

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 88

H.P. 568 - L.D. 663

AN ACT to Adjust the Service Fee and Allocations of the Low-level Waste Siting Fund, and to Adjust the Membership of the Low-level Waste Siting Commission.

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

Whereas, the Low-level Waste Siting Commission is meeting on a regular basis in order to study the management, transportation and disposal of low-level radioactive waste and make timely recommendations to the Governor and the Legislature; and

Whereas, sufficient funding is necessary to accomplish these purposes; and

Whereas, income to the Low-level Waste Siting Fund has been about 1/2 the amount anticipated; and

Whereas, it is anticipated that continued operation of the commission will be necessary at least through June 30, 1984, yet no funds have been allocated for fiscal year 1983-84; and

Whereas, there are no public members on the commission at present; and

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,

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

Sec. 1. 10 MRSA §151-A, sub-§3, as enacted by PL 1981, c. 439, §5, is amended to read:

3. Public Safety. The Department of ~~Transportation~~ Public Safety shall coordinate transportation of radioactive materials.

Sec. 2. 10 MRSA §175, sub-§2, as enacted by PL 1981, c. 439, §9, is amended to read:

2. Membership; appointment. The commission shall consist of 9 11 members, who shall be appointed as follows. The Commissioners of Environmental Protection and Human Services, and the State Geologist, or their designees, shall be members of the commission. The President of the Senate shall appoint 2 3 Senators, 2 from the majority party and one from the minority party and one person from an organization that is a low-level waste licensee. The Speaker of the House of Representatives shall appoint 2 3 Representatives, 2 from the majority party and one from the minority party and one person from an organization that is a low-level waste licensee. The members shall be appointed in a timely manner. The Chairman of the Legislative Council shall call the first meeting of the commission, and at this meeting the commission shall elect a chairman and a vice-chairman from its membership.

Sec. 3. 10 MRSA §176, sub-§2, as enacted by PL 1981, c. 439, §9, is amended to read:

2. Service fee. In the fiscal years 1982 and 1983 a A service fee of \$1 \$10 per cubic foot shall be levied on all low-level radioactive waste generated in this State and shipped to commercial disposal facilities. The revenue from this service fee shall be credited to the fund established in subsection 1 and used to carry out the purposes of this subchapter. This service fee shall be levied only on low-level radioactive waste generated and shipped on or before December 31, 1985.

Sec. 4. 10 MRSA §176, sub-§5, as enacted by PL 1981, c. 439, §9, is amended to read:

5. Report to Legislature. The commissioner shall report annually to the Legislature the revenues and expenditures under this subchapter. The commissioner shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over natural resources on the income to and expenditures from the Low-level Waste Siting Fund and on the budget for the coming year. That report shall include total fees received from each generator, and line item detail on expenditures, including in-state travel and out-of-state travel, printing, mailing and hearings; personnel; consultant services, general operating expenses, supplies and overhead, for both the commission and the department.

Sec. 5. 25 MRSA §2109 is enacted to read:

§2109. Notification

Not less than 24 hours in advance of transporting

any shipment of low-level waste over any public way, the person transporting the shipment shall notify the Chief of the State Police of the shipment, its contents, destination, route and such other information as the Department of Public Safety may, by regulation, require. Failure to make that notification shall be a Class D crime.

Sec. 6. Transitional provisions. Except for ex officio members, the terms of the present members of the Low-level Waste Siting Commission shall expire January 31, 1985.

Sec. 7. Allocation. In addition to allocations made previously, the following funds are allocated from the Low-level Waste Siting Fund to carry out the purposes of this Act.

	<u>1982-83</u>	<u>1983-84</u>
LOW-LEVEL WASTE COMMISSION	\$3,500	\$15,000
ENVIRONMENTAL PROTECTION, DEPARTMENT OF	<u>\$15,000</u>	<u>\$60,000</u>
Total	\$18,500	\$75,000

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

Effective March 30, 1983.

CHAPTER 89

S.P. 105 - L.D. 237

AN ACT to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions.

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

Sec. 1. 9-B MRSA §§524 and 525 are enacted to read:

§524. Trust assets

1. Separation of trust assets. Except as otherwise provided, all securities, moneys and property received by any savings bank to be held in trust or in any other fiduciary capacity shall be kept sep-