

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

~~balance of this account after these allocations must be redeposited in the Maine Dairy Farm Stabilization Fund for distribution to producers.~~

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Agricultural Production		
All Other		\$45,228
Provides funds for administration of the Maine dairy farm stabilization program and for general operating costs incurred to enforce and verify standards for the certification trademark for milk and milk products.		
Public Services - Agriculture		
All Other	\$25,000	\$25,000
Provides funds for general operating costs of the milk inspection program.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL	\$25,000	\$70,228

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except that the provisions that amend the Maine Revised Statutes, Title 36, sections 4543 and 4544 and the allocation section take effect on May 1, 1994.

Effective April 12, 1994, unless otherwise indicated.

CHAPTER 664

S.P. 730 - L.D. 1951

An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact

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

Whereas, this legislation streamlines the regulatory functions of the State and alters the regulation of radioactive waste in the State; and

Whereas, the changes would be beneficial to the State if made immediately; 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. 5 MRSA §12004-F, sub-§13, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§24-D, as renumbered by RR 1991, c. 2, §15, is repealed.

Sec. 3. 5 MRSA §12004-J, sub-§2, as corrected by RR 1993, c. 1, §14, is repealed.

Sec. 4. 5 MRSA §12004-J, sub-§2-A is enacted to read:

<u>2-A.</u>	<u>Advisory</u>	<u>Legislative</u>	<u>38</u>
<u>Environment</u>	<u>Commission</u>	<u>Per Diem</u>	<u>MRSA</u>
	<u>on Radioac-</u>		<u>§1453-A</u>
	<u>tive Waste</u>		

Sec. 5. 22 MRSA §565-A is enacted to read:

§565-A. Coordination with State Radiation Control Agency

The Health and Environmental Testing Laboratory shall provide laboratory services for environmental testing and analysis as necessary to implement the radiation protection services of the department conducted pursuant to section 680, subsection 2, paragraph D. Each nuclear power plant shall pay a fee to the Health and Environmental Testing Laboratory to the special revenue account established in section 568 to carry out the purposes of this section. The fee is \$90,000 annually.

Sec. 6. 22 MRSA §664, sub-§5, as amended by PL 1987, c. 882, §2, is further amended to read:

5. Fees. Each nuclear power plant licensee whose operations are monitored under this chapter shall pay a fee to the State Nuclear Safety Inspector to the permanent fund established in section 680, subsection 7. The fee ~~shall~~ must take the form of a yearly

payment indicated in this subsection for the fiscal year from the fund established in section 680, subsection 7, for the full cost of the on-site inspection program, including the cost to the State for personnel and fringe benefits.

The State Nuclear Safety Inspector fee ~~shall be \$80,000~~ is \$100,000 annually.

Sec. 7. 22 MRSA §675-A is enacted to read:

§675-A. Advisory Committee on Radiation

1. Appointment. The Governor shall appoint an Advisory Committee on Radiation consisting of 7 members. One member must be a physician and one member must be a dentist, both of whom must be regularly involved in the medical use of radiation; one member must represent the general public and the remaining 4 members must have training and experience in the various fields in which sources of radiation are used. Members of the committee serve 5-year staggered terms and are not compensated for their services, but may be reimbursed for actual expenses to attend committee meetings or for authorized business of the committee.

2. Duties. The committee shall make recommendations to the commissioner and furnish advice that is requested by the department on matters relating to the regulation of sources of radiation including enforcement actions, regulation revision and the establishment of fees. The committee may also make recommendations and reports to the joint standing committees of the Legislature.

Sec. 8. 22 MRSA §676, sub-§4, as amended by PL 1987, c. 519, §6, is further amended to read:

4. Radioactive waste. The Department of ~~Environmental Protection~~ Human Services shall coordinate management of and shall serve as point of contact with the United States Nuclear Regulatory Commission for high-level and low-level radioactive wastes, in consultation with the Department of Environmental Protection, the State Nuclear Safety Advisor in fulfillment of his duties pursuant to Title 25, sections 51 and 52, and the State Nuclear Safety Inspector in fulfillment of his duties pursuant to ~~chapter 159-A~~ section 666.

Sec. 9. 22 MRSA §679, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read:

§679. Low-level radioactive waste disposal

State regulation of low-level radioactive waste disposal ~~shall be~~ is subject to the primary jurisdiction of the Department of ~~Environmental Protection~~ Human Services, as specified in ~~Title 38~~ section 676, ~~except that disposal of low-level radioactive waste in~~

the State is also subject to regulation by the Department of Environmental Protection.

Sec. 10. 22 MRSA §§679-A to 679-C are enacted to read:

§679-A. Low-level radioactive waste management

1. Designated. The department is designated as the agency to fulfill the state regulatory and enforcement requirements for the Texas Low-Level Radioactive Waste Disposal Compact, referred to in this chapter as the "compact." The department shall also execute the administrative requirements of the compact as defined in subsection 2, paragraph B.

2. Duties of the department. The department shall:

A. Develop rules to fulfill the State's responsibilities and requirements for the compact pursuant to the contract requirements set forth in Article IV, Section 4.05, subsections (1) to (4), (6) and (8) of the compact.

B. Provide for the disbursement of funds from the Radioactive Waste Fund to fulfill the requirements of Article IV, Section 4.05, subsection (6) of the compact, to compensate the state commission member and to fund the activities of the Advisory Commission on Radioactive Waste as described in Title 38, section 1453-A; and

C. Report annually to the Advisory Commission on Radioactive Waste on its activities pertaining to this section.

3. Employees. To fulfill the requirements of this section, the department may employ staff subject to the Civil Service Law.

§679-B. Radioactive Waste Fund

1. Establishment. There is established the Radioactive Waste Fund to be used to carry out the purposes of this chapter. Money allocated from this fund must be administered by the commissioner in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to ensure safe and effective low-level radioactive waste management and to monitor and evaluate plans for storage and disposal of high-level radioactive waste.

2. Service fee; ceiling. Except for waste that is exempt in accordance with subsection 4, the department shall assess annually by September 1st each low-level radioactive waste generator a service fee on all low-level radioactive waste generated in this State that is shipped to a low-level radioactive waste disposal facility, stored awaiting disposal at such a

facility or stored for any other purpose. The service fee must be based 50% on the volume and 50% on the radioactivity of the waste disposed in a disposal facility in the previous calendar year or placed in storage in the previous calendar year if the State did not have access to a disposal facility for that year, but each generator must be assessed a minimum of \$100 annually. Each generator must pay this service fee within 30 days, except that any generator may choose to make quarterly payments instead. Any radioactive waste for which a service fee was assessed and collected under this section can not be reassessed for the purposes of this section. The radiation control program within the Division of Health Engineering shall adopt rules in accordance with the Maine Administrative Procedure Act concerning the calculation of the fee and the exemptions to the fee, consistent with this section. The revenue from this service fee each year must amount to \$260,000 and must be credited to the fund established in subsection 1 and used to carry out the purposes of this section and of Title 38, section 1453-A. If the Advisory Commission on Radioactive Waste, as established in Title 38, section 1453-A is dissolved, the service fee ceiling must be lowered by the amount of the budget of that commission.

3. Compact fee assessment; ceiling. In addition to the service fee assessed under subsection 2, the commissioner shall annually by September 1st, beginning in 1994, assess any amount necessary to fulfill the payment requirements to the Texas Low-Level Radioactive Waste Disposal Compact Commission pursuant to section 679-A, subsection 2, paragraph B less any balance carried forward under subsection 6. The commissioner shall assess each generator such a fee using the same method for computing individual assessments as set out in subsection 2. Each generator must pay the fee within 30 days, except that any generator may choose to make quarterly payments instead.

4. Fee exemptions. The following types of low-level radioactive waste are exempt from the fees established in subsections 2 and 3:

- A. Waste that is authorized by the United States Nuclear Regulatory Commission for disposal without regard to its radioactivity;
- B. Waste that is authorized by the United States Nuclear Regulatory Commission to be stored at the site of generation for decay and ultimate disposal without regard to its radioactivity; and
- C. Radioactive waste or other material that is returned to the vendor, including, but not limited to, sealed sources.

5. Allocation from fund. Money in the Radioactive Waste Fund established by this section must be allocated from time to time by the Legislature for the following purposes: to the Radioactive Waste Advisory Commission Fund as established in Title 38, section 1454-A to fund the activities of the Advisory Commission on Radioactive Waste as described in Title 38, section 1453-A for advisory and public information activities; and to the department for regulatory activities as described in this section. These amounts become available in accordance with Title 5, chapters 141 to 155.

The department may receive and expend federal grants and payments for the purpose of carrying out its duties set out in section 679-A, subsection 2. The money received by the department from federal sources may not be counted toward the ceiling established in subsection 2.

6. Balance carried forward. Any unexpended balance in the Radioactive Waste Fund may not lapse, but must be carried forward in the same amount for the next fiscal year and must be available for the purposes authorized by this chapter.

7. Financial reports. The department shall report annually before February 1st to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the income to and expenditures from the Radioactive Waste Fund for the previous year and on the budget for the coming year. Those reports must include total fees received from each generator, 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 the department and transfer of funds under subsection 8.

8. Transfer of funds. Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the State Planning Office, the Maine Geological Survey and the Maine Land Use Regulation Commission.

Sec. 11. 22 MRSA §680, sub-§1, as amended by PL 1991, c. 496, §4, is further amended to read:

1. Nuclear power plants. The annual registration fee for operating nuclear power plants is \$138,000 for fiscal year 1991-92 and \$100,000 per year in subsequent fiscal years \$80,000.

Sec. 12. 36 MRSA §271, sub-§2, ¶A, as amended by PL 1987, c. 530, §2, is further amended to read:

A. Hear and determine appeals according to the following provisions of law:

- (1) The tree growth tax law, chapter 105, subchapter II-A;
- (2) The farm and open space law, chapter 105, subchapter X;
- (3) As provided in section 843;
- (4) As provided in section 844;
- (5) Section 272; and
- (6) Section 2865; and
- ~~(7) Title 38, section 1505;~~

Sec. 13. 38 MRSA §1451, sub-§3-A, as amended by PL 1985, c. 737, Pt. A, §114, is further amended to read:

3-A. Commission. "Commission" means the Advisory Commission on Radioactive Waste established by section ~~1453~~ 1453-A.

Sec. 14. 38 MRSA §1453, as amended by PL 1993, c. 92, §17, is repealed.

Sec. 15. 38 MRSA §1453-A is enacted to read:

§1453-A. Advisory Commission on Radioactive Waste

1. Establishment; purpose. The Advisory Commission on Radioactive Waste, referred to in this section as the "commission," is established. The commission shall advise the Governor, the Legislature and other pertinent state agencies and entities on matters relating to radioactive waste management and provide information to the public and create opportunities for public input in order to facilitate public understanding of radioactive waste issues.

2. Membership; appointment. The commission consists of 16 members, appointed as follows:

- A. The commissioner or the commissioner's designee;
- B. The Commissioner of Human Services or the commissioner's designee;
- C. The State Geologist or a designee;

D. One person from a commercial nuclear power facility situated in the State, appointed by the Governor;

E. Two persons from organizations that hold licenses issued by the State for the use of radioactive material, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

F. Three Senators, appointed by the President of the Senate, 2 belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate;

G. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, 2 belonging to the political party holding the largest number of seats in the House of Representatives and one belonging to the political party holding the 2nd largest number of seats in the House of Representatives; and

H. Four members of the general public with a knowledge of and interest in the management of radioactive materials and radioactive waste, 2 of whom are appointed by the Governor, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives.

The terms of the legislative members expire the first Wednesday in December of even-numbered years. The terms of the public member appointed by the President of the Senate, one public member appointed by the Governor and the licensee member appointed by the Speaker of the House of Representatives expire December 31st of odd-numbered years. The terms of the public member appointed by the Speaker of the House of Representatives, the licensee member appointed by the President of the Senate and one public member appointed by the Governor expire December 31st of even-numbered years. Notwithstanding this subsection, any public member or licensee member may be removed by the appointing authority at the pleasure of the appointing authority and a new member may be appointed to complete the term of the preceding appointee. Members may continue to serve until their replacements are designated. Vacancies must be filled by the appointing authority to complete the term of the preceding appointee. The commission shall elect the chair and vice-chair from its membership by majority vote of all members present.

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

A. Provide opportunities for public input and disseminate information to the general public

and promote public understanding concerning the management of radioactive waste;

B. Study the management, transportation, treatment, storage and disposal of radioactive waste, including high-level and low-level radioactive waste and mixed waste, generated in this State;

C. Monitor methods, criteria and federal timetables for siting and constructing high-level radioactive waste repositories or storage facilities;

D. Monitor the Texas siting effort and Texas Low-Level Radioactive Waste Disposal Compact Commission activities and, if events require, propose legislation to reinstitute an in-state siting effort for the storage or disposal of low-level radioactive waste in the State;

E. Advise the Governor, the Legislature, the department and the Department of Human Services or their successors, the State's member of the Texas Low-Level Radioactive Waste Disposal Compact Commission and other pertinent state agencies and entities, as appropriate, on relevant findings and recommendations of the commission;

F. Receive a written report from the State's member of the Texas Low-Level Radioactive Waste Disposal Compact Commission within 60 days after a meeting of that commission or an oral report from that member at the next scheduled meeting of the Maine Commission on Radioactive Waste, whichever comes first; and

G. Prepare a newsletter recording developments relevant to radioactive waste issues.

4. Meetings and reports. The commission shall meet at least 4 times a year. The commission shall submit an annual report of activities to the Governor, the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by February 15th of each year.

5. Compensation. Members of the commission are entitled to legislative per diem in compensation for attendance at commission meetings in accordance with the provisions of Title 5, chapter 379, except that all legislative members of the commission must obtain prior approval of out-of-state travel from their respective presiding officers.

6. Staff assistance. The department shall provide assistance to the commission in the conduct of its business. The State Nuclear Safety Advisor and

the Public Advocate shall provide consultation as requested.

7. Repeal. This commission is subject to review and terminates in accordance with Title 3, chapter 33, not including the grace period, no later than June 30, 1999, unless continued or modified by law.

Sec. 16. 38 MRSA §1454, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §270, is repealed.

Sec. 17. 38 MRSA §1454-A is enacted to read:

§1454-A. Radioactive Waste Advisory Commission Fund

1. Establishment. There is established the Radioactive Waste Advisory Commission Fund to be used to carry out the purposes of this chapter. Money allocated to the commission and to the Department of Environmental Protection from this fund must be administered by the Commissioner of Environmental Protection in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to carry out the functions of the Advisory Commission on Radioactive Waste as set forth in section 1453-A.

2. Allocation. Money in the fund established by this section must be allocated from time to time by the Legislature to the department to fund advisory and public information activities of the commission. 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.

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

4. 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 resource matters on the expenditures from the Radioactive Waste Advisory Commission Fund for the previous fiscal year and on the budget for the coming year. Those reports must include 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

the commission and transfers of funds under subsection 5.

5. Transfer of funds. Notwithstanding Title 5, section 1585, funds allocated under this section may be transferred as necessary to accomplish the purposes of this chapter from the Department of Environmental Protection to other agencies, including the Maine Geological Survey, Maine Land Use Regulation Commission, Division of Health Engineering and the State Planning Office.

Sec. 18. 38 MRSA §1481, as enacted by PL 1985, c. 705, §5, is repealed.

Sec. 19. 38 MRSA c. 14-B, as amended, is repealed.

Sec. 20. 38 MRSA c. 14-C is enacted to read:

CHAPTER 14-C

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

§1545. Assessment for compact costs

The State Planning Office shall assess any nuclear plant within the State for the full costs of membership and participation in the Texas Low-Level Radioactive Waste Disposal Compact, referred to in this section as the "compact," subject to the provisions of subsection 405(5) of Articles IV and V of that agreement. The assessments charged to the nuclear power plant and passed on through wholesale rates to retail utilities are considered just and reasonable operating costs for retail utilities in this State and may be deferred for recovery in future rate proceedings, except that refunds received by the nuclear power plant under subsection 6 must be credited against costs recoverable under this paragraph. Assessments billed pursuant to this section must be forwarded to the Texas Low-Level Radioactive Waste Disposal Authority.

1. Initial assessments. The State Planning Office shall bill an initial assessment in the amount of \$12,500,000 within 30 days following ratification of the compact agreement by the Congress of the United States. The amount assessed must be paid within 15 days of assessment. Any amounts received by the State Planning Office from a self-insurance fund and the Low-level Radioactive Waste Facility Fund established pursuant to sections 1535 and 1540 must be credited toward this assessment.

The State Planning Office shall bill a 2nd assessment in the amount of \$12,500,000 within 30 days following the date of the opening of the compact facility in

Texas. The amount assessed must be paid within 15 days of assessment.

2. Host county assessments. The State Planning Office shall bill an initial host county assessment in accordance with Article IV, Section 4.05, subsection (5) of the compact in the amount of \$1,250,000 no later than 3 working days following ratification of the compact agreement by the Congress of the United States. The amount assessed must be paid within 10 days of assessment.

The State Planning Office shall bill a 2nd host county assessment in the amount of \$1,250,000 no later than 3 working days following the approval of a facility operating license by the Texas Water Commission or its successor agency.

3. Pro rata shares of compact commission's operating budget. On an annual basis or on any other schedule established by the Texas Low-Level Radioactive Waste Disposal Compact Commission, the State's share of the administrative, legal and other expenses budgeted for the operation of the compact commission must be assessed by the Department of Human Services pursuant to Title 22, section 679-A.

4. Limitation. Any payment under the compact must be paid from funds available as a result of assessments levied pursuant to this section. In the event that sufficient funds are not available from those assessments, payments may not be made for this purpose from the General Fund or any other state account without specific legislative approval. A fee may not be charged for an indirect cost rate or as a handling charge by any agency of the State during the time that the funds are in the possession of the State Planning Office.

5. Alternative payment schedule. In accordance with Article V, Section 5.02 of the compact agreement and if so designated by the Texas Low-Level Radioactive Waste Disposal Compact Commission, the schedule for assessments by the State Planning Office to be forwarded to the Texas Low-Level Radioactive Waste Disposal Authority under this section must be revised to conform to the payment schedule for the repayment of debt incurred for the construction of the Texas disposal facility. An amount may not be assessed pursuant to this subsection on less than 30 days' notice and a payment may not be required in less than 15 days from the date of assessment.

6. Surcharge. Beginning on June 30 of the first year following commencement of operations at the compact facility, the Department of Human Services pursuant to Title 22, section 679-A shall assess a surcharge for waste disposed of by any generator who has not been assessed for compact cost pursuant

to subsections 1 and 2. The surcharge must be refunded to any generator who was assessed and made payments pursuant to subsections 1 and 2. The surcharge must be assessed based on a 30-year facility life and be based on the amount of waste disposed of at the compact facility in the previous calendar year. The Department of Human Services shall adopt rules to govern the calculation of the surcharge so that each generator is assessed pro rata shares of the cost of the assessment under subsections 1 and 2.

Sec. 21. Transition; advisory commission.

The Advisory Commission on Radioactive Waste is not dissolved in this Act, but continues with the changes set forth in this Act. Except for the representative of the Executive Department, members appointed to the commission as it was established in the Maine Revised Statutes, Title 38, former section 1453 must continue to serve until their terms expire in accordance with section 1453-A as enacted in this legislation. The Governor shall appoint 2 public members and a representative of a commercial nuclear power facility situated in the State to fill terms that expire in accordance with the provisions of section 1453-A.

Sec. 22. Transition provisions. The following actions are necessary to carry out the purposes of this legislation.

1. No later than June 30, 1994:

A. All amounts invested in a self-insurance fund established pursuant to the Maine Revised Statutes, Title 38, section 1540, subsection 4 must be transferred to the State Planning Office for the purpose of partial fulfillment of the assessment pursuant to Title 38, section 1545 and the self-insurance fund is terminated and ceases to exist. These amounts in the possession of the State Planning Office are subject to the requirements of Title 38, section 1545, subsection 4;

B. The balance of the fund for facility construction established pursuant to Title 38, section 1535 must be transferred to the State Planning Office for the purpose of partial fulfillment of the assessment pursuant to Title 38, section 1545. These amounts in the possession of the State Planning Office are subject to the requirements of Title 38, section 1545, subsection 4;

C. The remaining balance, if any, of all financial accounts in the possession of the Maine Low-level Radioactive Waste Authority must be transferred to the Radioactive Waste Fund in the Department of Human Services and must be deducted from the amount of the Radioactive Waste Fund assessment for fiscal year 1994-95; and

D. Any balance in the Radioactive Waste Evaluation Fund established under Title 38, former section 1454 must be transferred to the Radioactive Waste Advisory Commission Fund in the Department of Environmental Protection for the use of the Advisory Commission on Radioactive Waste. The total amount of the transferred funds must be used to reduce the assessment by the Department of Human Services for the Radioactive Waste Fund for fiscal year 1994-95.

2. The Maine Low-level Radioactive Waste Authority will cease operations and terminate the employment of all personnel when it has completed the transfer of all funds as required in this Act and all data, records and documents to a proper archive and the transfer of all equipment as follows:

A. One computer and office furniture to the radiation control program within the Department of Human Services;

B. Any remaining computers, as needed, and its library to the Advisory Commission on Radioactive Waste; and

C. All remaining assets, equipment and property to be sold with all proceeds to be transferred to the Radioactive Waste Fund established by the Maine Revised Statutes, Title 22, section 679-B.

Sec. 23. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Radioactive Waste Evaluation Fund

Personal Services	(\$2,000)
All Other	(23,219)
	<hr/>
TOTAL	(\$25,219)

Provides for the deallocation of funds to reflect the repeal of the Radioactive Waste Evaluation Fund.

Technical Studies - Department of Environmental Protection

Positions - Other Count (-2.0)
 Personal Services (\$93,019)
 All Other (49,097)

TOTAL (\$142,116)

Provides for the deallocation of funds to reflect the repeal of the Radioactive Waste Evaluation Fund and the reestablishment of the Technical Studies program as a part of the new Advisory Commission on Radioactive Waste.

Advisory Commission on Radioactive Waste

Positions (2.0)
 Personal Services \$93,019
 All Other 39,981
 Capital Expenditures 2,000

TOTAL \$135,000

Provides for the allocation of funds to establish one 1/2-time Clerk Typist III position, one 1/2-time Planning and Research Associate I position and one Environmental Specialist IV position and general operating costs for the former Technical Studies program, which is reestablished as a part of the new Advisory Commission on Radioactive Waste.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL (\$32,335)

EXECUTIVE DEPARTMENT

State Planning Office

All Other \$15,000,000

Provides for the allocation of funds to implement the Texas Low-Level Radioactive Waste Disposal Compact.

EXECUTIVE DEPARTMENT TOTAL \$15,000,000

HUMAN SERVICES, DEPARTMENT OF

Health - Bureau of

Positions - Other Count (1.5)
 Personal Services \$51,403
 All Other 38,597

TOTAL \$90,000

Provides for the allocation of funds including one Chemist II position and one part-time Lab Technician II position to the Public Health Laboratory to provide radiation protection services.

Health - Bureau of

Positions - Other Count (2.0)
 Personal Services \$65,000
 All Other 52,000
 Capital Expenditures 8,000

TOTAL \$125,000

Provides for the allocation of funds including one Assistant Engineer position and one Clerk Typist III position to fulfill the state regulatory and enforcement requirements of the Texas Low-Level Radioactive Waste Disposal Compact.

DEPARTMENT OF HUMAN SERVICES

TOTAL	\$215,000
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TOTAL ALLOCATIONS	\$15,182,665
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except that the portions of this Act that repeal the Maine Revised Statutes, Title 38, chapter 14-B and section 1454 and enacts Title 38, chapter 14-C and section 1454-A take effect July 1, 1994.

Effective April 12, 1994, unless otherwise indicated.

CHAPTER 665**S.P. 747 - L.D. 1976****An Act Relating to Pardons**

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

Whereas, people are adversely affected by the continued listing of convictions for which they have received full and free pardons; and

Whereas, the people adversely affected need to have their records corrected 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. 15 MRSA §2167 is enacted to read:

§2167. References to pardoned crime deleted from Federal Bureau of Investigation's identification record

In any criminal case in which the Governor grants a convicted person a full and free pardon, that person, after the expiration of 10 years from the date the person is finally discharged from any sentence imposed as a result of the conviction, may make written application to the State Bureau of Identification to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record. Following receipt of an appli-

cation, the State Bureau of Investigation shall make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency if the application is timely and the person has not been convicted of a crime in this State or any other jurisdiction since the full and free pardon was granted and has no formal charging instrument for a crime pending in this State or any other jurisdiction.

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

Effective April 12, 1994.

CHAPTER 666**H.P. 1451 - L.D. 1980**

An Act to Make Maine Law Consistent with the Federal Law Regarding the Omnibus Budget Reconciliation Act of 1993 and to Clarify Maine Laws Regarding Underwriting and Continuity

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

PART A

Sec. A-1. 24 MRSA §2318, sub-§1, as enacted by PL 1991, c. 200, Pt. B, §1, is repealed and the following enacted in its place:

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent children" means children who are under 19 years of age and are children, step-children or adopted children of, or children placed for adoption with, the subscriber, member or spouse of the subscriber or member.

B. "Placed for adoption" means the assumption and retention of a legal obligation by a person for the total or partial support of a child in anticipation of adoption of the child. If the legal obligation ceases to exist, the child is no longer considered placed for adoption.

Sec. A-2. 24 MRSA §2318, sub-§5 is enacted to read: