

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of S.P. 719, L.D. 1977)
(New Title)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2464

S.P. 916

In Senate, April 11, 1984

Reported by Report B from the Committee on Energy and Natural Resources and printed under Joint Rule 2.

Original bill presented by Senator Kany of Kennebec. Cosponsored by Representative Hall of Sangerville.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Remove Fees and Provide for
Implementation of the Chemical Substance
Identification Law.

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

Whereas, the Legislature recognizes the importance of protecting the occupational health and safety of the workers of this State; and

Whereas, the Legislature also recognizes that the protection of workers' safety and health can and should be accomplished without placing unnecessary burdens on employers; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 26 MRSA §1702, sub-§6, as amended by PL
10 1983, c. 568, §3, is further amended to read:

11 6. Hazardous substance. "Hazardous substance"
12 means a chemical which:

13 A. Is listed in the Department of Transportation
14 Hazardous Materials Table, 49 CFR 172.101; and

15 B. Meets one or more of the following criteria
16 for hazard class:

17 (1) Is a combustible substance. For pur-
18 poses of this section, a combustible sub-
19 stance is any liquid with a flash point
20 above 100° F. and below 200° F.;

21 (2) Is a compressed gas. For purposes of
22 this section, a compressed gas is any chemi-
23 cal having in the container an absolute
24 pressure exceeding 40 PSI at 70° F. or hav-
25 ing an absolute pressure exceeding 104 PSI
26 at 130° F., or any flammable liquid having a
27 vapor pressure exceeding 40 PSI absolute
28 pressure at 100° F.;

29 (3) Is an explosive. For purposes of this
30 section, an explosive is any chemical which
31 is capable of producing an instantaneous re-
32 lease of gas and heat;

33 (4) Is a flammable substance. For purposes
34 of this section, a flammable substance is
35 any liquid with a flash point of below 100°
36 F., solid that is likely to cause fire
37 through friction, absorption of moisture,
38 spontaneous chemical change, or retained

1 heat from manufacturing or processing or gas
2 which at atmospheric temperature and pres-
3 sure forms a flammable mixture with air when
4 present at a concentration of 13% or less by
5 volume or that forms a range of flammable
6 mixtures with air wider than 12% regardless
7 of the lower limit;

8 (5) Is an organic peroxide. For purposes of
9 this section, an organic peroxide is an or-
10 ganic compound that contains the bivalent --
11 O- O- structure and which is a derivative of
12 hydrogen peroxide where one or more hydrogen
13 atoms have been replaced by organic radi-
14 cals; or

15 (6) Is an oxidizer. For purposes of this
16 section, an oxidizer is a chemical that
17 readily yields oxygen and can stimulate the
18 combustion of organic matter; ~~or.~~

19 ~~E. Is listed as a radioactive material in regu-~~
20 ~~lations promulgated by the United States Nuclear~~
21 ~~Regulatory Commission.~~

22 Sec. 2. 26 MRSA §1702, sub-§6-A, as enacted by
23 PL 1983, c. 568, §4, is repealed.

24 Sec. 3. 26 MRSA §1702, sub-§7, as amended by PL
25 1983, c. 568, §5, is further amended to read:

26 7. Toxic substance. "Toxic substance" means a
27 chemical which is:

28 A. Listed in the Toxic and Hazardous Substances
29 section of the regulations of the Occupational
30 Health and Safety Act labeling standard in the
31 United States Code of Federal Regulations 29,
32 Part 1910, Subpart Z; ~~or.~~

33 B. Contained on a list established by the direc-
34 tor by rule and which meets any of the following
35 criteria-

36 (1) Has a median lethal oral dose of not
37 more than 500 milligrams per kilogram of
38 body weight;

1 (2) Has a median lethal dermal dose of not
2 more than 1,000 milligrams per kilogram of
3 body weight;

4 (3) Has a median inhalation lethal concen-
5 tration in air of not more than 2,000 parts
6 per million by volume of gas or vapor; or
7 more than 2 milligrams per liter but not
8 more than 20 milligrams per liter of mist,
9 fume or dust; or

10 (4) Has been found by the director, based
11 on established scientific evidence, to have
12 significant potential to cause adverse
13 health effects because it is carcinogenic,
14 mutagenic, teratogenic, neurotoxic or
15 bioaccumulative.

16 Sec. 4. 26 MRSA §1702, sub-§7-A, as enacted by
17 PL 1983, c. 568, §6, is repealed.

18 Sec. 5. 26 MRSA §1702, sub-§9, as amended by PL
19 1983, c. 568, §7, is repealed.

20 Sec. 6. 26 MRSA §1703-A, as enacted by PL 1983,
21 c. 568, §8, is repealed.

22 Sec. 7. 26 MRSA §1704, sub-§1, as amended by PL
23 1983, c. 568, §9, is further amended to read:

24 1. Educational and training program required.
25 The employer shall institute an educational and
26 training program for all employees who are routinely
27 exposed to hazardous or toxic substances.

28 Sec. 8. 26 MRSA §1704, sub-§2, as amended by PL
29 1983, c. 568, §10, is further amended to read:

30 2. Schedule for educational and training pro-
31 gram. The education and training shall commence prior
32 to initial assignment and shall be repeated at least
33 annually thereafter. Additional instruction shall be
34 provided whenever chemicals or processes change, or
35 newly acquired information indicates the need for ad-
36 ditional protective measures. Programs shall be con-
37 ducted during the employee's regular working hours-

1 Sec. 9. 26 MRSA §1704, sub-§3, as amended by PL
2 1983, c. 568, §11, is further amended to read:

3 3. Educational and training contents. The educa-
4 tional and training program shall include the follow-
5 ing:

6 A. The location, properties and acute and chron-
7 ic health effects of the chemicals to which the
8 employees are routinely exposed in the work area;

9 B. The nature of the operations which could re-
10 sult in exposure to these chemicals as well as
11 any necessary handling or hygienic practices or
12 precautions;

13 C. The purpose, proper use and limitation of
14 personal protective equipment required by any
15 other Occupational Health and Safety Act standard
16 or otherwise used in the work area; and

17 D. An explanation of the information contained
18 on the labels and the appropriate material safety
19 data sheets; and.

20 E- ~~The provisions of this chapter.~~

21 Sec. 10. 26 MRSA §1704, sub-§4-A, as enacted by
22 PL 1983, c. 568, §12, is repealed.

23 Sec. 11. 26 MRSA §1704, sub-§6, as enacted by PL
24 1983, c. 568, §13, is repealed.

25 Sec. 12. 26 MRSA §1705, sub-§3, as enacted by PL
26 1983, c. 568, §14, is repealed.

27 Sec. 13. 26 MRSA §1706-A, as enacted by PL 1983,
28 c. 568, §15, is repealed.

29 Sec. 14. 26 MRSA §1707, as amended by PL 1983,
30 c. 568, §16, is further amended to read:

31 §1707. Penalty

32 Any person, partnership, corporation or other le-
33 gal entity who refuses to comply, in whole or in
34 part, with this chapter commits a civil violation for

1 which a forfeiture not to exceed \$500 for the first
2 violation and not to exceed \$1,000 for any subse-
3 quent violation may be adjudged.

4 Sec. 15. 26 MRSA §1708, as enacted by PL 1983,
5 c. 568, §17, is repealed.

6 Sec. 16. PL 1983, c. 568, §18 is repealed.

7 Emergency clause. In view of the emergency cited
8 in the preamble, this Act shall take effect when ap-
9 proved.

10 STATEMENT OF FACT

11 This new draft restores the 1980 law, thereby re-
12 moving fees and allowing for easier implementation.
13 The emergency preamble and emergency clause are re-
14 tained.

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