

MAINE STATE LEGISLATURE

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July 27, 1973

W. C. Weeks, Director, Research and
Statistics
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Labor and Industry
Attorney General

OSHA Recordkeeping Forms

This replies to your memorandum of July 25, 1973.

You ask whether or not the Bureau of Labor and Industry has authority to require employers with seven or less employees in the private sector to keep all of the OSHA (Occupational Safety and Health Act) recordkeeping forms.

You refer to OSHA forms No.:

- 100 - Log of Occupational Injuries and Illnesses
- 101 - Supplementary Record of Occupational Injuries and Illnesses
- 102 - Summary Occupational Injuries and Illnesses

The answer to your question is affirmative.

26 M.R.S.A. § 42 directs the Bureau of Labor and Industry to:

"collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the state; . . . to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public"

26 M.R.S.A. § 43 provides that:

"The Commissioner may furnish a written or printed list of interrogatories for the purpose of gathering such facts and statistics as are contemplated, to any person, or the proper officer of any corporation operating within the state, and may require full and complete answers thereto under oath."

It is apparent from the above-quoted statutes that you are required to collect and arrange statistics relating to industrial accidents. It is also apparent that you may accomplish this by furnishing a list of interrogatories for the purpose of gathering these statistics and facts. It seems clear that if you consider the keeping of forms 100 to 102 (OSHA) as being a reasonable implementation of your duty to collect and arrange this data (§ 42) and as a means of obtaining the

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answers that you need to your interrogatories (§ 43), you may require them to complete and to keep forms 100 to 102.

It is also apparent from §§ 42 and 43 that your duties in the gathering of statistics is not limited to an employer with any particular number of employees; section 43 expressly states that you may require such answers from "any person."

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