

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

PART E

36 MRSA §1760, sub-§20 is repealed and the following enacted in its place:

20. Continuous residence; refunds and credits. Rental charged to any person who resides continuously for 28 days at any one hotel, rooming house, tourist or trailer camp if:

A. The person does not maintain a primary residence at some other location; or

B. The person is residing away from that person's primary residence in connection with employment or education.

Tax paid by such person to the retailer under section 1812 during the initial 28-day period shall be refunded by the retailer. Such tax reported and paid to the State by the retailer may be taken as a credit by the retailer on the report filed by the retailer covering the month in which refund was made to such tenant.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that Part A, sections 3, 4 and 40 shall take effect October 1, 1990; Part B shall take effect December 1, 1989; Part C shall take effect October 1, 1989; Part D shall take effect October 1, 1989; and Part E shall take effect July 1, 1991.

Effective July 12, 1989, unless otherwise indicated.

CHAPTER 589

H.P. 1272 - L.D. 1768

An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste

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

Whereas, the Governor has negotiated a contract with the Rocky Mountain Low-level Radioactive Waste Board for disposal of low-level radioactive waste generated in Maine, if necessary, for the period January 1, 1990 to December 31, 1992 at the existing Rocky Mountain Low-level Radioactive Waste Board site in Beatty, Nevada; and

Whereas, existing law requires legislative ratification of any compact or agreement with any other state or states for low-level waste disposal; and

Whereas, existing law requires approval by a majority of the voters voting in the next following statewide election following execution of a compact or agreement with any other state or states for the disposal of low-level radioactive waste; and

Whereas, the Secretary of State must undertake the preparation of ballots prior to the 90th day following adjournment of the First Regular Session of the 114th Legislature; 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 §1529 is enacted to read:

§1529. Payments to the Rocky Mountain Low-level Radioactive Waste Board

1. Payments by generators. All generators of low-level radioactive waste that shipped low-level radioactive waste out of State for disposal in the previous calendar year shall pay assessments to the authority as calculated under subsection 3, in accordance with a contract between the Governor and the member states of the Rocky Mountain Low-level Radioactive Waste Board duly approved by referendum.

2. Base assessments. Base assessments shall be made as follows.

A. The authority shall assess all generators of low-level radioactive waste in this State that shipped low-level radioactive waste out of State for disposal in the last calendar year based on the formula in subsection 3, paragraph A. Each generator assessed shall make payment within 30 days.

B. Payment amounts shall be transmitted to the Rocky Mountain Low-level Radioactive Waste Board as follows, on or before:

(1) January 1, 1990, the sum of \$168,750;

(2) January 1, 1991, the sum of \$168,750; and

(3) January 1, 1992, the sum of \$168,750.

3. Generator assessments and entitlements. The generator assessment and entitlement for each generator covered under this section shall be calculated as follows.

A. Each generator shall be assessed a portion of the base assessment based on the amount of low-level radioactive waste shipped by that generator in the previous calendar year, divided by the total amount of low-level radioactive waste shipped from the State in the previous calendar year and multiplied by the sum of \$168,750.

B. Each generator shall receive an entitlement to ship low-level radioactive waste without further as-

assessments under this section based on the amount of low-level radioactive waste shipped by that generator in the previous calendar year, multiplied by a fraction, the numerator of which is 3750 and the denominator of which is the total volume of low-level radioactive waste shipped from the State in the previous calendar year.

The assessments shall be in addition to any other charges, taxes or surcharges that may be imposed on generators or brokers of low-level radioactive waste for the disposal of low-level radioactive waste at any regional disposal facility. The authority shall take all necessary action, including legal action, to recover such assessments from all low-level waste generators shipping waste out of State for disposal. The authority may require additional assessments from generators assessed under this section to meet the financial requirements of the contract. This additional assessment shall be refunded upon payment of previously unpaid base assessments. If a generator does not pay the base assessment for the current year within 30 days of the assessment, that generator's entitlement shall be withdrawn and reallocated.

4. Additional assessments. After a generator has shipped low-level radioactive waste in excess of that generator's entitlement under subsection 3, paragraph B, the authority shall assess that generator \$55 per cubic foot for any additional volume shipped, to be paid within 30 days. This assessment shall be made in addition to any other charges, taxes or surcharges that may be imposed on generators or brokers of low-level radioactive waste for the disposal of low-level radioactive waste at any regional disposal facility.

5. Segregation of accounts. The authority shall establish a Rocky Mountain contract account and shall deposit all revenues received under this section in that account. The authority shall keep these revenues separate from all other accounts, using them solely for compensating the Rocky Mountain Low-level Radioactive Waste Board in accordance with the contract referred to in subsection 1. Upon termination of the contract and after payment of any amounts owed, and reimbursement for the authority's reasonable administrative costs, any surplus remaining in the Rocky Mountain contract account shall be returned pro rata to the generators that paid assessments into the account.

Sec. 2. Disposal contract with Rocky Mountain Low-level Radioactive Waste Board. The Legislature ratifies, endorses and recommends for approval by a majority of the voters in accordance with the Maine Revised Statutes, Title 38, section 1494, a contract between the State and the member states of the Rocky Mountain Low-level Radioactive Waste Board for access to facilities for the disposal of all low-level radioactive waste generated in the State and for which the state is responsible for the period beginning January 1, 1990, and ending December 31, 1992.

Sec. 3. Referendum for ratification; submission at statewide election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine pursuant to the Maine Revised Statutes, Title 38, section 1494 at a statewide election to be held on the Tuesday following the first Monday of November following

passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this contract by voting on the following question:

"Do you approve of the agreement for the disposal of low-level radioactive waste proposed to be made with the Rocky Mountain Low-level Radioactive Waste Board whose member states are Colorado, Nevada, New Mexico and Wyoming for disposal of low-level radioactive waste at an existing facility in Beatty, Nevada?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the contract, the Governor shall proclaim that fact without delay, and the contract shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Emergency clause. In view of the emergency cited in the preamble, sections 2 and 3 of this Act shall take effect when approved. Section 1 of this Act shall take effect 30 days after the Governor proclaims that a majority of the legal voters have voted in favor of the contract.

Effective July 12, 1989, unless otherwise indicated.

CHAPTER 590

H.P. 1218 - L.D. 1690

An Act Relating to Periodic Justification of Programs of State Government under the Maine Sunset Laws

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Bureau of Labor Standards will become due and payable on or immediately after July 1, 1989; and