

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

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 \$135,000 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.~~

Sec. B-11. 25 MRSA §52, sub-§3, as amended by PL 2003, c. 673, Pt. S, §1, is repealed.

PART C

Sec. C-1. PL 1997, c. 686, §12, as amended by PL 1999, c. 366, §3, is further amended to read:

Sec. 12. Reimbursement. Maine Yankee Atomic Power Company shall reimburse the Department of Environmental Protection for actual costs incurred in conducting activities related to decommissioning by the department's regular or project staff or by the department's contractors. Reimbursement charges may not exceed \$70,000 in fiscal year 1997-98 or \$100,000 in fiscal year 1998-99. Reimbursement charges may not exceed \$50,000 for each remaining year of decommissioning activity. Payments required under this section cease upon the July 2005 payment of \$50,000 to the department in fiscal year 2005-06.

Sec. C-2. PL 1997, c. 700, §10 is amended to read:

Sec. 10. Payment by Maine Yankee Atomic Power Plant. The Maine Yankee Atomic Power Plant shall pay \$25,000 by July 1st of each year to the Department of Environmental Protection to support legislative allocations to the department associated with the Advisory Commission on Radioactive Waste and Decommissioning. Payments required under this section cease on the date of the final operating license termination of the Maine Yankee Atomic Power Plant that the former plant site, except for the spent fuel storage facility, is released from operating license requirements by the Nuclear Regulatory Commission. Any unobligated balance remaining must be returned to may be used by the department to pay costs incurred in overseeing and monitoring the site of the Maine Yankee Atomic Power Plant until the balance is exhausted.

PART D

Sec. D-1. 22 MRSA §663, as amended by PL 1997, c. 686, §4 and PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. D-2. Effective date. This Part takes effect September 30, 2006.

PART E

Sec. E-1. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Public Advocate 0410

Initiative: Allocates funds for the payment of costs incurred by agencies related to the decommissioning of the Maine Yankee nuclear power plant.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$270,000	\$217,500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$270,000	\$217,500

See title page for effective date, unless otherwise indicated.

CHAPTER 255

H.P. 165 - L.D. 214

An Act To Recognize the Federal Salary Level for Overtime When Higher than the State Level

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

Sec. 1. 26 MRSA §663, sub-§3, ¶K, as repealed and replaced by PL 1999, c. 465, §7, is amended to read:

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher.

See title page for effective date.

CHAPTER 256

H.P. 1049 - L.D. 1492

An Act To Permit the Department of Health and Human Services To Charge Fees to Homestead Facility Residents