

## §679-B. Radioactive Waste Fund

**1. Establishment.** There is established the Radioactive Waste Fund to be used to carry out the purposes of this chapter. Money allocated from this fund must be administered by the commissioner in accordance with established budgetary procedures and this section. The commissioner may accept state, federal and private funds to be used as appropriate to ensure safe and effective low-level radioactive waste management and to monitor and evaluate plans for storage and disposal of high-level radioactive waste.

[PL 1993, c. 664, §10 (NEW).]

**2. Service fee; ceiling.** Except for waste that is exempt in accordance with subsection 4, the department shall assess annually by September 1st each low-level radioactive waste generator a service fee on all low-level radioactive waste generated in this State that is shipped to a low-level radioactive waste disposal facility, stored awaiting disposal at such a facility or stored for any other purpose. The service fee must be based 50% on the volume and 50% on the radioactivity of the waste disposed in a disposal facility in the previous calendar year or placed in storage in the previous calendar year if the State did not have access to a disposal facility for that year, but each generator must be assessed a minimum of \$100 annually. Each generator must pay this service fee within 30 days, except that any generator may choose to make quarterly payments instead. Any radioactive waste for which a service fee was assessed and collected under this section can not be reassessed for the purposes of this section. The radiation control program within the Division of Health Engineering shall adopt rules in accordance with the Maine Administrative Procedure Act concerning the calculation of the fee and the exemptions to the fee, consistent with this section.

[PL 2005, c. 254, Pt. B, §10 (AMD).]

**3. Compact fee assessment; ceiling.** In addition to the service fee assessed under subsection 2, the commissioner shall annually by September 1st, beginning in 1994, assess any amount necessary to fulfill the payment requirements to the Texas Low-Level Radioactive Waste Disposal Compact Commission pursuant to section 679-A, subsection 2, paragraph B less any balance carried forward under subsection 6. The commissioner shall assess each generator such a fee using the same method for computing individual assessments as set out in subsection 2. Each generator must pay the fee within 30 days, except that any generator may choose to make quarterly payments instead.

[PL 1993, c. 664, §10 (NEW).]

**4. Fee exemptions.** The following types of low-level radioactive waste are exempt from the fees established in subsections 2 and 3:

A. Waste that is authorized by the United States Nuclear Regulatory Commission for disposal without regard to its radioactivity; [PL 1993, c. 664, §10 (NEW).]

B. Waste that is authorized by the United States Nuclear Regulatory Commission to be stored at the site of generation for decay and ultimate disposal without regard to its radioactivity; and [PL 1993, c. 664, §10 (NEW).]

C. Radioactive waste or other material that is returned to the vendor, including, but not limited to, sealed sources. [PL 1993, c. 664, §10 (NEW).]

[PL 1993, c. 664, §10 (NEW).]

**5. Allocation from fund.** Money in the Radioactive Waste Fund established by this section must be allocated from time to time by the Legislature to the department for administrative and regulatory activities as described in this section. These amounts become available in accordance with Title 5, chapters 141 to 155.

The department may receive and expend federal grants and payments for the purpose of carrying out its duties set out in section 679-A, subsection 2.

[PL 2007, c. 619, §2 (AMD).]

**6. Balance carried forward.** Any unexpended balance in the Radioactive Waste Fund may not lapse, but must be carried forward in the same amount for the next fiscal year and must be available for the purposes authorized by this chapter.

[PL 1993, c. 664, §10 (NEW).]

**7. Financial reports.**

[PL 2007, c. 619, §3 (RP).]

**8. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry and the Maine Land Use Planning Commission. [PL 2013, c. 405, Pt. C, §14 (AMD).]

**SECTION HISTORY**

PL 1993, c. 664, §10 (NEW). PL 1995, c. 333, §§1,2 (AMD). PL 1995, c. 502, §E32 (AMD). PL 1999, c. 556, §27 (AMD). PL 2005, c. 254, §B10 (AMD). PL 2007, c. 619, §§2, 3 (AMD). PL 2011, c. 655, Pt. KK, §18 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 682, §38 (REV). PL 2013, c. 405, Pt. C, §14 (AMD).

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