

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD  
1865

AN ACT CREATING THE MAINE LOW-LEVEL RADIOACTIVE  
WASTE AUTHORITY.

PL 1987  
c. 530  
EMERGENCY

Sponsor: KANY, Mitchell, Holloway, Coles  
Committee Report: New Draft of LD 561  
Amendments Adopted:  
H-382 NUTTING  
H-396 COLES  
S-218 USHER  
S-221 KANY

SUMMARY: The original bill, LD 561, established a separate state authority to, if necessary, provide for planning, siting, licensing, construction, operation, maintenance, closure, post-closure care and long-term institutional control and license termination of a low-level radioactive waste (LLW) disposal facility or facilities for waste generated in the State and for which the State is responsible. The first job of the authority established by the bill would be to develop a siting plan for a LLW disposal facility as required to meet the next federal milestone date of January 1, 1988.

Initially, the authority would have consisted of 9 members, including the chair who would also serve full-time as the executive director of the authority. The other 8 members would be public members serving part-time and representing various fields of experience or expertise as well as reflecting geographical diversity. Following selection of a site for a LLW disposal facility, 2 additional members would be named representing the area selected. All members would be appointed by the Governor subject to confirmation by the Legislature. The executive director/chair would serve at the pleasure of the Governor; other members serve staggered 4-year terms. Public members would have received legislative per diem.

Various powers necessary for the accomplishment of its responsibilities are granted to the authority. The authority is directed to develop a Low-level Radioactive Waste Management Plan by December 1, 1987 which will also meet the federal milestone date for development of a siting plan. The management plan is to be updated annually and will guide the State's LLW disposal activities in the future. No disposal facility would be constructed unless DEP, Legislative and voter approval is given as required by current law.

A new Low-level Radioactivity Waste Facility Fund is created to pay for the costs related to development, operation, closure, and post-closure observation of a disposal facility. The development of a disposal facility is to be funded by a series of assessments on the nuclear

power plant in Maine designed to cover the entire costs of planning, siting and construction, including unforeseen contingencies. A total of up to \$10 million may be assessed for these tasks. Other users will contribute to the development costs by paying a surcharge on their user fees. The operations, maintenance, closure, and post-closure costs of a disposal facility, including unforeseen contingencies, are to be funded entirely by fees levied on users of the facility. The administrative costs of the authority would have been paid from the existing Radioactive Waste Evaluation Fund. To cover those costs, the cap of the fund is raised from \$150,000 to \$400,000 and to provide for initial start-up costs an immediate assessment would be imposed on generators to raise \$300,000.

The new draft, LD 1865, accomplishes the same purposes as the original bill in a similar manner. Several changes were made, however.

First, changes were made in the membership of the authority. Initially, the authority will consist of 7 members, including the State Geologist. The other 6 members are public members serving part-time and representing various fields of experience or expertise as well as reflecting geographical diversity. Following selection of a site for a LLW disposal facility, 2 additional members would be named representing the area selected. All public members would be appointed by the Governor subject to confirmation by the Legislature and serve staggered 4-year terms. Public members would receive \$100 per diem plus expenses. The Governor would select the chair. The executive director would be appointed by and serve at the pleasure of the authority, with a salary set by the authority.

Second, all costs related to LLW disposal activities will be funded from the new Low-level Radioactive Waste Facility Fund, including administrative costs of the authority. The authority's budget must be approved by the Legislature.

The committee considered and specifically rejected (as did the Radioactive Waste Advisory Committee which drafted the bill) language authorizing the authority to borrow money by issuing bonds. The committee felt it would be unwise to submit the State to potential financial loss and negative credit rating effects which would result if the authority defaulted on its bonds.

Senate Amendment (S-218) deletes the power of the authority to acquire property by eminent domain from the bill. Senate Amendment (S-221) clarifies that review of authority members is to be performed by the Energy and Natural Resources Committee, changes the date by which contract rules must be adopted by the authority from July to October, 1987, and makes technical changes in the appropriation section and Fiscal Note.

House Amendment (H-382) requires a vote to be held within a municipality or unorganized township selected for a LLW disposal site. Approval by 60% of those voting is required before the facility can be located there. House Amendment (H-396) clarifies the process for assessment of fees on generators of LLW to be paid into the Radioactive Waste Evaluation Fund and on generators and users to be paid into the Low-level Radioactive Waste Facility Fund. (Note that a mistake was made in printing the language amending \$1535 (assessment of planning, siting and construction costs). When the amendment was printed, an assessment of \$2,000,000 was omitted for the year 1990. That omission should be corrected at the first opportunity. The cap on assessments remains \$10,000,000.)

LD AN ACT TO AMEND THE LAWS ADMINISTERED BY THE  
1868 DEPARTMENT OF ENVIRONMENTAL PROTECTION.

PL 1987  
c. 419

Sponsor: USHER, Perkins, Dexter  
Committee Report: ENG W/O REF  
Amendments Adopted:  
H-383 JACQUES

SUMMARY: This bill was engrossed without reference to committee. LD 1868 was essentially a "new draft" of LD 1709 though it was offered by the Governor's office as separate legislation. It was also very similar to LD 864, a departmental omnibus bill considered by the committee earlier in the session. The remaining provisions of LD 1868 accomplished several additional objectives:

1. Included air quality law within the jurisdiction of district court through the "Rule 80-K" process to facilitate enforcement.
2. Created a new policy-influencing position in the Department of Environmental Protection to head up a new Bureau of Administration.
3. Revised the license fee structure and the authority governing the expenditure of revenues generated by these fees.
4. Prohibited timber harvesting within 250 feet of the water in resource protection zones under the shoreland zoning law.
5. Amended the new overboard discharge law (see LD 1268) to specifically exempt federal and state facilities from the ban on new overboard discharges.