

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 642

8 S.P. 247

In Senate, February 21, 1985

9 Referred to the Committee on Energy and Natural Resources and ordered  
10 printed. Sent down for concurrence.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

12 Cosponsored by Senator Usher of Cumberland, Representative Mills of  
Bethel and Representative Mitchell of Freeport.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

18 AN ACT to Create the Advisory Commission on  
19 Radioactive Waste to Replace the Low-  
20 level Waste Commission.  
21

22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, the Low-level Waste Siting Commission is  
26 now working on issues of statewide importance; and

27 Whereas, federal action is expected this year on  
28 low-level waste compacts for various regions of the  
29 country; and

30 Whereas, the work of the commission would be en-  
31 hanced by the presence of public members as soon as  
32 possible; and

33 Whereas, the Federal Government has begun the  
34 long process of siting a high-level radioactive waste  
35 facility; and

1           Whereas, it is important to protect Maine's in-  
2           terest as that process proceeds; and

3           Whereas, in the judgment of the Legislature,  
4           these facts create an emergency within the meaning of  
5           the Constitution of Maine and require the following  
6           legislation as immediately necessary for the preser-  
7           vation of the public peace, health and safety; now,  
8           therefore,

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

11          Sec. 1. 3 MRSA §507, sub-§6, ¶B, as repealed and  
12          replaced by PL 1983, c. 819, Pt. A, §1, is amended to  
13          read:

14           B. Unless continued or modified by law, the fol-  
15           lowing Group C-2 independent agencies shall ter-  
16           minate, not including the grace period, no later  
17           than June 30, 1985:

- 18           (1) Maine Sardine Council;
- 19           (2) Atlantic Sea Run Salmon Commission;
- 20           (3) Public Utilities Commission;
- 21           (4) State Development Office;
- 22           (5) Office of Energy Resources;
- 23           (6) Atlantic States Marine Fisheries Com-  
24           mission;
- 25           (7) Maine Development Foundation;
- 26           (8) Board of Directors, Maine Municipal and  
27           Rural Electrification Cooperative Agency;
- 28           (9) State Energy Resource Advisory Board;
- 29           (10) Low-level Waste Siting Commission Ad-  
30           visory Commission on Radioactive Waste;
- 31           (11) Lobster Advisory Council; and

1 (12) State Board of Examiners of Psycholo-  
2 gists.

3 Sec. 2. 3 MRSA §507-B, sub-§7 is enacted to  
4 read:

5 7. Agencies schedules for termination on June  
6 30, 1985. The following agencies schedules for ter-  
7 mination on June 30, 1985, pursuant to section 507,  
8 subsection 6, paragraph B, shall continue, but shall  
9 terminate, not including the grace period, no later  
10 than June 30, 1989, unless continued or modified by  
11 law:

12 A. Advisory Commission on Radioactive Waste.

13 Sec. 3. 5 MRSA §12004, sub-§10, ¶A, sub-¶(17),  
14 as amended by PL 1983, c. 862, §§22-25, is further  
15 amended to read:

16 ~~(17) Environment Low-level Waste Expenses 38 MRSA §1476~~  
17 ~~Siting Commis- only~~  
18 ~~sion~~

19 Sec. 4. 5 MRSA §12004, sub-§11, ¶A, sub-¶(4) is  
20 enacted to read:

21 (4) Environment Radioactive Waste \$25/day 38 MRSA §1454  
22 Advisory Commis-  
23 sion

24 Sec. 5. 38 MRSA §1451, sub-§3-A is enacted to  
25 read:

26 3-A. Commission. "Commission" means the Advis-  
27 ory Commission on Radioactive Waste established by  
28 section 1454.

29 Sec. 6. 38 MRSA §§1454 and 1455 are enacted to  
30 read:

31 §1454. Advisory Commission on Radioactive Waste

32 1. Establishment; purpose. The Advisory Commis-  
33 sion on Radioactive Waste is established by this sec-  
34 tion as a successor to the previous Low-level Waste  
35 Siting Commission. The purpose of the commission is

1 to advise the Governor and the Legislature on matters  
2 relating to radioactive waste management and it shall  
3 have the duties specified in subsection 3.

4 2. Membership; appointment. The commission  
5 shall consist of 13 members, who shall be appointed  
6 as follows: The Commissioner of Environmental Pro-  
7 tection, the Commissioner of Human Services and the  
8 State Geologist or their designees shall be members  
9 of the commission. The President of the Senate shall  
10 appoint 3 Senators, 2 from the majority party and one  
11 from the minority party; one person from an organiza-  
12 tion that holds a license for the use of radioactive  
13 material; and one person from the general public.  
14 The Speaker of the House of Representatives shall ap-  
15 point 3 Representatives, 2 from the majority party,  
16 and one from the minority party; one person from an  
17 organization that holds a license for the use of ra-  
18 dioactive material; and one person from the general  
19 public. The terms of legislative members of the Com-  
20 mission shall expire the first Wednesday in December  
21 1986, and in even numbered years. The terms of the  
22 public member appointed by the President of the Sen-  
23 ate and the licensee member appointed by the Speaker  
24 of the House of Representatives shall expire December  
25 31, 1986, and every 2 years thereafter; and the terms  
26 of the public member appointed by the Speaker of the  
27 House of Representatives and the licensee member ap-  
28 pointed by the President of the Senate shall expire  
29 December 31, 1987, and every 2 years thereafter.  
30 Members may continue to serve until their replace-  
31 ments are designated. Vacancies shall be filled by  
32 the appointing authority to complete the term of the  
33 preceding appointee.

34 The commission shall elect a chairman from its legis-  
35 lative membership. The Commissioner of Environmental  
36 Protection shall serve as vice-chairman.

37 3. Duties. The duties of the commission are to:

38 A. Study the management, transportation, storage  
39 and disposal of radioactive waste, including  
40 low-level and high-level radioactive waste gener-  
41 ated in or near this State;

1           B. Evaluate methods and criteria for siting and  
2           constructing low-level radioactive waste disposal  
3           or storage facilities;

4           C. Evaluate methods and criteria for siting and  
5           constructing high-level radioactive waste  
6           repositories or storage facilities;

7           D. Advise the Governor and the Legislature on  
8           the findings and recommendations of the commis-  
9           sion;

10          E. Assist the Governor in regional efforts to  
11          manage radioactive waste; and

12          F. Provide opportunities for public input, dis-  
13          seminate information to the general public and  
14          promote public understanding concerning radioac-  
15          tive waste issues.

16          4. Reports. The commission shall report to the  
17          Governor and the Legislature annually, during the  
18          regular legislative session and at other times as  
19          necessary.

20          5. Compensation. Members of the commission  
21          shall receive per diem and actual expenses according  
22          to Title 5, chapter 379.

23          6. Assistance. The Commissioner of Environmen-  
24          tal Protection shall provide assistance to the com-  
25          mission in the conduct of its business. Within  
26          available funds, the Maine Geological survey and oth-  
27          er appropriate agencies shall provide technical as-  
28          sistance. The Legislative Council shall also provide  
29          legislative staff assistance.

30          7. Sunset. This commission shall be subject to  
31          review and shall terminate in accordance with Title  
32          3, chapter 23, not including the grace period, no la-  
33          ter than June 30, 1989, unless continued or modified  
34          by law.

35          §1455. Radioactive Waste Evaluation Fund

36          1. Establishment. There is established the Ra-  
37          dioactive Waste Evaluation Fund to be used to carry

1 out the purpose of this chapter. This fund shall be  
2 administered by the Commissioner of Environmental  
3 Protection in accordance with established budgetary  
4 procedures. The commissioner may accept state, fed-  
5 eral and private funds to be used to assure safe and  
6 effective low-level radioactive waste management, to  
7 develop capacity for safe storage and disposal of  
8 these wastes and to monitor and evaluate plans for  
9 storage and disposal of high-level radioactive waste.

10 2. Service fees. A service fee of \$9 per cubic  
11 foot shall be levied on all low-level radioactive  
12 waste generated in this State and shipped to commer-  
13 cial disposal facilities or held in storage for more  
14 than one year in anticipation of eventual shipment.  
15 The fee shall only be paid once on any particular  
16 volume of waste. A service fee relating to the gen-  
17 eration of high-level radioactive waste shall be  
18 levied at a rate of one cent for every 5,000 kilowatt  
19 hours of electricity generated in this State by nu-  
20 clear power. The revenue from these service fees  
21 shall be credited to the fund established in subsec-  
22 tion 1, and used to carry out the purposes of this  
23 subchapter.

24 3. Allocation. The expenses for the administra-  
25 tion of the commission in carrying out the duties as  
26 set forth in this chapter shall be paid from such  
27 amounts as the Legislature may allocate from the rev-  
28 enues in the Radioactive Waste Evaluation Fund.  
29 These amounts shall become available in accordance  
30 with Title 5, chapters 141 to 155.

31 4. Balance carried forward. Any unexpended bal-  
32 ance shall not lapse, but shall be carried forward to  
33 the same fund for the next fiscal year and shall be  
34 available for the purposes authorized by this chap-  
35 ter.

36 5. Financial reports. The commissioner shall  
37 report quarterly to the Advisory Commission on Radio-  
38 active Waste, and annually, before February 1st to  
39 the joint standing committee of the Legislature hav-  
40 ing jurisdiction over natural resources on the income  
41 to and expenditures from the Radioactive Waste Evalu-  
42 ation Fund and on the budget for the coming year.  
43 Those reports shall include total fees received from

1 each generator, and line item detail on expenditures,  
2 including in-state travel and out-of-state travel,  
3 printing, mailing and hearings; personnel; consultant  
4 services, general operating expenses, supplies and  
5 overhead, for both the commission and the department.

6 Sec. 7. Transitional provisions. Upon the ef-  
7 fective date of this bill, the members of the  
8 Low-level Waste Siting Commission shall automatically  
9 become members of the Advisory Commission on Radioac-  
10 tive Waste. The chairman of the Low-level Waste  
11 Siting Commission shall call the first meeting of the  
12 Advisory Commission on Radioactive Waste.

13 The Radioactive Waste Evaluation Fund is the suc-  
14 cessor to the Low-level Waste Siting Fund. Upon es-  
15 tablishment, the Radioactive Waste Evaluation Fund  
16 shall receive any unexpended balance from the  
17 Low-level Waste Siting Fund, which balance shall be  
18 allocated as previously provided by law.

19 Emergency clause. In view of the emergency cited  
20 in the preamble, this Act shall take effect when ap-  
21 proved.

22 STATEMENT OF FACT

23 This bill creates the Advisory Commission on Ra-  
24 dioactive Waste as a successor to the Low-level Waste  
25 Siting Commission. The new commission has an ex-  
26 panded role, including high-level as well as  
27 low-level waste. Other modifications include addi-  
28 tion of public members and provision of per diem for  
29 members, reduction of the low-level waste service fee  
30 and introduction of a service fee for high-level  
31 waste. The total amount of fees will be about the  
32 same.

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