

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 309

S.P. 247 - L.D. 642

AN ACT to Create the Advisory Commission on
Radioactive Waste to Replace the Low-
level Waste Commission.

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

Sec. 1. 3 MRSA §507, sub-§6, ¶B, as repealed and replaced by PL 1983, c. 819, Pt. A, §1, is amended to read:

B. Unless continued or modified by law, the following Group C-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1985:

- (1) Maine Sardine Council;
- (2) Atlantic Sea Run Salmon Commission;
- (3) Public Utilities Commission;
- (4) State Development Office;
- (5) Office of Energy Resources;
- (6) Atlantic States Marine Fisheries Commission;
- (7) Maine Development Foundation;
- (8) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- (9) State Energy Resource Advisory Board;
- (10) Low-level Waste Siting Commission Advisory Commission on Radioactive Waste;
- (11) Lobster Advisory Council; and
- (12) State Board of Examiners of Psychologists.

Sec. 2. 3 MRSA §507-B, sub-§7 is enacted to read:

7. Agencies scheduled for termination on June 30, 1985. The following agencies scheduled for termination on June 30, 1985, pursuant to section 507, subsection 6, paragraph B, shall continue, but shall terminate, not including the grace period, no later than June 30, 1989, unless continued or modified by law:

A. Advisory Commission on Radioactive Waste.

Sec. 3. 5 MRSA §12004, sub-§10, ¶A, sub-¶(17), as amended by PL 1983, c. 862, §§22-25, is further amended to read:

~~(17)~~ Environment Low-level Waste Expenses 38 MRSA §1476
Siting Commis- only
sion

Sec. 4. 5 MRSA §12004, sub-§11, ¶A, sub-¶(4) is enacted to read:

(4) Environment Radioactive Waste Expenses 18 MRSA §1454
Advisory Commission all mem-
bers, Pub-
lic and
legisla-
tive mem-
bers-\$25/
day

Sec. 5. 38 MRSA §1451, sub-§3-A is enacted to read:

3-A. Commission. "Commission" means the Advisory Commission on Radioactive Waste established by section 1454.

Sec. 6. 38 MRSA §§1453 and 1454 are enacted to read:

§1453. Advisory Commission on Radioactive Waste

1. Establishment; purpose. The Advisory Commission on Radioactive Waste is established by this section as a successor to the previous Low-level Waste Siting Commission. The purpose of the commission is to advise the Governor and the Legislature on matters relating to radioactive waste management and it shall have the duties specified in subsection 3.

2. Membership; appointment. The commission shall consist of 13 members, who shall be appointed as follows: The Commissioner of Environmental Protection, the Commissioner of Human Services and the State Geologist or their designees shall be members of the commission. The President of the Senate shall

appoint 3 Senators, 2 from the majority party and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The Speaker of the House of Representatives shall appoint 3 Representatives, 2 from the majority party, and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The terms of legislative members of the Commission shall expire the first Wednesday in December 1986, and in even numbered years. The terms of the public member appointed by the President of the Senate and the licensee member appointed by the Speaker of the House of Representatives shall expire December 31, 1986, and every 2 years thereafter; and the terms of the public member appointed by the Speaker of the House of Representatives and the licensee member appointed by the President of the Senate shall expire December 31, 1987, and every 2 years thereafter. Members may continue to serve until their replacements are designated. Vacancies shall be filled by the appointing authority to complete the term of the preceding appointee.

The commission shall elect a chairman from its legislative membership. The Commissioner of Environmental Protection shall serve as vice-chairman.

3. Duties. The duties of the commission are to:

A. Study the management, transportation, storage and disposal of radioactive waste, including low-level and high-level radioactive waste generated in or near this State;

B. Evaluate methods and criteria for siting and constructing low-level radioactive waste disposal or storage facilities;

C. Evaluate methods and criteria for siting and constructing high-level radioactive waste repositories or storage facilities;

D. Advise the Governor and the Legislature on the findings and recommendations of the commission;

E. Assist the Governor in regional efforts to manage radioactive waste; and

F. Provide opportunities for public input, disseminate information to the general public and promote public understanding concerning radioactive waste issues.

4. Reports. The commission shall report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary.

5. Compensation. Members of the commission shall be compensated in accordance with the provisions of Title 5, chapter 379.

6. Assistance. The Commissioner of Environmental Protection shall provide assistance to the commission in the conduct of its business. Within available funds, the Maine Geological survey and other appropriate agencies shall provide technical assistance. The Legislative Council shall also provide legislative staff assistance.

7. Sunset. This commission shall be subject to review and shall terminate in accordance with Title 3, chapter 23, not including the grace period, no later than June 30, 1989, unless continued or modified by law.

§1454. Radioactive Waste Evaluation Fund

1. Establishment. There is established the Radioactive Waste Evaluation Fund to be used to carry out the purpose of this chapter. This fund shall be administered by the Commissioner of Environmental Protection in accordance with established budgetary procedures. The commissioner may accept state, federal and private funds to be used to assure safe and effective low-level radioactive waste management, to develop capacity for sale, storage and disposal of these wastes and to monitor and evaluate plans for storage and disposal of high-level radioactive waste.

2. Service fee. Until the ceiling established in subsection 4 is reached, a service fee of \$10 per cubic foot shall be levied on all low-level radioactive waste generated in this State which is shipped to commercial disposal facilities or stored awaiting disposal at a low-level radioactive waste disposal facility or stored for any purpose for more than one year. The service fee shall not apply to low-level radioactive waste which is authorized by the United States Nuclear Regulatory Commission to be stored for decay on the site of generation for less than one year or disposed of without regard to radioactivity. The Board of Environmental Protection shall identify, by rule adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, those wastes which are exempt from the service fee, consistent with the intent of this section. The service

fee shall be paid only once on any particular waste. 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.

3. Fee limitation. Whenever the balance in the fund established by this section has reached the limit provided in subsection 4, the service fee shall be temporarily suspended. Thereafter, any license holder shall be assessed an annual pro rata fee, at the end of each fiscal year sufficient to reimburse the fund for any of the expenditures which have been made for the purposes authorized by this subchapter during that fiscal year. The pro rata fee shall be based on the volume of waste generated by each generator which is shipped to commercial disposal facilities or stored awaiting disposal at a low-level radioactive waste disposal facility following suspension of the service fee during that fiscal year.

4. Ceiling. Except for moneys received from federal sources, the fund established by this section shall not exceed a balance of \$100,000 during the fiscal year 1985-1986 or \$150,000 at any time after July 1, 1986. Any amounts collected in excess of that amount shall be remitted to the contributors within 10 days. Upon dissolution of the commission, any unexpended funds shall be promptly remitted to the contributors on a pro rata basis.

5. Allocation. The expenses for the administration of the commission in carrying out the duties as set forth in this chapter shall be paid from such amounts as the Legislature may allocate from the revenues in the Radioactive Waste Evaluation Fund. These amounts shall become available in accordance with Title 5, chapters 141 to 155.

The commission may receive and expend federal grants and payments for the purpose of carrying out its duties. The moneys received by the commission from federal sources shall not be counted toward the ceiling established in subsection 4.

6. Balance carried forward. Any unexpended balance shall not lapse, but shall be carried forward to the same fund for the next fiscal year and shall be available for the purposes authorized by this chapter.

7. Financial reports. The commissioner shall report quarterly to the Advisory Commission on Radioactive Waste, and 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 Radioactive Waste Evaluation Fund and on the budget for the coming year. Those reports 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. 7. 38 MRSA §1476, as amended by PL 1983, c. 812, §§296 and 297, is repealed.

Sec. 8. 38 MRSA §1477, as reallocated by PL 1983, c. 381, §6, is repealed.

Sec. 9. Transition provisions. The Low-level Waste Siting Commission and the Low-level Waste Siting Fund shall continue in effect until the Advisory Commission on Radioactive Waste is convened for its first meeting. The chairman of the Low-level Waste Siting Commission shall call the first meeting of the Radioactive Waste Commission. Section 6 of this Act shall take effect 90 days after adjournment of the First Regular Session of the 112th Legislature; all other sections of this Act shall take effect on the date of the first meeting of the Advisory Commission on Radioactive Waste.

The Radioactive Waste Evaluation Fund is the successor to the Low-level Waste Siting Fund. Upon establishment, the Radioactive Waste Evaluation Fund shall receive any unexpended balance from the Low-level Waste Siting Fund, which balance shall be allocated as provided by law.

All accrued expenditures, assets, liabilities, balances or allocations, transfers, revenues or other available funds in the account of the Low-level Waste Siting Commission shall be reallocated to the Advisory Commission on Radioactive Waste on the date of the first meeting of that commission. All contracts and agreements in effect with the Low-level Waste Siting Commission shall remain in effect following establishment of the Advisory Commission on Radioactive Waste, unless rescinded, terminated or modified by that commission.

Sec. 10. Allocation. The following funds are allocated from the Radioactive Waste Evaluation Fund to carry out the purposes of this Act.

<u>1985-86</u>	<u>1986-87</u>
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ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

	<u>1985-86</u>	<u>1986-87</u>
Advisory Commission on Radioactive Waste		
All Other	\$7,500	\$15,000

This allocation provides funds for radioactive waste study, evaluation and management activities required by this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>ENVIRONMENTAL PROTECTION,</u> <u>DEPARTMENT OF</u>		

Advisory Commission on
Radioactive Waste and
Department of Environmental
Protection Technician
Studies

Positions	(2)	(2)
Personal Services	\$17,000	\$40,550
All Other	<u>15,000</u>	<u>31,820</u>
Total	\$32,000	\$72,370

This allocation provides funds for the Department of Environmental Protection's support function of the Advisory Commission on Radioactive Waste.

Sec. 11. Allocation. The following funds are allocated from the Low-level Waste Siting Fund to carry out the purposes of this Act.

	<u>1985-86</u>
Low-level Waste Siting Commission	

	<u>1985-86</u>
All Other	\$7,500

This allocation provides funds to carry the Low-level Waste Siting Commission through the transitional period.

1985-86

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Positions	(1)
Personal Services	\$7,228
All Other	<u>1,687</u>
Total	\$8,915

This allocation provides funds to carry the Department of Environmental Protection's support function through the transitional period.

Effective September 19, 1985.

CHAPTER 310

S.P. 251 - L.D. 646

AN ACT Concerning Variances for
Elevators.

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

26 MRSA §474, as repealed and replaced by PL 1977, c. 694, §455, is amended to read:

§474. Appeals