

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2119

S.P. 792

In Senate, January 20, 1998

**An Act to Clarify the Responsibilities of the Advisory Commission on
Radioactive Waste during the Decommissioning of Maine Yankee.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.

Cosponsored by Senators: CAREY of Kennebec, KILKELLY of Lincoln, LAWRENCE of
York, NUTTING of Androscoggin, Representatives: COWGER of Hallowell, ROWE of
Portland, SHIAH of Bowdoinham.

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, the decommissioning of the Maine Yankee Atomic
Power Plant is already under way and therefore the Advisory
Commission on Radioactive Waste should assume its new duties with
8 respect to decommissioning as soon as possible; and

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

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

18 **Sec. 1.** 5 MRSA §12004-J, sub-§2-A, as enacted by PL 1993, c.
664, §4, is amended to read:

20 2-A. Advisory Legislative 38 MRSA
22 Environment Commission on Per Diem §1453-A
 Radioactive
24 Waste and
 Decommissioning

26 **Sec. 2.** 38 MRSA §1453-A, as amended by PL 1995, c. 642, §§13
28 and 14, is further amended by repealing and replacing the
headnote to read:

30 §1453-A. Advisory Commission on Radioactive Waste and
32 Decommissioning

34 **Sec. 3.** 38 MRSA §1453-A, sub-§1, as enacted by PL 1993, c.
664, §15 and affected by §21, is amended to read:

36 **1. Establishment; purpose.** The Advisory Commission on
38 Radioactive Waste and Decommissioning, referred to in this
section as the "commission," is established. The commission
40 shall advise the Governor, the Legislature and other pertinent
state agencies and entities on matters relating to radioactive
42 waste management and decommissioning of nuclear power plants and
provide information to the public and create opportunities for
44 public input in order to facilitate public understanding of
radioactive waste and decommissioning issues.

46 **Sec. 4.** 38 MRSA §1453-A, sub-§2, as amended by PL 1995, c.
48 642, §§13 and 14, is further amended to read:

2 **2. Membership; appointment.** The commission consists of 15
3 18 members, appointed as follows:

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

6 B-1. The commissioner or the commissioner's designee;

7 C. The State Geologist or a designee;

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

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

14 F. Three Senators, appointed by the President of the
15 Senate, 2 belonging to the political party holding the
16 largest number of seats in the Senate and one belonging to
17 the political party holding the 2nd largest number of seats
18 in the Senate. One of the Senators appointed must serve on
19 the joint standing committee of the Legislature having
20 jurisdiction over natural resource matters and one Senator
21 must serve on the joint standing committee of the
22 Legislature having jurisdiction over utility and energy
23 matters;

24 G. Three members of the House of Representatives, appointed
25 by the Speaker of the House of Representatives, 2 belonging
26 to the political party holding the largest number of seats
27 in the House of Representatives and one belonging to the
28 political party holding the 2nd largest number of seats in
29 the House of Representatives. One of the Representatives
30 appointed must serve on the joint standing committee of the
31 Legislature having jurisdiction over natural resource
32 matters and one Representative must serve on the joint
33 standing committee of the Legislature having jurisdiction
34 over utility and energy matters; and

35 G-1. One member representing a local advisory group on
36 nuclear power plants, appointed by the President of the
37 Senate;

38 G-2. One member representing an environmental advocacy
39 organization, appointed by the Speaker of the House of
40 Representatives; and

41 H. Four members of the general public with a knowledge of
42 and interest in the management of radioactive materials and

2 radioactive waste, 2 of whom are appointed by the Governor,
one of whom is appointed by the President of the Senate and
4 one of whom is appointed by the Speaker of the House of
Representatives.

6 The terms of the legislative members expire the first Wednesday
in December of even-numbered years. The terms of the public
8 member appointed by the President of the Senate, one public
member appointed by the Governor and the licensee member
10 appointed by the Speaker of the House of Representatives expire
December 31, 1997 and every 2 years thereafter. The terms of the
12 public member appointed by the Speaker of the House of
Representatives, the licensee member appointed by the President
14 of the Senate and one public member appointed by the Governor
expire December 31, 1996 and every 2 years thereafter. The term
16 of the member representing a local advisory group on nuclear
18 power plants expires December 31, 1999 and every 2 years
20 thereafter. The term of the member representing an environmental
22 advocacy organization expires December 31, 2000 and every 2 years
24 thereafter. Notwithstanding this subsection, any public member
or licensee member may be removed by the appointing authority at
the pleasure of the appointing authority and a new member may be
appointed to complete the term of the preceding appointee.
26 Members may continue to serve until their replacements are
designated. Vacancies must be filled by the appointing authority
to complete the term of the preceding appointee. The commission
28 shall elect the chair from its legislative members and the
vice-chair from its membership any of its members by majority
vote of all members present.

30
32 **Sec. 5. 38 MRSA §1453-A, sub-§3, ¶A,** as enacted by PL 1993, c.
664, §15 and affected by §21, is amended to read:

34 A. Provide opportunities for public input and disseminate
36 information to the general public and promote public
understanding concerning the management of radioactive waste
and the decommissioning of nuclear power plants;

38
40 **Sec. 6. 38 MRSA §1453-A, sub-§3, ¶¶B-1 and B-2** are enacted to
read:

42 B-1. Study all issues relating to the decommissioning of
44 nuclear power plants, including, but not limited to,
economic impacts, ratepayer considerations and environmental
issues;

46
48 B-2. Monitor the decommissioning of nuclear power plants;

50 **Sec. 7. 38 MRSA §1453-A, sub-§4,** as enacted by PL 1993, c.
664, §15 and affected by §21, is amended to read:

2 Provides funds for support staff to assist
4 the Advisory Commission on Radioactive Waste
and Decommissioning.

6 **DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

8 **TOTAL** \$25,000

10 **HUMAN SERVICES, DEPARTMENT OF**

12 **Bureau of Health**

14 All Other \$25,000

16 Provides funds for support staff to assist
18 the Advisory Commission on Radioactive Waste
and Decommissioning.

20 **DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$25,000

22
24 **TOTAL ALLOCATIONS**

\$50,000

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

30 **SUMMARY**

32 This bill makes the following changes to the laws that
govern the Advisory Commission on Radioactive Waste.

34 1. It changes the name of the commission to the Advisory
36 Commission on Radioactive Waste and Decommissioning.

38 2. It specifies that one of the Senators and one of the
Representatives appointed to the commission must be members of
40 the joint standing committee of the Legislature having
jurisdiction over natural resource matters and one of the
42 Senators and one of the Representatives appointed to the
commission must be members of the joint standing committee of the
44 Legislature having jurisdiction over utility and energy matters.
It also adds the following 3 members to the commission: the
46 Commissioner of Environmental Protection or the commissioner's
designee; one member representing a local advisory group on
48 nuclear power plants, appointed by the President of the Senate;
and one member representing an environmental advocacy

organization, appointed by the Speaker of the House of
2 Representatives.

4 3. It provides that a duty of the commission is to study
all issues relating to the decommissioning of nuclear power
6 plants, including, but not limited to, economic impacts,
ratepayer considerations and environmental issues and to advise
8 the Governor, the Legislature and other state agencies on these
matters. It also provides that another duty of the commission is
10 to monitor the decommissioning of nuclear power plants.

12 4. It provides additional staff support.