

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1772

8 S.P. 684

In Senate, January 6, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Received by the Secretary of the Senate on January 6, 1986. Referred to
the Committee on Energy and Natural Resources and 1,600 ordered printed
12 pursuant to Joint Rule 14.

13 JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator Kany of Kennebec.

14 Cosponsored by Representative Mitchell of Freeport, Representative
15 Coles of Harpswell and Representative Holloway of Edgcomb.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Increase the Resources of the
20 Advisory Commission on Radioactive
21 Waste and Allocate Funds from the
22 Radioactive Waste Fund.
23

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

27 Whereas, the United States Department of Energy
28 announced on December 11, 1985, that it will release
29 its Draft Area Recommendation Report on high-level
30 radioactive waste on January 16, 1986, and give only
31 90 days to comment on that draft report; and

32 Whereas, response to public inquiries and the
33 distribution of public information is essential since
34 Maine is likely to be in the narrowed lists of 4 to 6
35 states with 15 to 20 rock bodies targeted for inten-

1 sive investigation by the United States Department of
2 Energy for the 2nd of 2 repositories for the nation's
3 high-level radioactive waste; and

4 Whereas, the State must indicate by July 1, 1986,
5 if it intends to join a regional compact or move
6 towards licensing a disposal facility within the
7 State for low-level radioactive waste; and

8 Whereas, the Advisory Commission on Radioactive
9 Waste must advise the Governor and the Legislature on
10 the management of radioactive waste and promote pub-
11 lic understanding concerning radioactive waste issues
12 at the earliest possible time; and

13 Whereas, in the judgment of the Legislature,
14 these facts create an emergency within the meaning of
15 the Constitution of Maine and require the following
16 legislation as immediately necessary for the preser-
17 vation of the public peace, health and safety; now,
18 therefore,

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

21 Sec. 1. 38 MRSA §1453, sub-§2, as enacted by PL
22 1985, c. 309, §6, is amended to read:

23 2. Membership; appointment. The commission
24 shall consist of ~~13~~ 14 members, who shall be ap-
25 pointed as follows: The Governor may appoint a per-
26 son from the Executive Department, Office of the Gov-
27 ernor; the Commissioner of Environmental Protection;
28 the Commissioner of Human Services; and the State Ge-
29 ologist or their designees shall be members of the
30 commission. The President of the Senate shall ap-
31 point 3 Senators, 2 from the majority party and one
32 from the minority party; one person from an organiza-
33 tion that holds a license for the use of radioactive
34 material; and one person from the general public.
35 The Speaker of the House of Representatives shall ap-
36 point 3 Representatives, 2 from the majority party,
37 and one from the minority party; one person from an
38 organization that holds a license for the use of ra-
39 dioactive material; and one person from the general
40 public. The terms of legislative members of the Com-

1 mission shall expire the first Wednesday in December
2 1986, and in even numbered years . The terms of the
3 public member appointed by the President of the Sen-
4 ate and the licensee member appointed by the Speaker
5 of the House of Representatives shall expire December
6 31, 1986, and every 2 years thereafter; and the terms
7 of the public member appointed by the Speaker of the
8 House of Representatives and the licensee member ap-
9 pointed by the President of the Senate shall expire
10 December 31, 1987, and every 2 years thereafter.
11 Members may continue to serve until their replace-
12 ments are designated. Vacancies shall be filled by
13 the appointing authority to complete the term of the
14 preceding appointee.

15 The commission shall elect a chairman from its legis-
16 lative membership. The Commissioner of Environmental
17 Protection shall serve as vice-chairman.

18 Sec. 2. 38 MRSA §1454, sub-§§2, 3 and 4, as en-
19 acted by PL 1985, c. 309, §6, are amended to read:

20 2. Service fee. Until the ceiling established in
21 subsection 4 is reached, a service fee of \$10 per cu-
22 bic foot shall be levied on all low-level radioactive
23 waste generated in this State which, on or after Sep-
24 tember 19, 1985, is shipped to commercial disposal
25 facilities or stored awaiting disposal at a low-level
26 radioactive waste disposal facility or stored for any
27 purpose for more than one year. The service fee
28 shall not apply to low-level radioactive waste which
29 is authorized by the United States Nuclear Regulatory
30 Commission to be stored for decay on the site of gen-
31 eration for less than one year or disposed of without
32 regard to radioactivity. The Board of Environmental
33 Protection shall identify, by rule adopted in accord-
34 ance with the Maine Administrative Procedure Act, Ti-
35 tle 5, chapter 375, those wastes which are exempt
36 from the service fee, consistent with the intent of
37 this section. The service fee shall be paid only
38 once on any particular waste. The revenue from this
39 service fee shall be credited to the fund established
40 in subsection 1 and used to carry out the purposes of
41 this subchapter.

1 3. Fee limitation. Whenever the balance in the
2 fund established by this section has reached the lim-
3 it provided in subsection 4, the service fee shall be
4 temporarily suspended. Thereafter, any license hold-
5 er shall be assessed an annual pro rata fee, at the
6 end of each fiscal year sufficient to reimburse the
7 fund for any of the expenditures which have been made
8 for the purposes authorized by this subchapter during
9 that fiscal year and to bring the balance in the fund
10 at the beginning of the next fiscal year up to the
11 ceiling established by subsection 4. The pro rata
12 fee shall be based on the volume of waste generated
13 by each generator which is shipped to commercial dis-
14 posal facilities or stored awaiting disposal at a
15 low-level radioactive waste disposal facility follow-
16 ing suspension of the service fee during that fiscal
17 year.

18 4. Ceiling. Except for moneys received from
19 federal sources, the fund established by this section
20 shall not exceed a balance of ~~\$100,000~~ ~~during the~~
21 ~~fiscal year 1985-1986~~ ~~or~~ \$150,000 at any time ~~after~~
22 ~~July 1, 1986.~~ Any amounts collected in excess of
23 that amount shall be remitted to the contributors
24 within 10 days. Upon dissolution of the commission,
25 any unexpended funds shall be promptly remitted to
26 the contributors on a pro rata basis.

27 Sec. 3. Sunset. In the event that no rock body
28 in the State is identified for further study as a
29 possible site for a high-level radioactive waste re-
30 pository by the United States Department of Energy in
31 the draft Area Recommendation Report scheduled for
32 release in January 1986, or in the final Area Recom-
33 mendation Report, the allocation in section 5 shall
34 be reduced by 2 unclassified project positions, and
35 the funding to cover those position deallocated ef-
36 fective 30 days after the release of the report.

37 Sec. 4. Federal funding for high-level radioac-
38 tive waste activities. In the event that any rock
39 body in the State is identified for further study as
40 a possible site for a high-level radioactive waste
41 repository by the United States Department of Energy
42 in the draft Area Recommendation Report or in the fi-
43 nal Area Recommendation Report, the commission shall

1 apply to the United States Department of Energy for
 2 funds to cover continued funding of the commission's
 3 activities related to high-level radioactive waste
 4 disposal, including funding for 2 of the unclassified
 5 project positions initially funded from the Radioac-
 6 tive Waste Evaluation Fund by the allocation of sec-
 7 tion 5 and one additional position for a research as-
 8 sociate. The application shall also request funds to
 9 reimburse the Radioactive Waste Evaluation Fund for
 10 funds expended for those 2 positions. Administra-
 11 tively, these positions shall be located in the De-
 12 partment of Environmental Protection. This applica-
 13 tion for funding shall be coordinated with and sub-
 14 mitted as part of any application by the State to the
 15 United States Department of Energy for funding for
 16 high-level radioactive waste activities of the tech-
 17 nical review group established by the Governor.

18 Sec. 5. Allocation. The following funds are al-
 19 located from the Radioactive Waste Evaluation Fund to
 20 carry out the purposes of this Act.

21		<u>1985-86</u>	<u>1986-87</u>
22	<u>ENVIRONMENTAL PROTECTION,</u>		
23	<u>DEPARTMENT OF</u>		
24	Technical Studies		
25	Personal Services	\$31,563	\$63,125
26	All Other	10,209	20,418
27	Capital Expenditures	3,000	
28	Total	<u>\$44,772</u>	<u>\$83,543</u>

29 This allocation
 30 provides funds
 31 for a Clerk Typ-
 32 ist, an Environ-
 33 mental Services
 34 Specialist and a
 35 Public Relations
 36 Specialist.
 37 These positions
 38 shall be consid-
 39 ered unclassi-
 40 fied project po-
 41 sitions and
 42 shall not be
 43 subject to the

1 Personnel Law.

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3 Legislature

4 Personal Services \$4,500

5 This allocation
6 provides funds
7 for a 90-day
8 secretarial
9 project posi-
10 tion.

11 Emergency clause. In view of the emergency cited
12 in the preamble, this Act shall take effect when ap-
13 proved.

14 STATEMENT OF FACT

15 This bill increases the ceiling of the Radioac-
16 tive Waste Evaluation Fund to \$150,000 now, rather
17 than waiting until fiscal year 1987. The increase is
18 allocated to fund 3 additional temporary positions to
19 allow the commission to deal with a major increase in
20 its workload due to:

21 1. Recent enactment of federal legislation es-
22 tablishing stringent milestones for state action on
23 low-level radioactive waste; and

24 2. The announcement by the United States Depart-
25 ment of Energy that on January 16, 1986 it will an-
26 nounce rock bodies for detailed area study for a
27 high-level waste repository and which may include ar-
28 eas in Maine.

29 The secretarial position has already been funded
30 by the Legislative Account for 90 days. The alloca-
31 tion reimburses the Legislative Account. Longer term
32 funding and reimbursement for 2 of the 3 additional
33 positions will be sought through the United States
34 Department of Energy. The other continues to be
35 funded from the Radioactive Waste Evaluation Fund.
36 Also, if Maine is selected for high-level waste area

1 studies, then federal funding will be sought for an
2 additional research associate. The additional posi-
3 tions are needed to assist the commission in carrying
4 out its duties as specified in the Maine Revised
5 Statutes, Title 38, section 1453, especially those
6 related to public information and input and meeting
7 the low-level waste milestones.

8 The bill also provides for direct participation
9 by the Office of the Governor in the activities of
10 the Advisory Commission on Radioactive Waste.

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