

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2036

H.P. 1546

House of Representatives, February 2, 1984

Reference to the Committee on Energy and Natural Resources is suggested. Ordered printed and sent up for concurrence.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

EDWIN H. PERT, Clerk

Presented by Representative Andrews of Portland.

Cosponsors: Senator Pray of Penobscot, Representative Hall of Sangerville and Senator Kany of Kennebec.

STATE OF MAINE

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

AN ACT to Establish a Community
Right-to-know Concerning Toxic and Hazardous
Substances by Amending the Environmental Health
Program.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, hazardous and toxic substances are used in the State which may pose acute and chronic health hazards to individuals who live and work in the State and who are exposed to these substances as a result of fires, spills, industrial accidents or types of releases or emissions; and

Whereas, the people who live and work in the State have a right and need to know of the use and dangers of hazardous and toxic substances in order to plan for and respond to potential exposure to these materials; and

1 Whereas, basic information on the location, type,
2 quantity and health risks of hazardous and toxic sub-
3 stances used, stored and produced in the State is not
4 now readily available to health officials, public
5 safety officials, elected officials and citizens; and

6 Whereas, in the judgment of the Legislature,
7 these facts create an emergency within the meaning of
8 the Constitution of Maine and require the following
9 legislation as immediately necessary for the preser-
10 vation of the public peace, health and safety; now,
11 therefore,

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

14 Sec. 1. 22 MRSA §1691, first ¶, as enacted by PL
15 1981, c. 508, §1, is amended to read:

16 The Legislature finds that adequate measures must
17 be taken to ensure that any threats to the health of
18 the people of the State posed by natural phenomena or
19 the introduction of potentially hazardous or toxic
20 substances into the environment are identified, ap-
21 propriately considered and responded to by those re-
22 sponsible for protecting the public's health and en-
23 vironment.

24 Sec. 2. 22 MRSA §1692, sub-§§1-A and 2-A are en-
25 acted to read:

26 1-A. Inventory hazardous and toxic substances.
27 Collect and update information on hazardous and toxic
28 substances necessary to fulfill the purposes of this
29 chapter;

30 2-A. Consider requests. Consider requests for
31 investigations of environmental health issues made by
32 state agencies, municipalities or individuals;

33 Sec. 3. 22 MRSA §1692, sub-§5, as enacted by PL
34 1981, c. 508, §1, is amended to read:

35 5. Public information. Provide the public with
36 information, and regarding the environmental health
37 hazards, including, but not limited to, the identity

1 and location of hazardous and toxic substances, the
2 specific chemical identity and common name of the
3 substances and acute and chronic human health hazard
4 information, advise them as to preventive and correc-
5 tive actions in the area of environmental health and
6 inform local health officials of the availability of
7 environmental health data.

8 Sec. 4. 22 MRSA §§1692-A to 1692-C are enacted
9 to read:

10 §1692-A. Cooperation with state agencies

11 The director may obtain the assistance of the Bu-
12 reau of Labor Standards and other state agencies in
13 the conduct of investigations under this chapter.

14 §1692-B. Provision of information

15 A person may withhold the identity of a specific
16 toxic or hazardous substance, if disclosure would re-
17 veal a trade secret, as defined in section 1702, sub-
18 section 7-A. All other information, including routes
19 of exposure, effects of exposure, type and degree of
20 hazard and emergency treatment and response proce-
21 dures, shall be provided if requested by the director
22 of the Bureau of Health.

23 §1692-C. Inspection

24 For the purpose of carrying out this chapter, the
25 Director of the Bureau of Health or any authorized
26 employee or consultant of the Bureau of Health, upon
27 presentation of appropriate credentials to the owner
28 and occupant, may enter any public or private
29 premises at reasonable times for the purpose of as-
30 certaining the presence of hazardous or toxic sub-
31 stances and may remove samples or objects necessary
32 for laboratory analysis. An inspection shall be made
33 only where the Director of the Bureau of Health has
34 reason to believe that hazardous or toxic substances
35 produced, used or stored on the premises are creating
36 an environmental health problem. Upon denial of ac-
37 cess to the Director of the Bureau of Health or his
38 agents, the director may seek an appropriate search
39 warrant in a court of competent jurisdiction.

1 the program's capacity to investigate potential envi-
2 ronmental health hazards. The bill also facilitates
3 the efficient cooperation of state agencies in the
4 investigation of public health hazards stemming from
5 hazardous and toxic substances.

6

5156012084