

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
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remediation. This plan must specify the use of compost or reclaimed soil materials for landfill cover to the maximum extent practical and consistent with sound environmental practices. Subject to the provisions of sections 1310-F and 1310-G, a timetable for implementation and all pertinent cost-sharing ~~shall~~ must be included as part of the proposed plan. The board shall subsequently adopt the plan subject to the provisions of Title 5, chapter 375, subchapter IV.

See title page for effective date.

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## CHAPTER 375

### H.P. 760 - L.D. 1094

#### An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993

**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 Department of Defense and Veterans' Services will become due and payable on or immediately after July 1, 1991; 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. 37-B MRSA §955,** as enacted by PL 1983, c. 460, §3, is amended to read:

#### §955. Maine Nuclear Emergency Planning Fund

The Maine Nuclear Emergency Planning Fund is established to be used by the committee as a nonlapsing revolving fund for carrying out the purposes of this chapter. ~~The fund shall be limited to \$250,000.~~ All fees collected under this chapter ~~shall~~ must be credited to this fund. ~~Moneys~~ Money in the fund not needed to meet the current obligations of the committee in the exercise of its responsibilities under this chapter ~~shall~~ must be deposited with the Treasurer of State to the credit of the fund, and may be invested as provided for by statute. Interest received on the investment ~~shall~~ must be credited to the fund.

**Sec. 2. 37-B MRSA §956, sub-§1,** as amended by PL 1989, c. 364, §1, is further amended to read:

**1. Fee.** The license holder for any nuclear power reactor operating in this State ~~shall be~~ is assessed a fee of ~~\$200,000 \$167,000~~ for fiscal year ~~1988-89 1991-92;~~ ~~\$180,000 \$144,000~~ for fiscal year ~~1989-90 1992-93;~~ ~~\$130,000~~ for fiscal year ~~1990-91;~~ and \$140,000 for fiscal year ~~1991-92 1993-94~~ and annually thereafter. License fees ~~shall~~ must be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

**Sec. 3. 37-B MRSA §956, sub-§2,** as enacted by PL 1989, c. 460, §3, is repealed.

**Sec. 4. 37-B MRSA §957,** as amended by PL 1989, c. 364, §3, is further amended to read:

#### §957. Disbursements from fund

Money in the fund ~~shall~~ may be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures ~~shall~~ may be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 599, disbursements from the fund may not exceed ~~\$205,035~~ \$207,842 in fiscal year ~~1988-89 1991-92;~~ ~~\$222,000~~ \$187,574 in fiscal year ~~1989-90 1992-93;~~ ~~\$180,000~~ in fiscal year ~~1990-91;~~ and ~~\$140,000~~ \$190,000 in fiscal year ~~1991-92 1993-94~~ and annually thereafter.

**Sec. 5. 37-B MRSA §961, first ¶,** as reallocated by PL 1983, c. 816, Pt. B, §15, is amended to read:

The Radiological Emergency Preparedness Committee shall keep the Governor and the joint standing committee of the Legislature having jurisdiction over public utilities matters fully and currently informed on the date of preparation of the Emergency Radiological Response Plan, ~~and~~ the state of readiness under that plan and the balance in the Maine Nuclear Emergency Planning Fund. Specifically, the Radiological Emergency Preparedness Committee shall report in a summary fashion suitable for the general public on:

**Sec. 6. 37-B MRSA §961, sub-§4,** as reallocated by PL 1983, c. 816, Pt. B, §15, is amended to read:

**4. Sunset.** When the Legislature finds that final approval of the plan has been given by the appropriate federal agencies, including the Federal Emergency Management Agency and the United States Nuclear Regulatory Commission, the specific reports required by subsections ~~1, 2 and~~ to 3 ~~shall~~ must be replaced by an annual report to the Legislature, due by February 1st, on the state of readiness of the Emergency Radiological Response Plan and any recommendations relating to it, including a statement of the balance in the Maine Nuclear Emergency Planning Fund.

**Sec. 7. Allocation of Maine Nuclear Emergency Planning Fund.** Income to the Maine Nuclear Emergency Planning Fund for fiscal years 1991-92 and 1992-93 must be segregated, apportioned and disbursed as designated in the following schedule.

	1991-92	1992-93
<b>RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE</b>		
<b>Maine Nuclear Emergency Planning</b>		
Positions	(1.0)	(1.0)
Personal Services	\$27,847	\$30,765
All Other	106,443	87,039
Capital Expenditures	32,710	26,196
<b>RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE</b>		
<b>TOTAL</b>	<b>\$167,000</b>	<b>\$144,000</b>

**Sec. 8. Additional allocation of Maine Nuclear Emergency Planning Fund.** Expected gifts or grants received pursuant to the Maine Revised Statutes, Title 37-B, section 956, subsection 3 must be allocated from the Maine Nuclear Emergency Planning Fund as follows.

	1991-92	1992-93
<b>RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE</b>		
<b>Maine Nuclear Emergency Planning</b>		
Personal Services	\$9,282	\$10,255
All Other	24,956	28,219
Capital Expenditures	6,604	5,100
<b>RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE</b>		
<b>TOTAL</b>	<b>\$40,842</b>	<b>\$43,574</b>

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

Effective June 18, 1991.

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## CHAPTER 376

**H.P. 968 - L.D. 1395**

### **An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act**

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

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1991; and

Whereas, these provisions are intended to improve management, performance, organization, program

delivery and fiscal accountability of agencies and independent agencies reviewed; and

Whereas, certain independent agencies will terminate unless continued by act of the Legislature prior to June 30, 1991; 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. 3 MRSA §924, sub-§1,** as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

**1. Report required.** Each agency and independent agency shall prepare and submit to the Legislature, through the committee, a justification report no later than ~~March 31st~~ February 1st of the calendar year prior to the review year specified in section 927.

**Sec. 2. 3 MRSA §924, sub-§2, ¶D,** as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

D. A list of related programs having similar or complementary objectives; ~~and~~

**Sec. 3. 3 MRSA §924, sub-§2, ¶D-1** is enacted to read:

D-1. A list of state records that the agency is required to retain pursuant to Title 5, section 95, subsection 7; and

**Sec. 4. 3 MRSA §927, sub-§1,** as amended by PL 1989, c. 857, §9, is further amended to read:

**1. 2001.**

A. Agencies:

(1) Department of Finance, ~~but limited to the Bureau of the Budget;~~

(2) Office of Treasurer of State;

(3) Department of Audit;

~~(4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and the state employee health insurance program;~~

(5) (4) Department of Public Safety, but limited to the Bureau of Capitol Security;

(6) (5) Board of Emergency Municipal Finance;