

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 383, L.D. 1060, Bill, "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact"

Amend the bill by inserting before section 1 the following:

Sec. 1. 22 MRSA §679-B, sub-§2, as enacted by PL 1993, c. 664, §10, is amended to read:

2. Service fee; ceiling. Except for waste that is exempt in accordance with subsection 4, the department shall assess annually by September 1st each low-level radioactive waste generator a service fee on all low-level radioactive waste generated in this State that is shipped to a low-level radioactive waste disposal facility, stored awaiting disposal at such a facility or stored for any other purpose. The service fee must be based 50% on the volume and 50% on the radioactivity of the waste disposed in a disposal facility in the previous calendar year or placed in storage in the previous calendar year if the State did not have access to a disposal facility for that year, but each generator must be assessed a minimum of \$100 annually. Each generator must pay this service fee within 30 days, except that any generator may choose to make quarterly payments instead. Any radioactive waste for which a service fee was assessed and collected under this section can not be reassessed for the purposes of this section. The radiation control program within the Division of Health Engineering shall adopt rules in accordance with the Maine Administrative Procedure Act concerning the calculation of the fee and the exemptions to the fee, consistent with this section. The revenue from this service fee each year must amount to ~~\$260,000~~ \$135,000 and must be credited to the fund established in subsection 1 and used to

carry out the purposes of this section and of Title 38, section 1453-A. If the Advisory Commission on Radioactive Waste, as established in Title 38, section 1453-A is dissolved, the service fee ceiling must be lowered by the amount of the budget of that commission.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 38 MRSA §1453-A, sub-§6, as enacted by PL 1993, c. 664, §15 and affected by §21, is amended to read:

6. **Staff assistance.** The department Department of Human Services shall provide assistance to the commission in the conduct of its business. The State Nuclear Safety Advisor and the Public Advocate shall provide consultation as requested.

Sec. 4. 38 MRSA §1454-A, sub-§§1, 2, 4 and 5, as enacted by PL 1993, c. 664, §17, are amended to read:

1. **Establishment.** There is established the Radioactive Waste Advisory Commission Fund to be used to carry out the purposes of this chapter. Money allocated to the commission and ~~to the Department of Environmental Protection~~ from this fund must be administered by the Commissioner of ~~Environmental Protection~~ Human Services in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to carry out the functions of the Advisory Commission on Radioactive Waste as set forth in section 1453-A.

2. **Allocation.** Money in the fund established by this section must be allocated from time to time by the Legislature to the department Department of Human Services to fund advisory and public information activities of the commission. These amounts shall become available in accordance with Title 5, chapters 141 to 155.

The commission may receive and expend federal grants and payments for the purpose of carrying out its duties.

4. **Financial reports.** The commissioner ~~Commissioner~~ Commissioner of Human Services shall report quarterly to the Advisory Commission on Radioactive Waste and annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the expenditures from the Radioactive Waste Advisory Commission Fund for the previous fiscal year and on the budget for the coming year. Those reports must include line item detail on expenditures, including in-state travel and out-of-state travel, printing, mailing and hearings,

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personnel, consultant services, general operating expenses, supplies and overhead for the commission and transfers of funds under subsection 5.

5. **Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under this section may be transferred as necessary to accomplish the purposes of this chapter from the Department of ~~Environmental--Protection~~ Human Services to other agencies, including the Department of Environmental Protection, Maine Geological Survey, Maine Land Use Regulation Commission, Division of Health Engineering and the State Planning Office.'

Further amend the bill by inserting at the end before the emergency clause the following:

Sec. 4. Transition. The Department of Environmental Protection shall transfer to the Department of Human Services all personal property, equipment and files, account balances and any other liabilities and obligations consistent with the support of the Radioactive Waste Advisory Commission. The Department of Environmental Protection must be reimbursed or otherwise made whole by the Radioactive Waste Advisory Commission Fund for any costs associated with the transfer of staffing responsibilities, including but not limited to costs associated with the layoff of staff, the termination of leases and the resolution of any other obligations.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Advisory Commission on Radioactive Waste		
Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(\$84,718)	(\$93,265)
All Other	(42,166)	(43,356)

Deallocates funds to reflect the transfer of the staffing responsibility for the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services.

COMMITTEE AMENDMENT

2	DEPARTMENT OF ENVIRONMENTAL		
	PROTECTION		
4	TOTAL	(126,884)	(136,621)
6	HUMAN SERVICES, DEPARTMENT OF		
8	Health - Bureau of		
10	All Other	10,000	10,000
12	Allocates funds to reflect		
14	the transfer of the staffing		
16	responsibility for the		
18	Advisory Commission on		
20	Radioactive Waste from the		
	Department of Environmental		
	Protection to the Department		
	of Human Services.		
22	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	10,000	10,000
24	TOTAL ALLOCATIONS	(\$116,884)	(\$126,621)

26 Further amend the bill by relettering or renumbering any
 28 nonconsecutive Part letter or section number to read
 consecutively.

30 Further amend the bill by inserting at the end before the
 statement of fact the following:

FISCAL NOTE

	1995-96	1996-97
36		
38		
	APPROPRIATIONS/ALLOCATIONS	
40		
	Other Funds	(\$126,621)
42		
	REVENUES	
44		
	Other Funds	(\$125,000)

46 The reduction in the service fee ceiling will reduce
 48 dedicated revenue to the Radioactive Waste Advisory Commission
 Fund by \$125,000 annually in fiscal years 1995-96 and 1996-97.

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2 The bill also includes Other Special Revenue deallocations
of \$126,884 and \$136,621 in fiscal years 1995-96 and 1996-97,
4 respectively, from the Department of Environmental Protection and
Other Special Revenue allocations of \$10,000 annually, in fiscal
6 years 1995-96 and 1996-97 to the Bureau of Health to reflect the
transfer of staffing responsibility for the Advisory Commission
8 on Radioactive Waste from the Department of Environmental
Protection to the Department of Human Services.

10 The projected balance in the fund is sufficient to cover the
\$8,116 difference between the reduction in dedicated revenue and
12 the reductions in the net allocations in fiscal year 1995-96.'

14
16 **STATEMENT OF FACT**

18 This amendment moves staffing responsibility for the
Advisory Commission on Radioactive Waste from the Department of
Environmental Protection to the Department of Human Services. It
20 eliminates the staff positions in the Department of Environmental
Protection who supported the commission and provides for the
22 continuation of those services by existing staff at the
Department of Human Services. The amendment also adds a
24 transition provision, an allocation section and a fiscal note to
the bill.