

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1272, L.D. 1768, Bill, "An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste"

Amend the bill in the emergency preamble in the 2nd paragraph, in the first line (page 1, line 5 in L.D.) by striking out the following: "executed" and inserting in its place the following: 'negotiated'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §1529 is enacted to read:

§1529. Payments to the Rocky Mountain Low-level Radioactive Waste Board

1. Payments by generators. All generators of low-level radioactive waste that shipped low-level radioactive waste out of State for disposal in the previous calendar year shall pay assessments to the authority as calculated under subsection 3, in accordance with a contract between the Governor and the member states of the Rocky Mountain Low-level Radioactive Waste Board duly approved by referendum.

2. Base assessments. Base assessments shall be made as follows.

A. The authority shall assess all generators of low-level radioactive waste in this State that shipped low-level radioactive waste out of State for disposal in the last calendar year based on the formula in subsection 3, paragraph A. Each generator assessed shall make payment within 30 days.

1
3 B. Payment amounts shall be transmitted to the Rocky
Mountain Low-level Radioactive Waste Board as follows, on or
before:

5 (1) January 1, 1990, the sum of \$168,750;

7 (2) January 1, 1991, the sum of \$168,750; and

9 (3) January 1, 1992, the sum of \$168,750.

11 3. Generator assessments and entitlements. The generator
13 assessment and entitlement for each generator covered under this
section shall be calculated as follows.

15 A. Each generator shall be assessed a portion of the base
17 assessment based on the amount of low-level radioactive
19 waste shipped by that generator in the previous calendar
21 year, divided by the total amount of low-level radioactive
waste shipped from the State in the previous calendar year
and multiplied by the sum of \$168,750.

23 B. Each generator shall receive an entitlement to ship
25 low-level radioactive waste without further assessments
27 under this section based on the amount of low-level
29 radioactive waste shipped by that generator in the previous
calendar year, multiplied by a fraction, the numerator of
which is 3750 and the denominator of which is the total
volume of low-level radioactive waste shipped from the State
in the previous calendar year.

31 The assessments shall be in addition to any other charges, taxes
33 or surcharges that may be imposed on generators or brokers of
35 low-level radioactive waste for the disposal of low-level
37 radioactive waste at any regional disposal facility. The
39 authority shall take all necessary action, including legal
41 action, to recover such assessments from all low-level waste
43 generators shipping waste out of State for disposal. The
45 authority may require additional assessments from generators
assessed under this section to meet the financial requirements of
the contract. This additional assessment shall be refunded upon
payment of previously unpaid base assessments. If a generator
does not pay the base assessment for the current year within 30
days of the assessment, that generator's entitlement shall be
withdrawn and reallocated.

47 4. Additional assessments. After a generator has shipped
49 low-level radioactive waste in excess of that generator's
entitlement under subsection 3, paragraph B, the authority shall
51 assess that generator \$55 per cubic foot for any additional
volume shipped, to be paid within 30 days. This assessment shall

1 be made in addition to any other charges, taxes or surcharges
2 that may be imposed on generators or brokers of low-level
3 radioactive waste for the disposal of low-level radioactive waste
4 at any regional disposal facility.

5
6 5. Segregation of accounts. The authority shall establish
7 a Rocky Mountain contract account and shall deposit all revenues
8 received under this section in that account. The authority shall
9 keep these revenues separate from all other accounts, using them
10 solely for compensating the Rocky Mountain Low-level Radioactive
11 Waste Board in accordance with the contract referred to in
12 subsection 1. Upon termination of the contract and after payment
13 of any amounts owed, and reimbursement for the authority's
14 reasonable administrative costs, any surplus remaining in the
15 Rocky Mountain contract account shall be returned pro rata to the
16 generators that paid assessments into the account.

17
18 **Sec. 2. Disposal contract with Rocky Mountain Low-level Radioactive**
19 **Waste Board.** The Legislature ratifies, endorses and recommends
20 for approval by a majority of the voters in accordance with the
21 Maine Revised Statutes, Title 38, section 1494, a contract
22 between the State and the member states of the Rocky Mountain
23 Low-level Radioactive Waste Board for access to facilities for
24 the disposal of all low-level radioactive waste generated in the
25 State and for which the state is responsible for the period
26 beginning January 1, 1990, and ending December 31, 1992.

27
28 **Sec. 3. Referendum for ratification; submission at statewide election;**
29 **form of question; effective date.** This Act shall be submitted to the
30 legal voters of the State of Maine pursuant to the Maine Revised
31 Statutes, Title 38, section 1494 at a statewide election to be
32 held on the Tuesday following the first Monday of November
33 following passage of this Act. The city aldermen, town selectmen
34 and plantation assessors of this State shall notify the
35 inhabitants of their respective cities, towns and plantations to
36 meet, in the manner prescribed by law for holding a statewide
37 election, to vote on the acceptance or rejection of this contract
38 by voting on the following question:

39
40 "Do you approve of the agreement for the disposal of
41 low-level radioactive waste proposed to be made with the
42 Rocky Mountain Low-level Radioactive Waste Board whose
43 member states are Colorado, Nevada, New Mexico and Wyoming
44 for disposal of low-level radioactive waste at an existing
45 facility in Beatty, Nevada?"

46
47 The legal voters of each city, town and plantation shall
48 vote by ballot on this question, and shall designate their choice
49 by a cross or check mark placed within a corresponding square
50 below the word "Yes" or "No." The ballots shall be received,
51 sorted, counted and declared in open ward, town and plantation

1 meetings and returns made to the Secretary of State in the same
2 manner as votes for members of the Legislature. The Governor
3 shall review the returns and, if it appears that a majority of
4 the legal voters are in favor of the contract, the Governor shall
5 proclaim that fact without delay, and the contract shall become
6 effective 30 days after the date of the proclamation.

7
8 The Secretary of State shall prepare and furnish to each
9 city, town and plantation all ballots, returns and copies of this
10 Act necessary to carry out the purpose of this referendum.

11 **Emergency clause.** In view of the emergency cited in the
12 preamble, sections 2 and 3 of this Act shall take effect when
13 approved. Section 1 of this Act shall take effect 30 days after
14 the Governor proclaims that a majority of the legal voters have
15 voted in favor of the contract.

16 17 18 **FISCAL NOTE**

19
20 Enactment of this legislation could result in specified
21 payments to the Rocky Mountain Low-level Radioactive Waste Board
22 by the Maine Low-level Radioactive Waste Authority based on the
23 amount of low-level radioactive waste shipped by the generators.
24 Also, the estimated cost of sending this Act out to referendum
25 will vary according to the total number of referenda. The
26 estimated cost to the Secretary of State if one to 6 referenda
27 are enacted is \$88,000. Each additional referendum costs an
28 additional \$5,300.'

29 30 31 32 **STATEMENT OF FACT**

33
34 This amendment clarifies the method of assessing fees for
35 the out-of-state disposal of low-level radioactive waste. The
36 sums to be paid the Rocky Mountain Low-level Radioactive Waste
37 Board are changed to reflect the requirements of the contract.

38
39 This amendment also allows generators to dispose of their
40 waste at a lower fee on an equitable basis. The Maine Low-level
41 Radioactive Waste Authority is empowered to assess generators
42 additional fees to meet the financial requirements of the
43 contract, subject to reimbursement when previously unpaid base
44 assessments are recovered.

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3 This amendment also rewords the referendum question to be
more consistent with statutory requirements and changes the
effective date of portions of the bill.

Reported by the Committee on Taxation
Reproduced and distributed under the direction of the Clerk of the
House
6/20/89 (Filing No. H-665)