

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1918

H.P. 1351

House of Representatives, May 31, 2007

An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: BLISS of South Portland, FITTS of Pittsfield, FLETCHER of Winslow,
RINES of Wiscasset, Senator: DOW of Lincoln.

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

3 **Whereas,** the oversight of interim spent fuel storage in Maine is critical to the health
4 and safety of the people of Maine; and

5 **Whereas,** sufficient funding for the performance of radiation and environmental
6 monitoring, security and safety-related activities is necessary for the performance of that
7 oversight; and

8 **Whereas,** the length of time that spent fuel will be stored in Maine and the costs
9 associated with overseeing that spent fuel are increasing; and

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

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

15 **Sec. 1. 35-A MRSA §4395, sub-§2,** as enacted by PL 2005, c. 254, Pt. A, §2, is
16 amended to read:

17 **2. Calendar years 2006 and 2007.** Calendar years 2006 and 2007, \$360,000 per
18 year; and

19 **Sec. 2. 35-A MRSA §4395, sub-§3,** as enacted by PL 2005, c. 254, Pt. A, §2, is
20 repealed.

21 **Sec. 3. 35-A MRSA §4395, sub-§4,** as enacted by PL 2005, c. 254, Pt. A, §2, is
22 amended to read:

23 **4. Calendar years 2008 to 12th month.** Calendar years ~~2009~~ 2008 to the 12th
24 month of the year following the year the spent nuclear fuel is removed from the site,
25 ~~\$170,000~~ \$360,000 multiplied by the inflation index per year. For the purposes of this
26 subsection, "inflation index" means the Consumer Price Index as defined in Title 36,
27 section 5402, subsection 1 for the calendar year ending on the December 31st
28 immediately preceding the year in which the payment is due, divided by the Consumer
29 Price Index for the prior calendar year. The commission annually shall publish the
30 indexed assessment due pursuant to this subsection.

31 **Sec. 4. 35-A MRSA §4395,** as enacted by PL 2005, c. 254, Pt. A, §2, is amended
32 by adding a new 2nd paragraph to read:

33 Beginning August 15, 2007 and every 5 years thereafter, in addition to the annual
34 fixed fees required by this section, a licensee operating an interim spent fuel storage
35 facility in this State shall make a lump-sum payment to the State to pay for costs
36 associated with the replacement of depreciated or obsolete capital equipment in the
37 amount of \$500,000, multiplied by the inflation index. A licensee shall continue to make

1 this additional payment until the spent nuclear fuel is removed from the licensee's site.
2 For the purposes of this paragraph, "inflation index" means the Consumer Price Index as
3 defined in Title 36, section 5402, subsection 1 for the calendar year ending on the
4 December 31st immediately preceding the year in which the payment is due, divided by
5 the Consumer Price Index for the calendar year 5 years prior to the year in which the
6 payment is due. By March 15, 2012 and every 5 years thereafter, the commission shall
7 publish the indexed payment due pursuant to this paragraph.

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

10

SUMMARY

11 Current law establishes an assessment on a licensee operating an interim spent
12 nuclear fuel storage facility in this State; the assessment is scheduled to decrease from
13 \$360,000 per year to \$296,667 for calendar year 2008 and to \$170,000 beginning in 2009
14 until all spent nuclear fuel is removed from the State.

15 This bill maintains the assessment at \$360,000 per year until the end of the calendar
16 year in which all spent nuclear fuel is removed from the State. The assessment is indexed
17 to the rate of inflation.

18 This bill also, beginning August 15, 2007 and every 5 years thereafter, imposes an
19 additional assessment of \$500,000, also indexed to the rate of inflation, on a licensee
20 operating an interim spent fuel storage facility in this State to pay for costs associated
21 with the replacement of depreciated or obsolete capital equipment. Once the spent
22 nuclear fuel is removed from the facility, the additional payments are no longer required.