

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 546

H. P. 419

House of Representatives, February 3, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bedard of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Revising Certain Safety Laws in the Department of
Labor and Industry.**

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

Sec. 1. R. S., T. 26, § 45, amended. The 2nd sentence of the first paragraph of section 45 of Title 26 of the Revised Statutes, as repealed and replaced by section 1 of chapter 200 of the public laws of 1965, is amended to read as follows:

If, upon inspection, the commissioner or any authorized agent of the department shall find that an existing condition **not covered by rules and regulations adopted by the Occupational Safety Rules and Regulations Board** is such as to be injurious to the health of the persons employed or residing therein by reason of inadequate heating, lighting, ventilation or sanitary arrangement, or that reasonable safeguards for preventing accidents or injuries to those employed are not provided, he shall notify, in writing, the employer, proprietor or agent operating such work place to make, within 30 days, the alterations or additions by him deemed necessary for the reasonable safety and protection of the employees.

Sec. 2. R. S., T. 26, § 45, amended. Section 45 of Title 26 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

The employer or contractor shall comply with rules and regulations adopted by the Occupational Safety Rules and Regulations Board and the Construction Safety Rules and Regulations Board, and a violation of the rules and regulations shall exist even though no order for compliance has been issued by the department.

Sec. 3. R. S., T. 26, § 46, amended. The 3rd paragraph of section 46 of Title 26 of the Revised Statutes, is repealed and the following enacted in place thereof:

If the commissioner or his agents determine that any proprietor, owner or agent of any factory, mill, workshop, construction activity, private works or state institution, described in section 44, has violated any rule or regulation promulgated under section 373 or section 565, he shall issue such orders as are deemed to be necessary to enforce such rule or regulation. Any employer or employee in violation of any rule or regulation or who refuses to obey an order of the commissioner issued under section 45 shall be punished by a fine of not less than \$25 nor more than \$200 for each violation. Each violation shall be a separate offense. When the violation is of a continuing nature, each day during which it continues after a reasonable time specified in the order shall constitute a separate offense except during the time of appeal as provided in section 568.

Sec. 4. R. S., T. 26, § 567, repealed. Section 567 of Title 26 of the Revised Statutes, as enacted by chapter 454 of the public laws of 1969, is repealed.

STATEMENT OF FACT

As a result of an Attorney General's ruling the Department may not prosecute a violator of a Safety rule or regulation unless we first find the violation; give an order for compliance, and then on a second inspection find the same violation in which case we may bring action for compliance. This is costly as it requires time and travel.

If this philosophy of enforcement were carried throughout all the fields of activity of the State, it would be most expensive and inefficient. The ridiculous part can be seen if such a system were applied to traffic rules. For instance, it would mean that a person must be caught twice exceeding the speed limit before he could be brought into court for the violation, etc.

This amendment would improve safety conditions in the work place, and would effect a saving in enforcement costs per violation.