

# MAINE STATE LEGISLATURE

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(Emergency)  
THIRD SPECIAL SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

No. 2679

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S.P. 1023 In Senate, September 15, 1988  
Received by the Secretary of the Senate on September 9,  
1988. Referred to the Committee on Human Resources and 1,650  
ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator CAHILL of Sagadahoc.  
Cosponsored by Representative HOLLOWAY of Edgecomb.

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STATE OF MAINE

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

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1 AN ACT to Modify the Radiation Protection  
2 Services Statute for Commercial Nuclear Power  
3 Facilities in the State.  
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5 Emergency preamble. Whereas, Acts of the  
6 Legislature do not become effective until 90 days  
7 after adjournment unless enacted as emergencies; and

8 Whereas, the 90-day period would further delay the  
9 hiring of the State Nuclear Safety Inspector; and

1           Whereas, the annual registration fee which was to  
2 pay for radiation monitors mandated by the 113th  
3 Legislature is insufficient; and

4           Whereas, both the hiring of the State Nuclear  
5 Safety Inspector and the installation of the radiation  
6 monitors necessitate legislative action; and

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

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

15           Sec. 1. 22 MRSA §663, sub-§1, as enacted by PL  
16 1987, c. 519, §1, is amended to read:

17           1. Qualifications. The State Nuclear Safety  
18 Inspector shall be an individual knowledgeable in the  
19 field of commercial nuclear power production and shall  
20 possess, at a minimum, a master's degree with major  
21 work in nuclear, mechanical, electrical or chemical  
22 engineering and have at least 3 years years'  
23 experience in nuclear operations or an equivalent  
24 amount of training and experience totaling 7 years.

25           Sec. 2. 22 MRSA §664, sub-§5, as enacted by PL  
26 1987, c. 519, §1, is amended to read:

27           5. Fees. Each nuclear power plant licensee whose  
28 operations are monitored under this chapter shall pay  
29 a fee to the State Nuclear Safety Inspector to the  
30 permanent fund established in section 680, subsection  
31 7. The amount of the fee for each licensee shall be  
32 calculated by multiplying the total allocation to the  
33 Department of Human Services The fee shall take the  
34 form of a yearly payment indicated in this subsection  
35 for the fiscal year from the fund established in  
36 section 680, subsection 7, for the full cost of the  
37 on-site inspection program, including the cost to the

1 State for personnel and fringe benefits 7 by the  
2 licensee's proportion of the total electric generating  
3 capacity-of-all-licensees-subject-to-this-chapter.

4 The State Nuclear Safety Inspector fee shall be as  
5 follows:

6 A. For the fiscal year ending 1988, \$35,000; and

7 B. For the fiscal year ending 1989 and  
8 thereafter, \$80,000.

9 Sec. 3. 22 MRSA §680, sub-§1, as amended by PL  
10 1985, c. 40, §1, is further amended to read:

11 1. Nuclear power plants. The annual registration  
12 fee for operating nuclear power plants is \$75,000  
13 per year \$310,000 for the fiscal year ending 1989,  
14 and \$100,000 thereafter.

15 Sec. 4. 22 MRSA §680, sub-§3, as enacted by PL  
16 1983, c. 345, §§13 and 14, is amended to read:

17 3. Fees. In determining rates of these fees, the  
18 department shall, as an objective, obtain sufficient  
19 funds therefrom to reimburse the State for the direct  
20 and indirect costs of the off-site radiation  
21 protection services specified in subsection 2. The  
22 department shall take into account any special  
23 arrangements between the State and a registrant,  
24 licensee, another state or a federal agency whereby  
25 the cost of the service is otherwise partially or  
26 fully recovered.

27 Emergency clause. In view of the emergency  
28 cited in the preamble, this Act shall take effect when  
29 approved.

30 STATEMENT OF FACT

31 Existing law requires that a nuclear safety  
32 inspector have a master's degree as well as 3 years'  
33 experience. Section 1 makes a change which allows a  
34 combination of training and experience totalling 7

1 years. The position in question is known as a 7-year  
2 class and such a change would be in accordance with  
3 personnel policies.

4 Current law provides for Maine Yankee to pay  
5 specific costs for the State Nuclear Safety Inspector,  
6 but the allocation was insufficient. The costs  
7 projected at the time the law was enacted were  
8 unknown. At this time, the costs for these services  
9 are reasonably known. Section 2 of this bill corrects  
10 this problem and also simplifies the accounting by  
11 requiring a single fee for the State Nuclear Safety  
12 Inspector instead of an amount that would change from  
13 year to year. This single fee concept is not in  
14 dispute with Maine Yankee management.

15 Current law provides for the State to install an  
16 off-site monitoring system in the vicinity of Maine  
17 Yankee. The legislative intent was very clear, and  
18 although the language as written authorizes the  
19 Department of Human Services to spend a certain amount  
20 of money, the law does not require Maine Yankee to pay  
21 for this program. Section 3 makes a change to  
22 increase the registration fee for the first year to  
23 include the 2 contracts that will cover the increased  
24 radiation monitoring costs. This change will also  
25 require Maine Yankee to pay a registration fee of  
26 \$310,000 for fiscal year 1989, an increase of \$235,000  
27 to pay for radiation monitoring equipment, and  
28 \$100,000 thereafter, an increase of \$25,000.

29 Section 4 provides that the registration fee is to  
30 be computed by including also any off-site monitoring  
31 costs.

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