

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

---

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

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

---

---

## CHAPTER 522

S.P. 684 - L.D. 1772

AN ACT to Increase the Resources of the  
Advisory Commission on Radioactive  
Waste and Allocate Funds from the  
Radioactive Waste Fund.

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

Whereas, the United States Department of Energy announced on December 11, 1985, that it will release its Draft Area Recommendation Report on high-level radioactive waste on January 16, 1986, and give only 90 days to comment on that draft report; and

Whereas, response to public inquiries and the distribution of public information is essential since Maine is likely to be in the narrowed lists of 4 to 6 states with 15 to 20 rock bodies targeted for intensive investigation by the United States Department of Energy for the 2nd of 2 repositories for the nation's high-level radioactive waste; and

Whereas, the State must indicate by July 1, 1986, if it intends to join a regional compact or move towards licensing a disposal facility within the State for low-level radioactive waste; and

Whereas, the Advisory Commission on Radioactive Waste must advise the Governor and the Legislature on the management of radioactive waste and promote public understanding concerning radioactive waste issues at the earliest possible time; 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. 38 MRSA §1453, sub-§2, as enacted by PL 1985, c. 309, §6, is amended to read:

2. Membership; appointment. The commission shall consist of ~~13~~ 14 members, who shall be appointed as follows: The Governor may appoint a person from the Executive Department, Office of the Governor; 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.

Sec. 2. 38 MRSA §1454, sub-§§2, 3 and 4, as enacted by PL 1985, c. 309, §6, are amended to read:

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, on or after September 19, 1985, 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, Ti-

tle 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 and to bring the balance in the fund at the beginning of the next fiscal year up to the ceiling established by subsection 4. 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~~ \$150,000 during the ~~fiscal year 1985-1986~~ 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.

Sec. 3. 38 MRSA §1454, sub-§8 is enacted to read:

8. One-time assessment. There shall be a one-time assessment of \$36,000 levied by the department, on a pro rata basis, against all license holders of record as of January 1, 1986.

Sec. 4. Federal funding for high-level radioactive waste activities. In the event that any rock body in the State is identified for further study as a possible site for a high-level radioactive waste repository by the United States Department of Energy in the draft Area Recommendation Report or in the final Area Recommendation Report, the commission shall apply to the United States Department of Energy for funds to cover continued funding of the commission's activities related to high-level radioactive waste

disposal, including funding for 2 of the unclassified project positions initially funded from the Radioactive Waste Evaluation Fund by the allocation of section 5 and one additional position for a research associate. The application shall also request funds to reimburse the Radioactive Waste Evaluation Fund for funds expended for those 2 positions. Administratively, these positions shall be located in the Department of Environmental Protection. This application for funding shall be coordinated with and submitted as part of any application by the State to the United States Department of Energy for funding for high-level radioactive waste activities of the technical review group established by the Governor.

Sec. 5. Allocation. The following funds are allocated from the Radioactive Waste Evaluation Fund to carry out the purposes of this Act.

1985-86

ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

Technical Studies	
Personal Services	\$23,487
All Other	3,134
Capital Expenditures	2,000
Total	<u>\$28,621</u>

This allocation provides funds for 2 project positions to perform public information and environmental services. These positions shall be considered unclassified positions and shall not be subject to the Personnel Law. This allocation also provides authority to transfer up to a combined total of \$30,000 to the Maine Geological Survey or the State Planning Office from all current

1985-86

allocations to  
this account to  
carry out tech-  
nical studies.  
This allocation  
also adjusts  
prior alloca-  
tions to this  
account.

Advisory Commission on  
Radioactive Waste  
Personal Services

\$ 3,000

This allocation  
provides for per  
diem expenses of  
the Advisory  
Commission on  
Radioactive  
Waste.

DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
TOTAL

\$31,621

LEGISLATURE

Legislature  
Personal Services

\$ 8,076

This allocation  
provides funds  
for a project  
position to sup-  
ply secretarial  
and clerical  
services to the  
Advisory Commis-  
sion on Radioac-  
tive Waste.

GRAND TOTAL

\$39,697

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

Effective January 30, 1986.

---

---