

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 118**

H. P. 69

House of Representatives, January 6, 1981

Submitted by the Department of Manpower Affairs pursuant to Joint Rule  
24.

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

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT Relating to Safety and Health Regulation of Compressed Air Work,  
Public Sector Farm Workers and Variance Procedures.**

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

Sec. 1. 26 MRSA c. 5, sub-c. III, as amended is repealed.

Sec. 2. 26 MRSA § 571 is enacted to read:

§ 571. Variance

Any affected employer may apply to the director for order for a variance from a standard promulgated under this chapter. Affected employees shall be given notice of each application and an opportunity to participate in a hearing. The director shall issue the order if he determines on the record, after a hearing and, where appropriate, an inspection, that the proponent of a variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of his employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. Such an order may be summarily revoked by the director on his own motion or modified or revoked by the director upon application by an employer or employee in the manner prescribed for its issuance.

Any person aggrieved by an order of the director may appeal, at any time, from the order to the board under the process established in section 568.

Sec. 3. 26 MRSA § 581 as amended by PL 1977, c. 694, § 464, is repealed and the following enacted in its place:

**§ 581. Administration and enforcement**

To implement section 580 in workplaces provided by the State, state agency, county, municipal corporation, school district or other public corporation or political subdivision, the Occupational Safety Rules and Regulations Board shall formulate and adopt pursuant to Title 5, section 8051 et seq., reasonable rules and regulations pursuant to this chapter and the bureau shall inspect and enforce the rules and regulations. The Commissioner of Agriculture, Food and Rural Resources shall have the authority to adopt, pursuant to Title 5, section 8051 et seq., administer and enforce standards, rules and regulations to implement section 580 in all other workplaces.

**STATEMENT OF FACT**

Section one repeals a subchapter relating to the safety of workers in compressed air environments. The statutory requirements have been superseded by the Federal OSHA standards adopted by the State Occupational Safety Rules and Regulations Board governing public sector workplace safety.

Section 2 provides for a variance procedure for public sector safety and health regulation to enable work to be carried on at lowest costs and greatest convenience for employer and employees without sacrificing safety standards.

Section 3 places the responsibility for the safety of public farm workers with the Bureau of Labor and its Occupational Safety Rules and Regulations Board. The bureau is responsible for occupational safety and health administration in the public sector. Approximately 125 public farm workers are involved at facilities of the University of Maine and the Maine Department of Agriculture, Food and Rural Resources. Private sector farm worker's safety remains with the Maine Department of Agriculture, Food and Rural Resources.