

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 446

H. P. 337

House of Representatives, January 28, 1969

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Amending the Application of the Occupational Safety Law and the Reporting Requirements.

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

Sec. 1. R. S., T. 26, § 2, amended. Section 2 of Title 26 of the Revised Statutes is amended to read as follows:

§ 2. Reports of deaths, accidents and injuries

The person in charge of any factory, workshop, construction activity or other industrial establishment shall, ~~within 10 days~~ **within 24 hours, exclusive of weekends and holidays,** after the occurrence, report in writing or by telephone to the Commissioner of Labor and Industry all deaths, accidents or serious physical injuries sustained by any person therein or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or or further information relative thereto as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident reported. The term "serious physical injuries," as used in this section, shall be construed to mean every accident which results in ~~the death of the employee or causes his absence from work for at least 6 days thereafter~~ **death, amputation, loss or fracture of any body part, or which necessitates immediate hospitalization.** ~~This section shall not apply to persons, firms or corporations obliged by law to report such deaths, accidents and injuries to the Maine Industrial Accident Commission.~~

Sec. 2. R. S., T. 26, § 45-A, amended. Section 45-A of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 200 of the public laws of 1965, is amended to read as follows:

§ 45-A. Application of sections 44 and 45

Sections 44 and 45 shall not apply to work on a farm or in or about a private residence or commercial fishing or logging, nor to employment in any Federal Government establishment nor to any activity subject to the control of the Interstate Commerce Commission or the Maine Public Utilities Commission.

STATEMENT OF FACTS

1. **Logging.** It is admitted that logging is a high hazard industry. The programs of the major companies have resulted in marked improvement in their accident rates but the problem is that many small contractors have less interest in safety and fewer safety programs. To protect life and limb of the workers, a more aggressive approach should be taken to accident prevention.

The State has a recognized responsibility in this respect. There is no justification for exempting this class of worker when all others have such protection.

2. **Public utilities.** The exemption of the industries under the jurisdiction of the Maine Public Utilities Commission has been carried on because of the assumption that the safety jurisdiction of the Public Utilities Commission extended to safety of the workers. However, the Public Utilities Commission informs us that their law is focused on the protection of the public rather than the worker. They are not the same thing. The workers need similar protection to that provided for workers in other industries in the State.

The necessary appropriation is covered by the Supplemental Appropriations Act recommended by the Governor.