

MAINE STATE LEGISLATURE

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L.D. 2133

(Filing No. S-610)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 829, L.D. 2133, Bill, "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants"

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 §1527, sub-§2, as enacted by PL 1987, c. 530, §4, is amended to read:

2. **Limitation.** Site selection activities shall ~~may~~ not begin until all planning and necessary rule adoption has been completed. Construction shall ~~may~~ not begin until all approvals are obtained under state and federal law, including voter approval required by section 1493 and legislative approval of the impact and incentive payments and the property value offset under section 1537. The proposal shall ~~must~~ be submitted to the voters after the Legislature has approved it under section 1479.

Sec. 2. 38 MRSA §1535, sub-§1, as amended by PL 1989, c. 480, §15, is further amended to read:

1. **Assessment.** The authority shall assess any nuclear plant within the State for the full cost of planning, siting, licensing and construction of a low-level radioactive waste disposal or storage facility, including reasonable reserves for unforeseen contingencies. The initial assessment shall ~~may~~ not exceed ~~\$10,000,000~~ \$12,500,000 and shall ~~must~~ be assessed as follows: \$1,500,000 on March 1, 1988; \$2,500,000 on March 1, 1989; \$2,000,000 on March 1, 1990; \$2,000,000 on March 1, 1991; and \$2,000,000 on March 1, 1992; and \$2,500,000 on March 1, 1993. As reliable cost estimates become available, additional costs associated with any low-level radioactive waste disposal and storage facilities shall ~~must~~ be assessed any nuclear plant

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2 within the State following legislative enactment approval. The
amount assessed shall must be paid within 30 days of assessment.
4 This assessment shall must be deposited in the Low-level
Radioactive Waste Facility Fund.

6 **Sec. 3. 38 MRSA §1536, sub-§1**, as amended by PL 1989, c. 480,
§16, is further amended to read:

8
10 1. **User fees.** All users of a low-level radioactive waste
disposal facility shall must be assessed a user fee calculated in
12 accordance with subsections 2 and 3. User fees established under
this section shall must be designed ~~to raise \$1,000,000 per year~~
14 sufficient to cover the costs of annual operation, maintenance,
closure and post-closure, impact payments, incentive payments,
16 property value offset, insurance and payment in lieu of taxes.
~~Fees shall not be collected in excess of that amount or, if~~
18 ~~collected, shall be returned to the users within 15 days of~~
~~receipt.~~ Surplus user fees must be carried forward and used to
20 reduce fees for the following year. All users of a low-level
radioactive waste storage facility operated by the authority
22 shall must be assessed a user fee sufficient to cover the costs
of operation, maintenance, closure and post-closure of the
24 facility, impact payments, incentive payments, property value
offset and payment in lieu of taxes. The authority shall
26 establish, by rule, a schedule of fees to be paid by all users of
a low-level radioactive waste disposal or storage facility.

28 **Sec. 4. 38 MRSA §1536, sub-§3**, as enacted by PL 1987, c. 530,
§4, is amended to read:

30
32 3. **Surcharge.** A surcharge shall must be added to the user
fees paid by any user who has not been assessed for planning and
34 construction under section 1535. A corresponding reduction shall
must be credited to the user fees of any user who was so assessed
36 under section 1535. The authority shall establish, by rule, the
procedures for determining surcharge payments.

38 **Sec. 5. 38 MRSA §1537**, as enacted by PL 1987, c. 530, §4, is
repealed and the following enacted in its place:

40 **§1537. Impact and incentive payments; property value offset**

42
44 1. **Impact and incentive payments.** In addition to payment
in lieu of taxes provided in section 1505, the authority may make
46 impact payments based on measurable criteria and may provide
incentive payments to a municipality in which a low-level
radioactive waste disposal or storage facility is located or, in

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2 the case of an unorganized territory, to the county in which the
3 unorganized territory is located. In the event the facility is
4 located in an unorganized territory, the county commissioners
5 shall use all impact and incentive payments for the benefit of
6 the unorganized territory within the county in which the facility
7 is located. Impact payments and incentive payments must be
8 funded by the user fees established in section 1536, subsection
9 1. The authority shall establish, by rule, any requirements for
10 the use of impact payments and incentive payments, including the
11 establishment of a perpetual reserve fund to cover post-closure
12 costs.

13 2. Criteria. The measurable criteria on which the
14 authority must base its impact payments include, without
15 limitation:

16 A. Improvement, maintenance and repair of local roads
17 directly affected by traffic to and from the disposal or
18 storage facility;

19 B. Development and maintenance of adequate local emergency
20 response capacity; and

21 C. Financial support for on-site, locally employed
22 personnel or other services necessary to enable the
23 municipality or unorganized territory to monitor compliance
24 with state and federal requirements by the disposal or
25 storage facility.

26 3. Property value offset. Owners of property which value
27 has been affected by a low-level radioactive waste disposal or
28 storage facility are eligible for reimbursement for loss in
29 property value directly attributable to the construction and
30 operation of the facility. The authority shall adopt rules to
31 establish the formula and procedure for reimbursement, including,
32 without limitation, definition of the impact area, a process for
33 establishing baseline real estate values, a time frame within
34 which the property value offset program will be in effect and an
35 accounting of real estate trends in the area.

36 4. Legislative approval. After an affirmative vote under
37 section 1527, subsection 3, the authority must submit legislation
38 authorizing the proposed impact and incentive payments and
39 property value offset to the joint standing committee of the
40 Legislature having jurisdiction over low-level radioactive waste
41 disposal matters.'

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STATEMENT OF FACT

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This amendment changes the original bill to provide for the collection of additional funds for one year from any nuclear power plant in the State for the siting, land acquisition, site characterization and licensing of a low-level radioactive waste facility. The total cap on funds is raised from \$10,000,000 to \$12,500,000.

This amendment deletes the cap on the amount of money the Maine Low-level Radioactive Waste Authority may raise in user fees and defines and expands for what those fees may be charged.

This amendment also clarifies how impact payments will be determined and provides the authority with the ability to make incentive payments to a municipality in which a low-level radioactive disposal or storage facility is located, or to a county if the facility is located within an unorganized territory. This amendment also provides that the authority may reimburse owners of property which value has been affected by the disposal or storage facility for loss in property value directly attributable to the construction and operation of the facility.

Finally, this amendment requires legislative approval of any incentive package offered to a locality for hosting a low-level radioactive waste disposal or storage facility through the submission to the Legislature of a bill defining the incentive package.

Reported by Senator Ludwig for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.
(3/10/92) (Filing No. S-610)