

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in the emergency preamble by striking out the 4th paragraph (page 1, lines 8 and 9 in L.D.) and inserting the following:

‘**Whereas**, the length of time that spent fuel will be stored in Maine and the necessary activities and associated costs to provide sufficient oversight are uncertain and require careful and coordinated review; and’

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

‘**Sec. 1. 35-A MRSA §4397** is enacted to read:

**§ 4397. Review of oversight activities and funding; report; additional assessments**

**1. Review.** Representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection; an independent expert in radiological and nuclear engineering selected by the Public Advocate; and a licensee operating an interim spent fuel storage facility in this State, referred to in this section as "the licensee," shall meet on a regular basis and no fewer than 4 times per calendar year:

A. To review activities being undertaken by the licensee, the Office of the Public Advocate, the Department of Public Safety and other agencies of State Government, including, but not limited to, the Department of Health and Human Services and the Department of Environmental Protection, with respect to ensuring:

(1) The protection of public health and safety at the site of the interim spent fuel storage facility; and

(2) Timely contract performance by the United States Department of Energy regarding the removal of spent nuclear fuel from the site;

B. To identify necessary activities to be undertaken by the parties in paragraph A for the next calendar year to ensure the protection of public health and safety at the site of the interim spent fuel storage facility and timely contract performance by the United States Department of Energy regarding the removal of spent nuclear fuel from the site; and

C. To develop recommendations regarding funding requirements to carry out the activities identified in paragraph B.

**2. Report.** Based on the activities conducted under subsection 1, the Office of the Public Advocate, in consultation with the Department of Public Safety, the radiation control program of the Department of Health and Human Services, the Department of Environmental Protection, the independent expert in radiological and nuclear engineering selected by the Public Advocate and the licensee, referred to in this subsection as "the consulting parties," shall prepare and submit an annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than February 15th of each year. The report must provide a summary of the review conducted pursuant to subsection 1 and include specific recommendations regarding funding requirements for the next calendar year pursuant to subsection 1, paragraph C. If the Office of the Public Advocate and the consulting parties are unable to agree on recommendations regarding funding requirements, the consulting parties shall submit their individual recommendations in writing to the Office of the Public Advocate and the Office of the Public Advocate shall include the individual recommendations of the consulting parties in the report. The Office of the Public Advocate, with input from the consulting parties, shall determine the format of the report. To assist in the preparation of the report, the Department of Public Safety, the Department of Health and Human Services and the Department of Environmental Protection shall submit to the Office of the Public Advocate no later than December 15th of each year an annual accounting of expenditures of funds from the Interim Spent Fuel Storage Facility Oversight Fund established pursuant to section 4396.

**3. Authority for legislation; annual fee.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall review the report submitted under subsection 2, including, but not limited to, the recommendations regarding funding requirements. On the basis of its review, the committee may submit legislation to amend the level of the annual fee required of the licensee under section 4395.

**4. Expenses.** In addition to any other fees or payments required under this subchapter, the licensee shall pay for reasonable and necessary expenses of the Office of the Public Advocate in fulfilling the requirements of this section, up to a maximum of \$15,000 for calendar year 2008 and up to a maximum of \$10,000 per year in each subsequent calendar year until the calendar year following the year the spent nuclear fuel is removed from the site.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Allocates funds received from the licensee operating a spent nuclear fuel facility in the State for expenses associated with the meeting coordination and reporting requirements of the Office of the Public Advocate pursuant to the Maine Revised Statutes, Title 35-A, section 4397. These funds are in addition to funds received from the licensee under Title 35-A, section 4395.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$15,000

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OTHER SPECIAL REVENUE FUNDS	\$0	\$15,000
TOTAL		

**SUMMARY**

This amendment replaces the bill. The amendment requires representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection; an independent expert in radiological and nuclear engineering selected by the Public Advocate; and the operator of an interim spent fuel storage facility in the State, the Maine Yankee Atomic Power Company, to meet periodically to review oversight activities being undertaken with regard to the spent nuclear fuel storage facility; to identify necessary activities and funding requirements for the next calendar year; and to prepare and submit an annual report with specific recommendations regarding funding requirements for the next calendar year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. After reviewing the report, the committee may submit legislation to amend the level of the annual fee that the licensee is required to pay to the State to cover oversight activities. The amendment also requires the licensee to pay for reasonable and necessary expenses of the Office of the Public Advocate in coordinating the review and preparing the annual report, up to a maximum of \$15,000 in the first year and \$10,000 in subsequent years and provides for the allocation of those funds.

**FISCAL NOTE REQUIRED**  
(See attached)