

# MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 663

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H.P. 568

House of Representatives, February 10, 1983

Referred to the Committee on Energy and Natural Resources, and ordered printed. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

Cosponsors: Senator Kany of Kennebec and Representative Hall of Sangerville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

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AN ACT to Adjust the Service Fee and Allocations of the Low-level Waste Siting Fund, and to Adjust the Membership of the Low-level Waste Siting Commission.

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

Whereas, the Low-level Waste Siting Commission is meeting on a regular basis in order to study the management, transportation and disposal of low-level radioactive waste and make timely recommendations to the Governor and the Legislature; and

Whereas, sufficient funding is necessary to accomplish these purposes; and

1           Whereas, income to the Low-level Waste Siting  
2 Fund has been about 1/2 the amount anticipated; and

3           Whereas, it is anticipated that continued operation  
4 of the commission will be necessary at least  
5 through June 30, 1984, yet no funds have been allocated  
6 for fiscal year 1983-84; and

7           Whereas, there are no public members on the commission  
8 at present; and

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

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

17           Sec. 1. 10 MRSA §151-A, sub-§3, as enacted by PL  
18 1981, c. 439, §5, is amended to read:

19           3. Public Safety. The Department of ~~Transportation~~  
20 Public Safety shall coordinate transportation  
21 of radioactive materials.

22           Sec. 2. 10 MRSA §175, sub-§2, as enacted by PL  
23 1981, c. 439, §9, is amended to read:

24           2. Membership; appointment. The commission shall  
25 consist of 9 ~~11~~ members, who shall be appointed as  
26 follows. The Commissioners of Environmental Protection  
27 and Human Services, and the State Geologist, or  
28 their designees, shall be members of the commission.  
29 The President of the Senate shall appoint 2 Senators  
30 and, one person from an organization that is a  
31 low-level waste licensee and one person from the general  
32 public. The Speaker of the House of Representatives  
33 shall appoint 2 Representatives and, one person  
34 from an organization that is a low-level waste licensee  
35 and one person from the general public. The members  
36 shall be appointed in a timely manner to serve  
37 for terms of 2 years ending January 31st of each odd-  
38 numbered year, except that ex officio members shall  
39 serve while holding their offices. The Chairman of

1 the Legislative Council shall call the first meeting  
2 of the commission, and at this meeting the commission  
3 shall elect a chairman and a vice-chairman from its  
4 membership.

5 Sec. 3. 10 MRSA §176, sub-§2, as enacted by PL  
6 1981, c. 439, §9, is amended to read:

7 2. Service fee. In the fiscal years 1982 and  
8 1983 a service fee of \$1 \$10 per cubic foot shall  
9 be levied on all low-level radioactive waste gener-  
10 ated in this State and shipped to commercial disposal  
11 facilities. The revenue from this service fee shall  
12 be credited to the fund established in subsection 1  
13 and used to carry out the purposes of this subchap-  
14 ter.

15 Sec. 4. 25 MRSA §2109 is enacted to read:

16 §2109. Notification

17 Not less than 24 hours in advance of transporting  
18 any shipment of low-level waste over any public way,  
19 the person transporting the shipment shall notify the  
20 Chief of the State Police of the shipment, its con-  
21 tents, destination, route and such other information  
22 as the Department of Public Safety may, by regula-  
23 tion, require. Failure to make that notification  
24 shall be a Class D crime.

25 Sec. 5. Transitional provisions. Except for  
26 exofficio members, the terms of the present members  
27 of the Low-level Waste Siting Commission shall expire  
28 January 31, 1985.

29 Sec. 6. Allocation. In addition to allocations  
30 made previously, the following funds are allocated  
31 from the Low-level Waste Siting Fund to carry out the  
32 purposes of this Act.

	<u>1982-83</u>	<u>1983-84</u>
33		
34 LOW-LEVEL WASTE		
35 COMMISSION	\$3,500	\$15,000
36 ENVIRONMENTAL PROTECTION,		
37 DEPARTMENT OF	<u>\$15,000</u>	<u>\$60,000</u>

1 Total \$18,500 \$75,000

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

5 STATEMENT OF FACT

6 The 5-year average volume of low-level radio-  
7 active waste shipped from Maine is about 15,000 cubic  
8 feet, but in 1982 that fell to 7,800 cubic feet as a  
9 result of volume reduction and a change in packaging  
10 methods. The projected volume for calendar year 1983  
11 is about 7,500 cubic feet.

12 The annual budget for the Low-level Waste Siting  
13 Commission, including travel, materials and necessary  
14 studies has been \$15,000. The reduced volume has  
15 resulted in a \$7,000 shortfall in income in 1982. As  
16 a result, the fund still owes the Maine Geological  
17 Survey \$3,500 for the statutory geological area  
18 screening study conducted in 1983, and the commission  
19 has been unable to provide financial support to the  
20 Department of Environmental Protection for alterna-  
21 tive small site design concept studies.

22 In order to actively participate in low-level  
23 waste planning, certain technical assistance and  
24 engineering studies are required. The Department of  
25 Environmental Protection has made preliminary esti-  
26 mates of \$67,000 per year for this program.

27 Based on the projected volumes, a fee of \$10 per  
28 cubic foot should be sufficient to provide insurance  
29 that the budget and the outstanding bills will be  
30 covered, and that the Department of Environmental  
31 Protection technical studies can be funded. This fee  
32 will be reasonable compared to the average total cost  
33 of waste disposal and transportation of \$500,000 per  
34 year.

35 The proposed Northeast Regional Interstate Radio-  
36 active Waste Compact is expected to have a June 3,  
37 1984, initial ratification cutoff date. It is pru-  
38 dent at this time to allocate funds for the commis-  
39 sion through fiscal year 1984.

1           The bill modifies the commission by adding 2  
2 public members. There are no public members now. It  
3 makes the term of members 2 years. Appointments are  
4 not for a specified time now.

5           The bill gives the Department of Public Safety  
6 new responsibility for the safe transportation of  
7 low-level waste. The Chief of the State Police is to  
8 be notified 24 hours prior to any shipment of  
9 low-level waste. The responsibility for coordination  
10 of transportation of low-level waste with the Federal  
11 Government is transferred from the Department of  
12 Transportation to the Department of Public Safety.

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