

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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STATE OF MAINE
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26 MRSA § 1193, sub-§ 3, ¶ A, is amended to read:

A. In determining whether or not any work is suitable for an individual **during the first 12 consecutive weeks of unemployment**, the commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

In determining whether or not work is suitable for an individual after the first 12 consecutive weeks of unemployment, the commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness, his prior earnings, his length of unemployment and prospects for securing local work in his customary occupation and the distance of the available work from his residence. The individual's prior earnings shall not be considered with respect to an offer of or referral to an otherwise suitable job which pays wages equal to or exceeding the average weekly wage in the State of Maine.

Effective September 14, 1979

CHAPTER 500

H. P. 750 — L. D. 958

AN ACT Relating to the Identification and the Hazards of Chemicals in the Work Area.

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

26 MRSA c. 22 is enacted to read:

CHAPTER 22

CHEMICAL SUBSTANCE IDENTIFICATION

§ 1701. Scope and application

1. **Information.** This chapter requires that information be provided to employees about the identities and hazards of chemicals in the work area by means of chemical identification lists, labels, substance data sheets, education and training and access to written records.

2. **Applicable chemicals.** This chapter applies to any chemical in the work area which is:

A. A hazardous substance;

B. A toxic substance; or

C. A substance likely to be inhaled, ingested or absorbed through the skin.

3. Nonapplicable chemicals. This chapter does not apply to chemicals which are goods, drugs, cosmetics or tobacco products intended for personal consumption.

§ 1702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Chemical. "Chemical" means any element, chemical compound or mixture of elements or compounds, or both.

2. Chemical name. "Chemical name" means the name of a substance established by the Chemical Abstracts Services in the most recent edition of the Collective Index of Chemical Abstracts.

3. Common name. "Common name" means any designation or identification, such as code name or number or trade or brand name, used by the employer to identify a substance other than by its chemical name.

4. Container. "Container" means any open or closed bag, barrel, bottle, carton, flask, package, tank, vat, vessel or the like into which chemicals are placed.

5. Director. "Director" means the Director of the Bureau of Labor, Department of Manpower Affairs, or a designee.

6. Hazardous substance. "Hazardous substance" means a chemical which:

A. Is listed in the Department of Transportation Hazardous Materials Table, 49 CFR 172.101; and

B. Meets one or more of the following criteria for hazard class:

(1) Is a combustible substance. For purposes of this section, a combustible substance is any liquid with a flash point above 100° F. and below 200° F.;

(2) Is a compressed gas. For purposes of this section, a compressed gas is any chemical having in the container an absolute pressure exceeding 40 PSI at 70° F. or having an absolute pressure exceeding 104 PSI at 130° F., or any flammable liquid having a vapor pressure exceeding 40 PSI absolute pressure at 100° F.;

(3) Is an explosive. For purposes of this section, an explosive is any

chemical which is capable of producing an instantaneous release of gas and heat;

(4) Is a flammable substance. For purposes of this section, a flammable substance is any liquid with a flash point of below 100° F., solid heat from manufacturing or processing or gas which at atmospheric temperature and pressure forms a flammable mixture with air when present at a concentration of 13% or less by volume or that forms a range of flammable mixtures with air wider than 12% regardless of the lower limit;

(5) Is an organic peroxide. For purposes of this section, an organic peroxide is an organic compound that contains the bivalent - O - O - structure and which is a derivative of hydrogen peroxide where one or more hydrogen atoms have been replaced by organic radicals; or

(6) Is an oxidizer. For purposes of this section, an oxidizer is a chemical that readily yields oxygen and can stimulate the combustion of organic matter.

7. Toxic substance. "Toxic substance" means a chemical which is:

A. Listed in the Toxic and Hazardous Substances section of the regulations of the Occupational Health and Safety Act labeling standard in the United States Code of Federal Regulations 29, Part 1910, Subpart Z.

8. Work area. "Work area" means a room or defined space in which employees are or may be exposed to chemicals.

§ 1703. Labels

1. Containers to be labeled, tagged or marked. Each container present in the work area shall be labeled, tagged or marked with the common or chemical names of the chemicals contained.

2. Label requirements of the Occupational Health and Safety Act. Each container of chemicals subject to a specific Occupational Health and Safety Act labeling standard in the United States Code of Federal Regulations 29, Part 1910, Subpart Z, or United States Code of Federal Regulations 29, Part 1990, shall meet the specific labeling requirements of that standard in lieu of the requirements of this paragraph.

3. Label of chemical containers sold or distributed. The chemical name and any labels required by this standard shall be affixed to containers of chemicals which are sold, distributed or otherwise leave the employer's work area.

§ 1704. Employee education and training

1. Education and training program required. The employer shall institute an

education and training program for all employees who are routinely exposed to hazardous or toxic chemicals.

2. Schedule for educational and training program. The education and training shall commence prior to initial assignment and shall be repeated at least annually thereafter. Additional instruction shall be provided whenever chemicals or processes change, or newly acquired information indicates the need for additional protective measures.

3. Education and training contents. The education and training program shall include the following:

A. The location, properties and acute and chronic health effects of the chemicals to which the employees are routinely exposed in the work area;

B. The nature of the operations which could result in exposure to these chemicals as well as any necessary handling or hygienic practices or precautions;

C. The purpose, proper use and limitation of personal protective equipment required by any other Occupational Health and Safety Act standard or otherwise used in the work area; and

D. An explanation of the information contained on the labels.

4. Materials furnished at no cost. The employer shall assure that all the education and training materials and information are provided at no cost to the employee.

5. Materials available at request to the director. All materials relating to education and training and required by this standard shall be made available upon request to the director.

§ 1705. Access to written records

1. Lists and sheets; availability. Chemical identification lists and substance data sheets required by this chapter shall be made available upon request for examination and copying to any affected employee, former employee, designated physician or representative or the director. The chemical identification lists shall be kept for 20 years.

2. Exposure measurements; availability. Any exposure measurements taken to monitor employee exposure to chemicals in the work area shall be made available upon request for examination and copying to any affected employee, former employee, designated physician or representative or the director.

§ 1706. Effective date. This chapter shall become effective on January 1, 1980.

Effective January 1, 1980