

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2171

H.P. 1666

House of Representatives, March 12, 2002

**An Act to Withdraw from the Texas Low-level Radioactive Waste
Disposal Compact.**

(EMERGENCY)

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton. (GOVERNOR'S BILL)
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BERRY of Belmont, RINES of Wiscasset, Senators: KILKELLY of Lincoln,
TREAT of Kennebec.

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,** prior action of the Maine Legislature and the
Congress of the United States calls for payment to the State of
Texas by Maine of \$25,000,000 in 2 or more payments, all of which
are initially to be paid by the customers of the State's only
nuclear-generating unit pursuant to Maine law and federal
regulation; and

12 **Whereas,** the Legislature in 1993 enacted Public Law 1993,
chapter 400, "An Act Authorizing a Referendum to Ratify the Texas
Low-Level Radioactive Waste Disposal Compact with Maine and
Vermont and Approving the Compact's Terms," which was
subsequently signed by the Governor of this State; and

18 **Whereas,** in November 1993 the voters of the State approved
Maine's entrance into a low-level radioactive waste compact with
Texas and Vermont; and

22 **Whereas,** action in the Legislatures of Texas and Vermont and
subsequent approval of the Congress of the United States of the
"Texas Low-Level Radioactive Waste Disposal Compact Consent Act"
(Public Law 105-236) in 1998 caused the Texas Low-level
Radioactive Waste Compact to come into existence under both
federal and state law; and

28 **Whereas,** the State's only nuclear-generating unit ceased
operations permanently in 1997 and began the process of physical
dismantlement and decommissioning in 1998; and

32 **Whereas,** the State's only nuclear-generating unit has
completed more than 50% of that decommissioning process and has
entered into contractual relationships for the disposal of
low-level radioactive waste at commercial facilities in the
states of South Carolina and Utah; and

38 **Whereas,** the State of Texas has made no progress in siting,
licensing, constructing or opening for commercial operation a
low-level waste disposal facility as had been contemplated by the
compact members; and

44 **Whereas,** no other generator of low-level radioactive waste
in this State continues to have a need for disposal capacity in
Texas in view of the facilities currently accepting such waste in
South Carolina and Utah; and

48 **Whereas,** in the judgment of the Legislature, these facts
50 create an emergency within the meaning of the Constitution of

2 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
4 safety; now, therefore,

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

8 **Sec. 1. 35-A MRSA §4301, sub-§2,** as enacted by PL 1987, c.
141, Pt. A, §6, is amended to read:

10 **2. Costs.** The Legislature finds that there are many
uncertain future costs associated with nuclear power plants,
12 including the costs of low-level and high-level waste disposal,
decommissioning and long-term care. These costs will be borne by
14 the consumers and reductions in these costs will serve to benefit
consumers.

16 **Sec. 2. 38 MRSA c. 14-C,** as enacted by PL 1993, c. 664, §20
18 and 1995, c. 333, §6, is repealed.

20 **Sec. 3. PL 1993, c. 400, §3** is repealed.

22 **Sec. 4. Withdrawal from Texas Low-Level Radioactive Waste**
Disposal Compact. Pursuant to Sections 7.03, 7.04 and 7.05 of
24 the Texas Low-Level Radioactive Waste Disposal Compact, the State
of Maine hereby unilaterally and irrevocably withdraws from and
26 terminates its agreements under that compact. The State of Maine
takes this step due to:

28 1. The closure of the State's largest generator of
30 low-level radioactive waste in 1997, obviating the need for
Maine's membership in the compact; and

32 2. The inability to date of the State of Texas to cause a
34 facility to be built in a timely manner pursuant to Section 4.04
of the compact.

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

40 **SUMMARY**

42 This emergency legislation terminates the State's
44 participation in an interstate compact with the states of Texas
and Vermont for the disposal of low-level radioactive waste
46 generated in the 3 states at a facility to be licensed and built
in the State of Texas. Maine's withdrawal from the compact is
48 made necessary by the likelihood that the decommissioning of the
Maine Yankee Atomic Power Company nuclear power plant will be
50 completed prior to the opening of any disposal facility in Texas

2 and by the fact that remaining low-level waste generators in this
State produce an exceedingly small volume of waste that currently
4 is accepted for disposal at facilities in South Carolina and
Utah. In the absence of withdrawal from the compact, the
6 customers paying for Maine Yankee's decommissioning could
eventually be exposed to a \$25,000,000 payment obligation for
compact membership. This bill eliminates that risk.