

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

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Augusta, Maine
2000

radiological and chemical contaminants that will remain at the site at which the decommissioning of a nuclear power plant is occurring or has been completed. In undertaking its evaluation, the department shall consider any proposed institutional and engineering controls.

4. Compliance with applicable law; assessment of compliance. A nuclear facility owner must obtain and be in compliance with all licenses, permits and approvals required under this Title, including, but not limited to, those required under chapter 3, article 6 and chapter 13 for the site at which the decommissioning of a nuclear power plant is occurring or has been completed. In addition to its existing authority to require monitoring wells and other measures for nonradiological environmental issues under chapters 3, 13, 13-B and other applicable laws, the department may require radiological monitoring, use of monitoring wells, use of liners, soil sampling and other measures at the site to allow the department to assess and ensure compliance with applicable requirements of this Title, including, but not limited to, subsection 2, and the terms of any licenses and permits issued pursuant to this Title with respect to the site.

5. Provision of information. As part of any permit application by a nuclear facility owner or site investigation by the department pursuant to this Title, the nuclear facility owner shall provide to the department information necessary for the department to establish compliance with the provisions of this section or other applicable laws.

Sec. 4. 38 MRSA §1482, sub-§1-A is enacted to read:

1-A. State ownership; exception. Notwithstanding subsection 1, if a low-level radioactive waste disposal facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process, the State is not required to own the facility.

Sec. 5. Interpretation and effect. Nothing in this Act may be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including, but not limited to, any method of encapsulating or burying such material at the site of a decommissioned nuclear power plant.

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

Effective April 26, 2000.

CHAPTER 740

S.P. 1019 - L.D. 2588

An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund

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

Sec. 1. 26 MRSA §1190 is enacted to read:

§1190. Study of benefit changes

1. Referral for review and evaluation. Whenever a legislative measure containing an unemployment compensation benefit change is proposed, the bureau shall complete a review and evaluation pursuant to subsection 2 in advance of the public hearing on the proposed measure. Once a review and evaluation has been completed, the joint standing committee of the Legislature having jurisdiction over the proposal shall review the findings of the bureau. A proposed benefit change may not be enacted into law unless review and evaluation pursuant to subsection 2 has been completed. For purposes of this section, a "benefit change" means any change in law that will cause a change in the number of people eligible as well as any increase or decrease in the dollar amount, maximum amount or duration of benefits payable.

2. Content of review. The review and evaluation must include, at a minimum and to the extent information is available, the following:

A. Total change in cost to the unemployment compensation trust fund;

B. Future impact on the planned yield adjustment and the experience rating records of employers, sorted by size and industry;

C. Review of the impact of a proposed benefit change on recipient groups, including an analysis by gender, income levels and geographic distribution; and

D. Any other information that the bureau considers appropriate to assist the Legislature in deciding on the proposed benefit change.

Sec. 2. 26 MRSA §1221, sub-§4-A, ¶B, as enacted by PL 1999, c. 464, §9, is amended by repealing and replacing subparagraph (3) to read:

(3) The commissioner shall compute a reserve multiple to determine the schedule and planned yield in effect for a rate year. The reserve multiple is determined by di-

viding the fund reserve ratio by the average benefit cost rate. The determination date is October 31st of each calendar year. The schedule and planned yield that apply for the 12-month period commencing every January 1st are shown on the line of the following table that corresponds with the applicable reserve multiple in column A, except that a planned yield of 1.1% must be in effect for the 12-month period commencing January 1, 2000.

<u>A</u>	<u>B</u>	<u>C</u>
<u>Reserve Multiple</u>	<u>Schedule</u>	<u>Planned Yield</u>
<u>Over 1.83</u>	<u>A</u>	<u>0.6%</u>
<u>1.75 - 1.83</u>	<u>B</u>	<u>0.7%</u>
<u>1.68 - 1.74</u>	<u>C</u>	<u>0.8%</u>
<u>1.58 - 1.67</u>	<u>D</u>	<u>0.9%</u>
<u>1.50 - 1.57</u>	<u>E</u>	<u>1.0%</u>
<u>.50 - 1.49</u>	<u>F</u>	<u>1.1%</u>
<u>.25 - .49</u>	<u>G</u>	<u>1.2%</u>
<u>Under .25</u>	<u>H</u>	<u>1.3%</u>

See title page for effective date.

CHAPTER 741

S.P. 1084 - L.D. 2688

An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities

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

Sec. 1. 38 MRSA §1451, sub-§11, as amended by PL 1989, c. 461, §1, is further amended to read:

11. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material, as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11(e)(2); and that the United States Nuclear Regulatory Commission, consistent with existing law, classifies as low-

level radioactive waste. Low-level radioactive waste also includes any radioactive material that is generated through the production of nuclear power and that the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory concern after that date.

A. "Low-level radioactive waste" does not include radioactive material remaining at the site of a decommissioned nuclear power plant if the following enhanced state standards are met, as determined by the department:

(1) The site has been determined by the United States Nuclear Regulatory Commission to meet the criteria for release under 10 Code of Federal Regulations, Part 20 pursuant to a license termination plan approved by that commission;

(2) The site is not used for the disposal of radioactive material generated by a facility other than the nuclear power plant;

(3) The residual radioactivity distinguishable from background radiation results in a total effective dose equivalent to an average member of the critical group of not more than 10 millirems, or 0.10 millisievert, per year, including that from groundwater sources of drinking water;

(4) The residual radioactivity distinguishable from background radiation in groundwater sources of drinking water results in a total effective dose equivalent of not more than 4 millirems, or 0.04 millisievert, per year to the average member of the critical group; and

(5) Any construction demolition debris, including concrete, disposed of at the site qualifies for unrestricted use within the limits specified in Table 1 in the 1974 United States Atomic Energy Commission Regulatory Guide 1.86. Below-grade, intact structures, including, but not limited to, slabs, walls and foundations, are not considered construction demolition debris for purposes of this subparagraph but are subject to the provisions of subparagraphs (1) to (4).

A nuclear facility owner shall demonstrate compliance with subparagraphs (1) to (4) using actual measurements and the analytic methodology approved by the United States Nuclear Regulatory Commission and supplemented by modeling the effects of engineering controls that have been designed to reduce exposure.