

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

to seasonal status when accepting a promotion in the employee's career ladder. Section 17001, subsection 13, paragraph E does not apply to an employee who is credited with a full year of creditable service under this provision. Each state department or agency shall submit to the retirement system a list of all employees to whom this provision applies, in the manner and time provided by board rule.

Sec. 2. P&SL 1991, c. 26, §1 is repealed and the following enacted in its place:

Sec. 1. Retirement coverage for certain teacher aides and similar employees. Notwithstanding the provisions of any other law or rule, any person employed in a position known before September 1, 1991 as teacher aide, library aide or educational technician I who, before September 1, 1991, was promoted to a level II or level III educational technician position may elect to be covered by the retirement system or plan under which that person was covered at the time of promotion. That election may be made only in accordance with the following.

1. A person may make the election only once.
2. The election is effective as of the date of promotion.
3. The election is irrevocable.
4. Each local school administrative unit shall notify each person to whom this section applies who was employed by that unit at the time of promotion of the opportunity to make the election, inform each person of the nature of the election, receive each person's written election and provide to the Maine State Retirement System a list of all persons making an election, categorized by retirement system or plan elected.
5. The Maine State Retirement System must receive the election list by September 30, 1992.
6. A person not making an election is subject to the provisions of the Maine Revised Statutes, Title 5, Part 20 as of the date of promotion.

The Maine State Retirement System shall notify school administrative units of this section and receive and appropriately process election lists. The Maine State Retirement System is not responsible for identifying or notifying persons to whom this section applies or for receiving individual elections. Local school administrative units shall prescribe the form in which the written individual election must be made and the date by which it must be received by the unit.

Any person hired as or promoted to a level II or level III educational technician position on or after September 1, 1991 is subject to the provisions of Title 5, Part 20.

See title page for effective date.

CHAPTER 879

S.P. 829 - L.D. 2133

An Act Pertaining to the Assessment of Fees on Nuclear Power Plants

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

Sec. 1. 5 MRSA §12004-I, sub-§24-B is enacted to read:

24-B.	<u>Citizens'</u>	<u>Expenses</u>	<u>38 MRSA</u>
<u>Environment</u>	<u>Advisory</u>	<u>Only</u>	<u>§1527-A</u>
	<u>Group</u>		

Sec. 2. 38 MRSA §1527, sub-§2, as enacted by PL 1987, c. 530, §4, is amended to read:

2. Limitation. Site selection activities shall may not begin until all planning and necessary rule adoption has been completed. Construction shall may not begin until all approvals are obtained under state and federal law, including voter approval required by section 1493 and legislative approval of the impact and incentive payments and the property value offset under section 1537. The proposal shall must be submitted to the voters after the Legislature has approved it under section 1479.

Sec. 3. 38 MRSA §1527-A is enacted to read:

§1527-A. Citizens' Advisory Group

The authority shall appoint the Citizens' Advisory Group, as established by Title 5, section 12004-I, subsection 24-B, consisting of no less than 20 members broadly representing the people of the State. Representation must be sought to include individuals from business, labor, environmental groups, public interest organizations, low-level radioactive waste generators, municipal officials, governmental agencies and any other person or organization that expresses an interest in the subject of this chapter.

1. Duties. The Citizens' Advisory Group has the following duties:

- A. To assist the authority to accomplish its purpose in a constructive and effective manner;

B. To advise the authority with respect to authority policies and procedures;

C. To analyze issues before the authority and provide the authority with constructive comments and analysis in regard to these issues;

D. To consider, on its own initiative, any issue or policy relating to the subject matter of this chapter; and

E. To consider and advise the authority with respect to storage requirements, waste reduction and the disposal of low-level radioactive waste.

2. Responsibilities of authority. The authority, in consultation with the Citizens' Advisory Group, shall:

A. Develop and adopt procedures that encourage active public participation in matters before the authority;

B. Develop and adopt guidelines that encourage constructive participation by all members of the Citizens' Advisory Group;

C. Develop agendas for the Citizens' Advisory Group with respect to matters that are before the authority; and

D. Provide a facilitator to organize and operate the meetings of the Citizens' Advisory Group and to keep the Citizens' Advisory Group focused on its responsibilities.

The authority shall provide the Citizens' Advisory Group with support services to enable the group to undertake its responsibilities effectively.

3. Meetings. The Citizens' Advisory Group shall meet at least 4 times a year.

4. Compensation. Members of the Citizens' Advisory Group are entitled to compensation in accordance with Title 5, chapter 379.

Sec. 4. 38 MRSA §1535, sub-§1, as amended by PL 1989, c. 480, §15, is further amended to read:

1. Assessment. The authority shall assess any nuclear plant within the State for the full cost of planning, siting, licensing and construction of a low-level radioactive waste disposal or storage facility, including reasonable reserves for unforeseen contingencies. The initial assessment shall may not exceed \$10,000,000 \$12,500,000 and shall must be assessed as follows: \$1,500,000 on March 1, 1988; \$2,500,000 on March 1, 1989; \$2,000,000 on March 1, 1990; \$2,000,000 on March 1, 1991; and \$2,000,000 on March 1, 1992; and \$2,500,000 on March 1, 1993. As reliable cost estimates become available,

additional costs associated with any low-level radioactive waste disposal and storage facilities ~~shall must~~ be assessed any nuclear plant within the State following legislative enactment. The amount assessed ~~shall must~~ be paid within 30 days of assessment. This assessment ~~shall must~~ be deposited in the Low-level Radioactive Waste Facility Fund.

Sec. 5. 38 MRSA §1536, sub-§1, as amended by PL 1989, c. 480, §16, is further amended to read:

1. User fees. All users of a low-level radioactive waste disposal facility shall must be assessed a user fee calculated in accordance with subsections 2 and 3. ~~User~~ The amount to be collected through user fees established under this section shall must be designed to raise \$1,000,000 per year authorized by law and sufficient to cover the costs of annual operation, maintenance, closure and post-closure, impact payments, incentive payments, property value offset, insurance and payment in lieu of taxes. Fees shall not be collected in excess of that amount or, if collected, shall be returned to the users within 15 days of receipt. Surplus user fees must be carried forward and used to reduce fees for the following year. All users of a low-level radioactive waste storage facility operated by the authority shall must be assessed a user fee sufficient to cover the costs of operation, maintenance, closure and post-closure of the facility, impact payments, incentive payments, property value offset and payment in lieu of taxes. The authority shall establish, by rule, a schedule of fees to be paid by all users of a low-level radioactive waste disposal or storage facility.

Sec. 6. 38 MRSA §1536, sub-§3, as enacted by PL 1987, c. 530, §4, is amended to read:

3. Surcharge. A surcharge shall must be added to the user fees paid by any user who has not been assessed for planning and construction under section 1535. A corresponding reduction shall must be credited to the user fees of any user who was so assessed under section 1535. The authority shall establish, by rule, the procedures for determining surcharge payments.

Sec. 7. 38 MRSA §1537, as enacted by PL 1987, c. 530, §4, is repealed and the following enacted in its place:

§1537. Impact and incentive payments; property value offset

1. Impact and incentive payments. In addition to payment in lieu of taxes provided in section 1505, the authority may make impact payments based on measurable criteria and may provide incentive payments to a municipality in which a low-level radioactive waste disposal or storage facility is located or, in the case of an unorganized territory, to the county in which the unorganized territory is located. In the event the facility is located in an unorganized territory, the county commis-

sioners shall use all impact and incentive payments for the benefit of the unorganized territory within the county in which the facility is located. Impact payments and incentive payments must be funded by the user fees established in section 1536, subsection 1. The authority shall establish, by rule, any requirements for the use of impact payments and incentive payments, including the establishment of a perpetual reserve fund to cover post-closure costs.

2. Criteria. The measurable criteria on which the authority must base its impact payments include, without limitation:

A. Improvement, maintenance and repair of local roads directly affected by traffic to and from the disposal or storage facility;

B. Development and maintenance of adequate local emergency response capacity; and

C. Financial support for on-site, locally employed personnel or other services necessary to enable the municipality or unorganized territory to monitor compliance with state and federal requirements by the disposal or storage facility.

3. Property value offset. Owners of property which value has been affected by a low-level radioactive waste disposal or storage facility are eligible for reimbursement for loss in property value directly attributable to the construction and operation of the facility. The authority shall adopt rules to establish the formula and procedure for reimbursement, including, without limitation, definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value offset program will be in effect and an accounting of real estate trends in the area.

4. Legislative approval. After an affirmative vote under section 1527, subsection 3, the authority must submit legislation authorizing the proposed impact and incentive payments and property value offset to the joint standing committee of the Legislature having jurisdiction over low-level radioactive waste disposal matters.

See title page for effective date.

CHAPTER 880

H.P. 1618 - L.D. 2279

An Act to Strengthen Maine's Governmental Ethics Laws

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

Whereas, the public is best served by a balanced and just commission to oversee election practices of candidates; and

Whereas, the public is also best served by the full disclosure of personal financial information of all candidates in legislative campaigns; and

Whereas, it is in the best interest of all Maine citizens to implement disclosure and election commission reforms as soon as possible; 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. 1 MRSA §1002, sub-§1, as amended by PL 1989, c. 503, Pt. B, §1, is further amended to read:

1. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33, called the "commission," shall consist consists of 7 9 members to be appointed as follows:

A. The President of the Senate and, the floor leaders of the 2 major parties and the assistant minority leader in the Senate shall each appoint one member, with the concurrence of 2/3 vote of the Senate. Each such member shall must be appointed in January of each even-numbered year as provided in this subsection; and shall serve a term of 2 years from the date of appointment or until a successor is appointed and qualified;

B. The Speaker of the House and, the floor leaders of the 2 major parties and the assistant minority leader in the House of Representatives shall each appoint one member, with the concurrence of 2/3 vote of the House of Representatives. Each such member shall must be appointed in January of each even-numbered year as provided in this subsection; and shall serve a term of 2 years from the date of appointment or until a successor is appointed and qualified; and

C. The 6 8 members so appointed shall, by an affirmative vote of at least 5 6 members, elect a 7th 9th member, who shall act as chairman, and who shall serve a term of 2 years, or until a successor is appointed and qualified; and

D. The terms of the members of the commission must be staggered. With respect only to the Senate appointments that are made in 1992, the