

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1768

H.P. 1272

House of Representatives, June 19, 1989

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

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative COLES of Harpswell, Senator KANY of Kennebec and Senator LUDWIG of Aroostook.

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STATE OF MAINE

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

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**An Act Authorizing a Referendum to Ratify a Contract for the  
Disposal of Low-level Radioactive Waste.**

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(AFTER DEADLINE)

(EMERGENCY)



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

5           Whereas, the Governor has executed a contract with the Rocky  
6 Mountain Low-level Radioactive Waste Board for disposal of  
7 low-level radioactive waste generated in Maine, if necessary, for  
8 the period January 1, 1990 to December 31, 1992 at the existing  
9 Rocky Mountain Low-level Radioactive Waste Board site in Beatty,  
10 Nevada; and

11           Whereas, existing law requires legislative ratification of  
12 any compact or agreement with any other state or states for  
13 low-level waste disposal; and

15           Whereas, existing law requires approval by a majority of the  
16 voters voting in the next following statewide election following  
17 execution of a compact or agreement with any other state or  
18 states for the disposal of low-level radioactive waste; and

21           Whereas, the Secretary of State must undertake the  
22 preparation of ballots prior to the 90th day following  
23 adjournment of the First Regular Session of the 114th  
24 Legislature; and

25           Whereas, in the judgment of the Legislature, these facts  
26 create an emergency within the meaning of the Constitution of  
27 Maine and require the following legislation as immediately  
28 necessary for the preservation of the public peace, health and  
29 safety; now, therefore,

31 **Be it enacted by the People of the State of Maine as follows:**

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

35           **§1529. Payments to the Rocky Mountain Low-level Radioactive**  
37           **Waste Board**

39           **1. Payments by generators. All generators of low-level**  
41           **radioactive waste that shipped low-level radioactive waste for**  
42           **disposal in the prior year or anticipate shipping low-level**  
43           **radioactive waste prior to 1993 shall pay assessments to the**  
44           **authority under subsections 2 and 3, in accordance with a**  
45           **contract between the Governor and the Rocky Mountain Low-level**  
          **Radioactive Waste Board duly approved by referendum.**

47           **2. Base assessments. On or before January 1, 1990, July 1,**  
48           **1990, January 1, 1991 and January 1, 1992, the authority shall**  
49           **transmit to the Rocky Mountain Low-level Radioactive Waste Board**  
50           **the sums of \$90,000, \$90,000, \$180,000 and \$180,000 respectively**  
51           **that shall be assessed by the authority and received from all**  
          **generators of low-level radioactive waste in this State that**

1 shipped low-level radioactive waste for disposal in the prior  
2 year or anticipate shipping low-level radioactive waste prior to  
3 1993. Each generator assessed shall make payment within 30  
4 days. The assessment for each generator shall represent a  
5 pro-rata share of payments to the Rocky Mountain Low-level  
6 Radioactive Waste Board of that generator's share of total  
7 volumes shipped in the previous year, except that prior to  
8 calculating the assessment for any nuclear plant within the  
9 State, the authority shall first receive payments from all other  
10 generators. The assessments shall be in addition to any other  
11 charges, taxes or surcharges that may be imposed on generators or  
12 brokers of low-level radioactive waste for the disposal of  
13 low-level radioactive waste at any regional disposal facility.

14 3. Additional assessments. In the case of each shipment  
15 that causes the total volume of low-level radioactive waste  
16 shipped by generators in Maine to exceed 4,000 cubic feet in any  
17 calendar year, the authority shall forward to the generator  
18 responsible for each shipment an additional assessment calculated  
19 at \$55 per cubic foot to be paid within 30 days of receipt. This  
20 assessment shall be in addition to any other charges, taxes or  
21 surcharges that may be imposed on generators or brokers of  
22 low-level radioactive waste for the disposal of low-level  
23 radioactive waste at any regional disposal facility.

24 4. Segregation of accounts. The authority shall deposit  
25 all revenues received under this section in the Rocky Mountain  
26 contract account and shall keep these revenues separate from all  
27 other accounts, using them solely for compensating the Rocky  
28 Mountain Low-level Radioactive Waste Board region in which a  
29 regional disposal facility is located that has entered into a  
30 contract for the disposal of all low-level radioactive waste  
31 generated within the State. Upon completion of the contract and  
32 after payment of any amounts owed, any surplus remaining in the  
33 Rocky Mountain contract account shall be returned pro rata to the  
34 generators that paid assessments into the account.

35 **Sec. 2. Disposal contract with Rocky Mountain Low-level Radioactive**  
36 **Waste Board.** The Legislature ratifies, endorses and recommends  
37 for approval by a majority of the voters in accordance with the  
38 Maine Revised Statutes, Title 38, section 1494, a contract  
39 between the State and the Rocky Mountain Low-level Radioactive  
40 Waste Board for access to facilities for the disposal of all  
41 low-level radioactive waste generated in the State for the period  
42 beginning January 1, 1990 and ending December 31, 1992.

43 **Sec. 3. Referendum for ratification; submission at statewide election;**  
44 **form of question; effective date.** This Act shall be submitted to the  
45 legal voters of the State of Maine at a statewide election to be  
46 held on November 7, 1989. The city aldermen, town selectmen and  
47 plantation assessors of this State shall notify the inhabitants

1 of their respective cities, towns and plantations to meet, in the  
2 manner prescribed by law for holding a statewide election and the  
3 Maine Revised Statutes, Title 38, chapter 14-A, subchapter IV to  
4 vote on the acceptance or rejection of this Act by voting on the  
5 following question:

7 "Do you approve of the contract between the State of Maine  
8 and the Rocky Mountain Low-level Radioactive Waste Board for  
9 the disposal of all low-level radioactive waste generated in  
10 Maine and requiring disposal for the period beginning  
11 January 1, 1990 and ending December 31, 1992, at the  
12 existing facility in Beatty, Nevada?"

13 The legal voters of each city, town and plantation shall  
14 vote by ballot on this question, and shall designate their choice  
15 by a cross or check mark placed within a corresponding square  
16 below the word "Yes" or "No." The ballots shall be received,  
17 sorted, counted and declared in open ward, town and plantation  
18 meetings and returns made to the Secretary of State in the same  
19 manner as votes for members of the Legislature. The Governor  
20 shall review the returns and, if it appears that a majority of  
21 the legal voters are in favor of the Act, the Governor shall  
22 proclaim that fact without delay, and the Act shall become  
23 effective 30 days after the date of the proclamation.

24 The Secretary of State shall prepare and furnish to each  
25 city, town and plantation all ballots, returns and copies of this  
26 Act necessary to carry out the purpose of this referendum.

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

### 33 STATEMENT OF FACT

34 This bill provides for the legislative ratification,  
35 required by the Maine Revised Statutes, Title 38, section 1474,  
36 subsection 2, for a 3-year contract between the State of Maine  
37 and the Rocky Mountain Low-level Radioactive Waste Board for  
38 disposal of Maine's low-level radioactive waste at the Beatty,  
39 Nevada disposal facility. The bill provides for referendum vote  
40 on November 7, 1989, on the question of whether voters will  
41 approve this contract relationship. The bill also provides for  
42 payment of fees by Maine's generators of low-level radioactive  
43 waste. These fees have been negotiated in the contract with the  
44 Rocky Mountain Low-level Radioactive Waste Board which requires  
45 the Maine Low-level Radioactive Waste Authority to forward these  
46 payments, from a segregated account, to the Rocky Mountain  
47 contract account. The pending contract will expire in December  
48 1992, ensuring access for Maine's generators of waste to licensed  
49 disposal facilities for the next 3 years.  
50