAINE**

**Chapter 1**

**Constitutional Resolutions of 1993**

“RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks”

**Constitutional amendment. RESOLVED:** Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

**Constitution, Art. IX, §23** is enacted to read:

Sec. 23. State park land. State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of  $\frac{2}{3}$  of all the members elected to each House. The proceeds from the sale of such land must be used to purchase additional real estate in the same county for the same purposes.

; and be it further

**Constitutional referendum procedure; form of question, effective date. Resolved:** That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

“Do you favor amending the Constitution of Maine to protect state park or other designated conservation or recreation land by requiring a  $\frac{2}{3}$  vote of the Legislature to reduce it or change its purpose?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

**Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine. July 6, 1993.

## INTENT AND CONTENT

This proposed constitutional amendment would enable the Legislature to specify that certain parcels of land owned by the State for conservation or recreation purposes may not be reduced in size or substantially altered as to use without the prior approval of  $\frac{2}{3}$  of the members of each House. The amendment also would provide that if the Legislature, by such a vote, approves the sale of such land, the proceeds of the sale must be used to purchase additional land in the same county for the same purposes.

A "YES" vote approves the constitutional resolution and requires a  $\frac{2}{3}$  vote of the Legislature to reduce or change the purpose of state park land.

A "NO" vote disapproves the constitutional resolution.

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## Question 6: Referendum

"Do you approve of the interstate compact to be made with Texas, Maine and Vermont for the disposal of the State's low-level radioactive waste at a proposed facility in the State of Texas?"

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## STATE OF MAINE

### Chapter 400

#### Public Laws of 1993

"AN ACT Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms"

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

**Whereas,** the Governor has negotiated an interstate compact agreement with the states of Texas and Vermont for the disposal of low-level radioactive waste generated in this State over a 30-year period at a proposed disposal facility in West Texas; and

**Whereas,** existing law requires legislative ratification of any compact or agreement with any other state or states for low-level radioactive waste disposal; and

**Whereas,** the Secretary of State must undertake the preparation of ballots prior to the 90th day following adjournment of the First Regular Session of the 116th Legislature; 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 §1494,** as amended by PL 1987, c. 769, Pt. B, §10, is further amended to read:

#### **§1494. Low-level radioactive waste compact referendum**

The State of Maine ~~shall~~ may 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~~ on the compact or agreement in a statewide election. ~~Such~~ The election shall ~~must~~ be held in the manner prescribed by law for holding a statewide election and in accordance with the procedures ~~set forth under~~ in Title 35-A, section 4302. 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) to be made with (insert name of the state or states or "the Federal Government") for the (insert disposal or storage) of the State's low-level radioactive waste ~~proposed to be made with (insert name of state or states or "the Federal Government")~~ at a proposed facility in (insert name of state or other location)?"

This question shall must 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.

Sec. 2. 38 MRSA c. 14-B, sub-c. II-A is enacted to read:

### SUBCHAPTER II-A

## LOW-LEVEL, RADIOACTIVE WASTE DISPOSAL COMPACT

### §1517. Policy and findings

The Legislature declares and finds that there are numerous facilities in the State that generate low-level radioactive waste for commercial, research, medical, educational and defense purposes and that these facilities currently do not have access to a commercial low-level radioactive waste disposal facility. The Legislature further finds that loss of disposal capacity will present economic, environmental and public health and safety risks when existing generators of low-level radioactive waste exhaust on-site storage capacity. It is the purpose of this subchapter to:

**1. Comply with federal law.** Comply with the federal Low-Level Radioactive Waste Policy Amendments Act of 1985, authorizing states to combine in the formation of an interstate compact to provide for the disposal of low-level radioactive waste generated within their borders;

**2. Comply with legislative intent.** Fulfill the intent of section 1474;

**3. Enact an interstate compact.** Enact an interstate compact for the disposal of all low-level radioactive waste generated in the State that is not a federal responsibility under the federal Low-Level Radioactive Waste Policy Amendments Act of 1985; and

**4. Ensure equitable funding.** Ensure that the funding of the compact enacted by this Act is borne by the generators of this waste.

### §1518. Member of commission

The Governor shall appoint a person to represent the State on the commission established by Article III of the Texas Low-Level Radioactive Waste Disposal Compact, referred to in this chapter as the "compact." The Governor may appoint an alternate for the commission member appointed under this section.

### §1519. Term of commission member

The commission member serves for a term of 6 years and until a successor is appointed and qualified. If there is a vacancy in the commission member's office, the Governor shall appoint a replacement to fill the unexpired term.

### §1520. Compensation of commission member

The commission member is entitled to compensation at the rate established for legislative per diem in Title 5, section 12002 and for reimbursement for actual and necessary expenses incurred in the performance of the commission member's duties. If a state employee is appointed as a commission member, that state employee is not entitled to the legislative per diem.

### §1520-A. Assessment for compact costs

The Maine Low-level Radioactive Waste Authority, as established by this chapter, shall assess any nuclear plant within the State for the full costs of membership and participation in the Texas Low-Level Radioactive Waste Disposal Compact, subject to the provisions of Articles IV and V of that agreement. The assessments charged to the nuclear power plant and passed on through wholesale rates to retail utilities are deemed just and reasonable operating costs for retail utilities in this State and may be deferred for recovery in future rate proceedings, except that refunds received by the nuclear power plant under subsection 6 must be credited against costs recoverable under this paragraph. Assessments billed pursuant to this section must be forwarded to the Texas Low-Level Radioactive Waste Disposal Authority.

**1. Initial assessments.** The Maine Low-level Radioactive Waste Authority shall bill an initial assessment in the amount of \$12,500,000 within 30 days following ratification of the compact agreement by the Congress of the United States. The amount assessed must be paid within 15 days of assessment.

The Maine Low-level Radioactive Waste Authority shall bill a 2nd assessment in the amount of \$12,500,000 within 30 days following the date of the opening of the compact facility in Texas. The amount assessed must be paid within 15 days of assessment.

**2. Host county assessments.** The Maine Low-level Radioactive Waste Authority shall bill an initial host county assessment in accordance with section 4.05, subsection (5) of the compact in the amount of \$1,250,000 no later than 3 working days following ratification of the compact agreement by the Congress of the United States. The amount assessed must be paid within 10 days of assessment.

The Maine Low-level Radioactive Waste Authority shall bill a 2nd host county assessment in the amount of \$1,250,000 no later than 3 working days following the approval of a facility operating license by the Texas Water Commission.

**3. Pro rata shares of compact commission's operating budget.** On an annual basis or on any other schedule established by the Texas Low-Level Radioactive Waste Disposal Compact Commission, the State's share of the administrative, legal and other expenses budgeted for the operation of the compact commission must be assessed by the Maine Low-level Radioactive Waste Authority. Amounts assessed under this section must be paid within 30 days of assessment.

**4. Limitation.** Any payment under the compact established by this Act must be paid from funds available as a result of assessments levied pursuant to this section. In the event that sufficient funds are not available from those assessments, payments may not be made for this purpose from the General Fund or any other state account without specific legislative approval. A fee may not be charged for an indirect cost rate or as a handling charge by any agency of the State during the time that the funds are in the possession of the Maine Low-level Radioactive Waste Authority.

**5. Alternative payment schedule.** In accordance with section 5.02 of the compact agreement and if so designated by the Texas Low-Level Radioactive Waste Disposal Compact Commission, the schedule for assessments by the Maine Low-level Radioactive Waste Authority to be forwarded to the Texas Low-Level Radioactive Waste Disposal Authority under subsection 1 must be revised to conform to the pay-



ment schedule for the repayment of debt incurred for the construction of the Texas disposal facility. An amount may not be assessed pursuant to this subsection on less than 30 days notice and a payment may not be required in less than 15 days from the date of assessment.

6. SurchARGE. Beginning on June 30 of the first year following commencement of operations at the compact facility, the Maine Low-level Radioactive Waste Authority shall assess a surcharge for waste disposed of by any generator who has not been assessed for compact cost pursuant to subsections 1 and 2. The surcharge must be refunded to any generator who was assessed and made payments pursuant to subsections 1 and 2. The surcharge must be assessed based on a 30-year facility life and be based on the amount of waste disposed of at the compact facility in the previous calendar year. The Maine Low-level Radioactive Waste Authority shall adopt rules to govern the calculation of the surcharge so that each generator is assessed pro rata shares of the cost of the assessment under subsections 1 and 2.

#### **§1520-B. Unspent balances**

If the Maine Low-level Radioactive Waste Authority retains in its Low-level Radioactive Waste Facility Fund an unspent balance of assessments previously paid by any nuclear plant within the State, the unspent balance must be used in order to reduce, offset or eliminate any portion of the costs assessed under section 1520-A, subsection 1, 2 or 3, except that this section does not apply to the assessment and disbursement of administrative costs under section 1534-A.

#### **§1520-C. Nondiscrimination in access**

A generator of low-level radioactive waste in this State that existed on the effective date of this subchapter, including any nuclear plant, may not be discriminated against with respect to access to disposal capacity at the compact facility.

**Sec. 3. Texas Low-Level Radioactive Waste Disposal Compact ratified.** The Legislature ratifies, endorses and recommends for approval by a majority of the voters in accordance with the Maine Revised Statutes, Title 38, section 1494, the Texas Low-Level Radioactive Waste Disposal Compact to provide access to facilities in the State of Texas for the disposal of all low-level radioactive waste generated in this State over a 30-year period.

**Sec. 4. Text of Texas Low-Level Radioactive Waste Disposal Compact.** The text of the Texas Low-Level Radioactive Waste Disposal Compact, referred to in the Maine Revised Statutes, Title 38, section 1520-A is as follows.

### **TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT**

#### **ARTICLE I. POLICY AND PURPOSE**

Sec. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Secs. 2021b-2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for

and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

#### **ARTICLE II. DEFINITIONS**

Sec. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Act" means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Secs. 2021b-2021j).

(2) "Commission" means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

(3) "Compact facility" or "facility" means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

(4) "Disposal" means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

(5) "Generate," when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

(6) "Generator" means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

(7) "Host county" means a county in the host state in which a disposal facility is located or is being developed.

(8) "Host state" means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

(9) "Institutional control period" means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

(10) "Low-Level radioactive waste" has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. Sec. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

(11) "Management" means collection, consolidation, storage, packaging, or treatment.

(12) "Operator" means a person who operates a disposal facility.

(13) "Party state" means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

(14) "Person" means an individual, corporation, partnership or other legal entity, whether public or private.

(15) "Transporter" means a person who transports low-level radioactive waste.

### ARTICLE III. THE COMMISSION

Sec. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

Sec. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

Sec. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

Sec. 3.04. The commission shall:

(1) Compensate its members according to the host state's law.

(2) Conduct its business, hold meetings, and maintain public records pursuant to the laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

(3) Be located in the capital city of the host state.

(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995-2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

Sec. 3.05. The commission may:

(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the

party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

Sec. 6.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

#### ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

Sec. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

Sec. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

Sec. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

Sec. 4.04. The host state shall do the following:

(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the commission.

(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and commission vote, at noncompact facilities.

(7) Promptly notify the other party states of any legal action involving the facility.

(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

Sec. 4.05. Each party state shall do the following:

(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the

United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

(8) Provide on a regular basis to the commission and host state:

- (A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;
- (B) proposed transportation methods and routes; and
- (C) proposed shipment schedules.

(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

Sec. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

#### ARTICLE V. PARTY STATE CONTRIBUTIONS

Sec. 5.01. Each party state, except the host state, shall contribute a total of \$25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state \$12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional \$12.5 million.

Sec. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

#### ARTICLE VI. PROHIBITED ACTS AND PENALTIES

Sec. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

Sec. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

Sec. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

#### ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

Sec. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

Sec. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

Sec. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

Sec. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after the enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

Sec. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

Sec. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article

6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

Sec. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

(1) Texas and the other ratifying state are the initial party states.

(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

(3) Each party state is responsible for its pro-rata share of the commission's expenses.

Sec. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of congress every five years after its effective date, pursuant to federal law.

Sec. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

#### ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

Sec. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

Sec. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

Sec. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by congress of its terms, no party state acquires a potential liability under Section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

Sec. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to Section 7.06 of Article VII, the withdrawal or

revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

Sec. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

Sec. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

(1) the United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.); or

(2) an agreement state under Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

Sec. 39.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

(2) Regulate health, safety, or environment hazards from source, by-product, or special nuclear material.

(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.

**Sec. 5. Transition; activities of authority.** The following transition provisions are established for the Maine Low-level Radioactive Waste Authority.

1. Within 90 days after the effective date of this Act and until the date of the statewide voter referendum held pursuant to this Act, the Maine Low-level Radioactive Waste Authority shall suspend all activities for locating a centralized storage or disposal facility in this State. Notwithstanding the previous sentence, during the period of time prior to the statewide voter referendum, the authority shall develop data storage archives.

2. If the voter referendum does not ratify this Act, the siting activities and any other functions of the Maine Low-level Radioactive Waste Authority that have been suspended must be resumed by the authority.

3. If the statewide voter referendum ratifies this Act, then the Maine Low-level Radioactive Waste Authority may address, in compliance with the Maine Revised Statutes, Title 38, chapter 14-B and only to the extent necessary, issues pertaining to the management and interim storage of low-level radioactive waste in this State during the multi-year period prior to the date that the Texas facility commences opera-

**SECRETARY OF STATE,  
DEPARTMENT OF THE**

**Elections and Commissions**

All Other \$95,000

Provides for the allocation of funds for the referendum costs associated with this Act.

**Emergency clause.** In view of the emergency cited in the preamble, sections 3, 4, 5 and 6 of this Act take effect when approved. Section 2 of this Act takes effect 30 days after the Governor proclaims that a majority of the legal voters have voted in favor of the contract.

Approved June 21, 1993 (EMERGENCY)

**Intent and Content**

This referendum presents to the electorate for its ratification the participation of the State of Maine in the Texas Low-Level Radioactive Waste Disposal Compact. The Compact has already been ratified by the Maine Legislature, but independent ratification by the electorate is also required by Maine law.

If the Maine electorate ratifies the Compact, and the Congress of the United States subsequently ratifies it as well, the following will occur:

1. All generators of low-level radioactive waste in Maine will be enabled to have access to whatever site in Texas is constructed pursuant to the Compact for the disposal of the waste, on the same terms as generators of low-level radioactive waste in Texas.

2. The Maine Low-Level Radioactive Waste Authority will suspend all activity to locate a centralized storage or disposal facility for low-level radioactive waste in Maine.

3. The costs of participation in the Compact (including the costs of disposing of low-level radioactive waste generated in Maine, the costs of any liability which could result from such disposal, and the State's share of the administrative costs of the Texas Low-Level Radioactive Waste Disposal Compact Commission) will be borne by Maine generators of such waste and, in the case of nuclear power plants, may be passed on to the operating utility's ratepayers, through public utility ratemaking proceedings.

4. If the State of Maine in the future determines to withdraw from the Compact, pursuant to procedures contained therein, the State must continue to participate for a period of two years subsequent to the enactment of the repealing legislation.

A "YES" vote approves the referendum and ratifies the Compact.

A "NO" vote disapproves the referendum and does not ratify the Compact.

tions. If the statewide voter referendum ratifies this Act, the State Planning Office shall report to the Joint Standing Committee on Energy and Natural Resources by February 1, 1994 with recommendations for the efficient management of low-level radioactive waste in this State during the multi-year period prior to the date that the Texas low-level radioactive waste storage facility commences operations and for the most appropriate and efficient means to carry out the requirements of the interstate compact.

4. Within 30 days of ratification of this Act by voter referendum, the Maine Low-level Radioactive Waste Authority may not incur any additional expenses from the Low-level Radioactive Waste Facility Fund, except for expenses pursuant to Title 38, section 1534-A.

**Sec. 6. Statutory referendum procedure; submission at statewide election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine pursuant to the Maine Revised Statutes, Title 38, section 1494 at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you approve of the interstate compact to be made with Texas, Maine and Vermont for the disposal of the State's low-level radioactive waste at a proposed facility in the State of Texas?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

**Sec. 7. Payment for referendum costs.** Notwithstanding any provision of law, the Maine Low-level Radioactive Waste Authority must transfer \$95,000 from the assessment authorized pursuant to the Maine Revised Statutes, Title 38, section 1535 to the Department of the Secretary of State for the referendum costs associated with this Act.

**Sec. 8. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.