

# MAINE STATE LEGISLATURE

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M  
R.S.

L.D. 2119

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DATE: *March 13, 1998*

(Filing No. S-514 )

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**NATURAL RESOURCES**

Reported by:

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 792, L.D. 2119, Bill, "An  
Act to Clarify the Responsibilities of the Advisory Commission on  
Radioactive Waste during the Decommissioning of Maine Yankee"

24 Amend the bill in section 4 by striking out all of  
subsection 2 and inserting in its place the following:

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'2. **Membership; appointment.** The commission consists of 15  
17 members, appointed as follows:

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32  
A. The commissioner or the commissioner's designee;

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36  
B. The Commissioner of Human Services or the commissioner's  
designee;

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40  
C. The State Geologist or a designee;

42  
44  
D. One person from a commercial nuclear power facility  
situated in the State, appointed by the Governor;

46  
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  
by the Speaker of the House of Representatives;

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

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2           largest number of seats in the Senate. One of the Senators  
3           appointed must serve on the joint standing committee of the  
4           Legislature having jurisdiction over natural resources  
5           matters and one Senator must serve on the joint standing  
6           committee of the Legislature having jurisdiction over  
7           utility and energy matters;

8           G. Three members of the House of Representatives, appointed  
9           by the Speaker of the House of Representatives, 2 at least  
10           one belonging to the political party holding the largest  
11           number of seats in the House of Representatives and at least  
12           one belonging to the political party holding the 2nd largest  
13           number of seats in the House of Representatives. One member  
14           of the House of Representatives appointed must serve on the  
15           joint standing committee of the Legislature having  
16           jurisdiction over natural resources matters and one member  
17           of the House of Representatives must serve on the joint  
18           standing committee of the Legislature having jurisdiction  
19           over utility and energy matters; and

20           H. Four members of the general public with a knowledge of  
21           and interest in the management of radioactive materials and  
22           radioactive waste, 2 of whom are appointed by the Governor,  
23           one of whom is appointed by the President of the Senate and  
24           one of whom is appointed by the Speaker of the House of  
25           Representatives; and

26           I. One member representing an environmental advocacy  
27           organization, appointed by the Speaker of the House of  
28           Representatives.

29           The terms of the legislative members expire the first Wednesday  
30           in December of even-numbered years. The terms of the public  
31           member appointed by the President of the Senate, one public  
32           member appointed by the Governor and the licensee member  
33           appointed by the Speaker of the House of Representatives expire  
34           December 31, 1997 and every 2 years thereafter. The terms of the  
35           public member appointed by the Speaker of the House of  
36           Representatives, the licensee member appointed by the President  
37           of the Senate and one public member appointed by the Governor  
38           expire December 31, 1996 and every 2 years thereafter. The term  
39           of the member representing an environmental advocacy organization  
40           expires December 31, 2000 and every 2 years thereafter.  
41           Notwithstanding this subsection, any public member or licensee  
42           member may be removed by the appointing authority at the pleasure  
43           of the appointing authority and a new member may be appointed to  
44           complete the term of the preceding appointee. Members may  
45           continue to serve until their replacements are designated.  
46           Vacancies must be filled by the appointing authority to complete

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COMMITTEE AMENDMENT "A" to S.P. 792, L.D. 2119

2 the term of the preceding appointee. The commission shall elect  
3 the chair and vice-chair from its membership by majority vote of  
4 all members present.'

6 Further amend the bill in section 6 in paragraph B-1 in the  
7 first line (page 3, line 42 in L.D.) by striking out the  
8 following: "all" and in the 3rd line (page 3, line 44 in L.D.)  
9 by striking out the following: "economic impacts, ratepayer  
10 considerations and"

12 Further amend the bill by striking out all of sections 9 to  
13 11 and inserting in their place the following:

14 'Sec. 9. Allocation and position authorization. Notwithstanding  
15 the Maine Revised Statutes, Title 5, section 1585 or any other  
16 provision of law, the Commissioner of Environmental Protection  
17 may provide support to the Advisory Commission on Radioactive  
18 Waste and Decommissioning by contracted services or by the  
19 establishment of one part-time position by financial order and  
20 the line category transfer of funds. A position established by  
21 financial order terminates on the date of the final operating  
22 license termination of the Maine Yankee Atomic Power Plant by the  
23 Nuclear Regulatory Commission unless extended through legislative  
24 approval.

26 Sec. 10. Payment by Maine Yankee Atomic Power Plant. The  
27 Maine Yankee Atomic Power Plant shall pay \$25,000 by July 1st of  
28 each year to the Department of Environmental Protection to  
29 support legislative allocations to the department associated with  
30 the Advisory Commission on Radioactive Waste and  
31 Decommissioning. Payments required under this section cease on  
32 the date of the final operating license termination of the Maine  
33 Yankee Atomic Power Plant by the Nuclear Regulatory Commission.  
34 Any unobligated balance remaining must be returned to the Maine  
35 Yankee Atomic Power Plant.

36 Sec. 11. Allocation. The following funds are allocated from  
37 Other Special Revenue to carry out the purposes of this Act.

40 1998-99

42 ENVIRONMENTAL PROTECTION,  
43 DEPARTMENT OF

44 Maine Environmental Protection  
45 Fund

48 All Other \$25,000

50 Provides funds for staff support to the

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2 Advisory Commission on Radioactive Waste and  
Decommissioning.'

4 Further amend the bill by inserting at the end before the  
summary the following:

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**FISCAL NOTE**

10

**1998-99**

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**APPROPRIATIONS/ALLOCATIONS**

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Other Funds \$25,000

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**REVENUES**

18

Other Funds \$25,000

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This bill includes an Other Special Revenue allocation of \$25,000 in fiscal year 1998-99 for the Department of Environmental Protection to provide staff support to the Advisory Commission on Radioactive Waste and Decommissioning, including authority to establish one part-time position by financial order.

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The Other Special Revenue to support this allocation will be generated through an assessment of \$25,000 annually on the Maine Yankee Atomic Power Plant.'

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**SUMMARY**

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This amendment is the majority report of the Joint Standing Committee on Natural Resources. It requires that at least one, rather than 2, of the 3 Senators appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the Senate and at least one of the Senators belong to the political party holding the 2nd largest number of seats in the Senate, and that at least one, rather than 2, of the 3 Representatives appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the House of Representatives and at least one of the Representatives belong to the political party holding the 2nd largest number of seats in the House. The amendment also strikes from the bill the addition to the commission of one member representing a local advisory group on nuclear power plants and the requirement that the chair of the commission be a Legislator.

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2           The amendment strikes from the bill the requirement that the  
3           Advisory Commission on Radioactive Waste and Decommissioning  
4           study economic impacts and ratepayer considerations relating to  
5           the decommissioning of nuclear power plants.

6           The amendment strikes from the bill the authorization for  
7           the Department of Human Services to establish a part-time  
8           position to provide staff support to the Advisory Commission on  
9           Radioactive Waste and Decommissioning and strikes the allocation  
10          for that staff. The amendment also specifies that the Maine  
11          Yankee Atomic Power Plant shall pay \$25,000 annually to the  
12          Department of Environmental Protection to support allocations to  
13          the department associated with providing support to the Advisory  
14          Commission on Radioactive Waste and Decommissioning. The  
15          requirement for this payment ends on the date of the final  
16          termination of Maine Yankee's operating license.

17           The amendment also adds a fiscal note to the bill.