

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1285

S.P. 483

In Senate, March 25, 1991

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FOSTER of Hancock

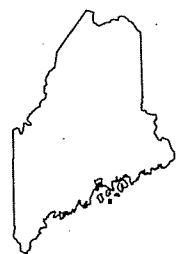
Cosponsored by Representative SWAZEY of Bucksport, Senator BALDACCI of Penobscot and Senator GOULD of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

Resolve, Concerning the Construction of Coal-burning Facilities.

(EMERGENCY)



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

4 **Whereas,** the siting and construction of coal-burning
6 facilities are matters of substantial social and economic
concern; and

8 **Whereas,** the public must be assured that the full social
10 and economic impacts of power generation from coal are
understood; and

12 **Whereas,** public review and comments must be included in the
14 analysis of the need for coal-burning facilities, including the
analysis of alternative methods of power supply, and the siting
16 and licensing process; and

18 **Whereas,** the study proposed by this resolve must be
completed in time for a report to be submitted to the Second
20 Regular Session of the 115th Legislature and therefore, it is
essential that this study be initiated as soon as possible; and

22 **Whereas,** in the judgment of the Legislature, these facts
24 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
26 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

28 **Sec. 1. Study commission established. Resolved:** That the
30 Commission to Study the Use and Impact of Coal-burning Facilities
is established; and be it further

32 **Sec. 2. Membership. Resolved:** That the commission consists
34 of the following 9 members:

36 1. Three members of the House of Representatives appointed
by the Speaker of the House of Representatives;

38 2. Two members of the Senate appointed by the President of
40 the Senate;

42 3. The Commissioner of Environmental Protection or the
commissioner's designee;

44 4. The Chair of the Public Utilities Commission or the
46 chair's designee; and

48 5. Two members of the public, one of whom must be a
representative of the electric utility industry, appointed
50 jointly by the President of the Senate and the Speaker of the
House of Representatives; and be it further

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2 **Sec. 3. Appointments. Resolved:** That all appointments must be
3 made no later than 30 days following the effective date of this
4 resolve. The appointing authorities shall notify the Executive
5 Director of the Legislative Council upon making the
6 appointments. The Chair of the Legislative Council shall call
7 the first meeting of the commission no later than July 1, 1991.
8 The commission shall select a chair from among its legislative
9 members; and be it further

10 **Sec. 4. Duties. Resolved:** That, in conducting the study, the
11 commission shall:

12 1. Identify and present a clear discussion of the federal
13 and state laws and agency rules that apply to the siting,
14 licensing, construction and operation of coal-fired power plants
15 in this State;

16 2. Identify any obstacles posed by those laws and rules to
17 the use of the best available technology in coal-fired combustion
18 systems, environmental controls and ash disposal;

19 3. Assess the extent and adequacy provided by those laws
20 and rules for the examination of alternative methods of power
21 supply; and

22 4. Assess the extent and adequacy provided by those laws
23 and rules for public input into the siting, licensing and
24 construction of coal-fired facilities.

25 In examining these questions, the commission shall conduct 2
26 public hearings, one of which must be held in Hancock County, and
27 may seek expert administrative, economic or legal analysis or
28 testimony, or procure and analyze data from any source the
29 commission determines appropriate; and be it further

30 **Sec. 5. Staffing. Resolved:** That the commission shall request
31 staffing and clerical assistance from the Legislative Council and
32 may request additional staff assistance from the Department of
33 Environmental Protection or the Public Utilities Commission. The
34 Executive Director of the Legislative Council shall administer
35 the commission's budget; and be it further

36 **Sec. 6. Reimbursement. Resolved:** That the members of the
37 commission who are legislators are entitled to receive the
38 legislative per diem, as defined in the Maine Revised Statutes,
39 Title 3, section 2, for each day's attendance at commission
40 meetings. All members of the commission are entitled to receive
41 reimbursement for expenses upon application to the Executive
42 Director of the Legislative Council; and be it further

43 **Sec. 7. Report. Resolved:** That, the commission shall present
44 its findings, together with any recommended legislation,
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2 to the Second Regular Session of the 115th Legislature and the
Office of the Executive Director of the Legislative Council no
later than November 1, 1991; and be it further

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6 **Sec. 8. Appropriation. Resolved:** That the following funds are
appropriated from the General Fund to carry out the purpose of
this resolve.

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1991-92

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LEGISLATURE

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**Commission to Study the Use and Impact
of Coal-burning Facilities**

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Personal Services

\$1,375

All Other

2,200

18

Total

\$3,575

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Provides funds for the per diem for
legislative members and meeting expenses for
the Commission to Study the Use and Impact
of Coal-burning facilities.

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Emergency clause. In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

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This resolve establishes the 9-member Commission to Study
the Use and Impact of Coal-burning Facilities. The commission
must begin its work by July 1, 1991 and report to the Legislature
by November 1, 1991.

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