

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	ONTP	

LD 2477 proposed to amend the definition of "oil terminal facilities" (currently defined to mean only those facilities that receive their petroleum products via waterborne sources) to include terminals that receive their products by pipeline.

LD 2496

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SHIAH	OTP-AM	S-617 S-710 TREAT

LD 2496 proposed to modify certain laws relating to the decommissioning of the Maine Yankee Nuclear Facility. The bill proposed

1. To add vehicles leaving the Maine Yankee site to the list of equipment and materials subject to monitoring;
2. To clarify the definition of "monitoring";
3. To add contaminated construction and demolition debris to the definition of "special waste," material that is subject to particular scrutiny by the Department of Environmental Protection;
4. To require notice to a municipality that has a solid waste facility or solid waste disposal facility in its jurisdiction to which decommissioning waste is transferred; and
5. To set a cumulative risk level at the site once decommissioning is complete.

Committee Amendment "A" (S-617) proposed to replace the bill. This amendment proposed

1. To provide that (similar to the original bill) the State Nuclear Safety Inspector be permitted to monitor vehicles or other means of transportation used to remove material from the site of a nuclear power facility, that acceptable monitoring activities by the inspector include taking radiological measurements, provided these are done according to certain standards, and that the facility licensee must provide split samples to the inspector;
2. To require that (as in the original bill) a municipality be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality;

3. To modify the definition of "low-level radioactive waste" to exclude radioactive material remaining at the site of a decommissioned nuclear power plant if the site meets the United States Nuclear Regulatory Commission's requirements for release, is not used to dispose of radioactive material generated by a facility other than the plant and meets the radiation dose standard established by the amendment;
4. To establish a protective radiation dose standard (cleanup standard) for the site at which the decommissioning of a nuclear power plant has been completed;
5. To require an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant;
6. To require the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and to clarify that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws;
7. To require the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws;
8. To repeal the provision of law that requires a low-level radioactive waste disposal facility to be owned by the State of Maine; and
9. To make expressly clear that the above provisions may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization".

House Amendment "A" to Committee Amendment "A" (H-1107) proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste."

Senate Amendment "A" to Committee Amendment "A" (S-704) proposed to clarify that the Department of Environmental Protection may require liners to contain wastes at the site of a decommissioned nuclear power plant in order to ensure compliance with applicable environmental laws, licenses or permits. It also proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste" and to remove the emergency preamble and emergency clause.

Senate Amendment "B" to Committee Amendment "A" (S-710) proposed to make the following changes to the committee amendment to the bill:

1. To remove from the committee amendment the section that would have changed the definition of "low-level radioactive waste";
2. To clarify that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by the committee amendment; and

- To remove the provision of the committee amendment that would have repealed the requirement that a low-level radioactive waste disposal facility be owned by the State. Under this amendment, the State would not be required to own such a facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

Enacted law summary

Public Law 1999, chapter 739 changes certain laws relating to the Maine Yankee Nuclear Facility. It provides that the State Nuclear Safety Inspector is permitted to monitor the removal or material from the site of a nuclear power facility, including taking radiological measurements; clarifies that a municipality must be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality; establishes a radiation dose standard for the site at which the decommissioning of a nuclear power plant has been completed; requires an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant; requires the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and clarifies that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws; requires the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws; makes expressly clear that the bill may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization"; clarifies that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by this law; and modifies a requirement of law that the State own a nuclear waste disposal facility by providing that the state is not required to own the facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

See Public Law 1999, chapter 741.

Public Law 1999, chapter 739 was enacted as an emergency measure effective April 26, 2000.

LD 2509

An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986

PUBLIC 720

Sponsor(s)
BRYANT
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-1039

LD 2509 proposed to allow fish hatcheries existing prior to January 1, 1986 to continue discharges into Class A waters only until practical alternatives exist. The bill also proposed to exempt fish hatcheries existing prior to January 1, 1986 but not licensed from the Maine Revised Statutes, Title 38, section 413 until practical alternatives exist.

Committee Amendment "A" (H-1039) proposed to authorize discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in