

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1060

S.P. 383

In Senate, March 28, 1995

**An Act to Correct Errors and Inconsistencies with Regard to the  
Restructuring of Maine Government to Conform with the Provisions of  
the Texas Compact.**

(EMERGENCY)

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Submitted by the State Planning Office pursuant to Joint Rule 24.  
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator LORD of York.  
Cosponsored by Representative: GOULD of Greenville.

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

4  
6           Whereas, this legislation corrects inadvertent errors and  
inconsistencies in legislation previously enacted to streamline  
the regulatory functions of the State and alter the regulation of  
radioactive waste in the State; and

10           Whereas, the changes would be beneficial to the State if  
made immediately; and

12  
14           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

18  
20           **Be it enacted by the People of the State of Maine as follows:**

22           **Sec. 1. 22 MRSA §679-B, sub-§5,** as enacted by PL 1993, c. 664,  
§10, is amended to read:

24           **5. Allocation from fund.** Money in the Radioactive Waste  
Fund established by this section must be allocated from time to  
time by the Legislature for the following purposes: to the  
Radioactive Waste Advisory Commission Fund as established in  
Title 38, section 1454-A to fund the activities of the Advisory  
Commission on Radioactive Waste as described in Title 38, section  
1453-A for advisory and public information activities; and to  
the department for administrative and regulatory activities as  
described in this section. These amounts become available in  
accordance with Title 5, chapters 141 to 155.

34  
36           The department may receive and expend federal grants and payments  
for the purpose of carrying out its duties set out in section  
679-A, subsection 2. ~~The money received by the department from  
federal sources may not be counted toward the ceiling established  
in subsection 2.~~

40           **Sec. 2. 38 MRSA §1453-A, sub-§2,** as enacted by PL 1993, c.  
664, §15 and affected by §21, is amended to read:

44           **2. Membership; appointment.** The commission consists of 16  
members, appointed as follows:

- 46           A. The commissioner or the commissioner's designee;
- 48           B. The Commissioner of Human Services or the commissioner's  
50           designee;

2 C. The State Geologist or a designee;

4 D. One person from a commercial nuclear power facility  
situated in the State, appointed by the Governor;

6

8 E. Two persons from organizations that hold licenses issued  
by the State for the use of radioactive material, one  
appointed by the President of the Senate and one appointed  
10 by the Speaker of the House of Representatives;

12 F. Three Senators, appointed by the President of the  
Senate, 2 belonging to the political party holding the  
14 largest number of seats in the Senate and one belonging to  
the political party holding the 2nd largest number of seats  
16 in the Senate;

18 G. Three members of the House of Representatives, appointed  
by the Speaker of the House of Representatives, 2 belonging  
20 to the political party holding the largest number of seats  
in the House of Representatives and one belonging to the  
22 political party holding the 2nd largest number of seats in  
the House of Representatives; and

24

26 H. Four members of the general public with a knowledge of  
and interest in the management of radioactive materials and  
radioactive waste, 2 of whom are appointed by the Governor,  
28 one of whom is appointed by the President of the Senate and  
one of whom is appointed by the Speaker of the House of  
30 Representatives.

32 The terms of the legislative members expire the first Wednesday  
in December of even-numbered years. The terms of the public  
34 member appointed by the President of the Senate, one public  
member appointed by the Governor and the licensee member  
36 appointed by the Speaker of the House of Representatives expire  
December ~~31st--of--odd-numbered~~ 31, 1997 and every 2 years  
38 thereafter. The terms of the public member appointed by the  
Speaker of the House of Representatives, the licensee member  
40 appointed by the President of the Senate and one public member  
appointed by the Governor expire December ~~31st--of--even-numbered~~  
42 31, 1996 and every 2 years thereafter. Notwithstanding this  
subsection, any public member or licensee member may be removed  
44 by the appointing authority at the pleasure of the appointing  
authority and a new member may be appointed to complete the term  
46 of the preceding appointee. Members may continue to serve until  
their replacements are designated. Vacancies must be filled by  
48 the appointing authority to complete the term of the preceding  
appointee. The commission shall elect the chair and vice-chair  
50 from its membership by majority vote of all members present.

2           **Sec. 3. 38 MRSA §§1546 to 1550** are enacted to read:

4           **§1546. Policy and findings**

6           The Legislature declares and finds that there are numerous  
8           facilities in the State that generate low-level radioactive waste  
10           for commercial, research, medical, educational and defense  
12           purposes and that these facilities currently do not have access  
14           to a commercial low-level radioactive waste disposal facility.  
16           The Legislature further finds that loss of disposal capacity will  
          present economic, environmental and public health and safety  
          risks when existing generators of low-level radioactive waste  
          exhaust on-site storage capacity. It is the purpose of this  
          chapter to:

18           1. Comply with federal law. Comply with the federal  
20           Low-Level Radioactive Waste Policy Amendments Act of 1985,  
22           authorizing states to combine in the formation of an interstate  
          compact to provide for the disposal of low-level radioactive  
          waste generated within their borders;

24           2. Comply with legislative intent. Fulfill the intent of  
          section 1474;

26           3. Enact an interstate compact. Enact an interstate  
28           compact for the disposal of all low-level radioactive waste  
30           generated in the State that is not a federal responsibility under  
          the federal Low-Level Radioactive Waste Policy Amendments Act of  
          1985; and

32           4. Ensure equitable funding. Ensure that the funding of  
34           the compact enacted by this chapter is borne by the generators of  
          this waste.

36           **§1547. Member of commission**

38           The Governor shall appoint a person to represent the State  
40           on the commission established by Article III of the Texas  
42           Low-Level Radioactive Waste Disposal Compact, referred to in this  
          chapter as the "compact." The Governor may appoint an alternate  
          for the commission member appointed under this section.

44           **§1548. Term of commission member**

46           The commission member serves for a term of 6 years and until  
48           a successor is appointed and qualified. If there is a vacancy in  
          the commission member's office, the Governor shall appoint a  
          replacement to fill the unexpired term.

2       **§1549. Compensation of commission member**

4           The commission member is entitled to compensation at the  
6           rate established for legislative per diem in Title 5, section  
8           12002 and for reimbursement for actual and necessary expenses  
          incurred in the performance of the commission member's duties.  
          If a state employee is appointed as a commission member, that  
          state employee is not entitled to the legislative per diem.

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12       **§1550. Nondiscrimination in access**

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14           A generator of low-level radioactive waste in this State  
          that existed on the effective date of this chapter, including any  
16           nuclear plant, may not be discriminated against with respect to  
          access to disposal capacity at the compact facility.

18

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

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**STATEMENT OF FACT**

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          The purpose of this bill is to correct errors and  
inconsistencies contained in Public Law 1993, chapter 664, "An  
26 Act to Consolidate and Streamline the Functions of Maine  
Government in Conformity with the Provisions of the Texas  
28 Low-Level Radioactive Waste Disposal Compact." This bill  
designates 2-year terms to members appointed to the Advisory  
Commission on Radioactive Waste; reenacts sections pertaining to  
30 the Texas compact language that were inadvertently repealed; and  
32 clarifies the receipt and expenditure of any federal funds  
available to the Department of Human Services to carry out its  
34 duties to comply with the provisions of the Texas compact.