

MAINE STATE LEGISLATURE

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

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2465

9 S.P. 917

In Senate, April 11, 1984

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

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

JOY J. O'BRIEN, Secretary of the Senate

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT to Remove Fees and Provide for
20 Implementation of the Chemical Substance
21 Identification Law.
22

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

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

27 6. Hazardous substance. "Hazardous substance"
28 means a chemical which:

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

1 B. Meets one or more of the following criteria
2 for hazard class:

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

7 (2) Is a compressed gas. For purposes of
8 this section, a compressed gas is any chemi-
9 cal having in the container an absolute
10 pressure exceeding 40 PSI at 70° F. or hav-
11 ing an absolute pressure exceeding 104 PSI
12 at 130° F., or any flammable liquid having a
13 vapor pressure exceeding 40 PSI absolute
14 pressure at 100° F.;

15 (3) Is an explosive. For purposes of this
16 section, an explosive is any chemical which
17 is capable of producing an instantaneous re-
18 lease of gas and heat;

19 (4) Is a flammable substance. For purposes
20 of this section, a flammable substance is
21 any liquid with a flash point of below 100°
22 F., solid that is likely to cause fire
23 through friction, absorption of moisture,
24 spontaneous chemical change, or retained
25 heat from manufacturing or processing or gas
26 which at atmospheric temperature and pres-
27 sure forms a flammable mixture with air when
28 present at a concentration of 13% or less by
29 volume or that forms a range of flammable
30 mixtures with air wider than 12% regardless
31 of the lower limit;

32 (5) Is an organic peroxide. For purposes of
33 this section, an organic peroxide is an or-
34 ganic compound that contains the bivalent --
35 O- O- structure and which is a derivative of
36 hydrogen peroxide where one or more hydrogen
37 atoms have been replaced by organic radi-
38 cals; or

39 (6) Is an oxidizer. For purposes of this
40 section, an oxidizer is a chemical that
41 readily yields oxygen and can stimulate the
42 combustion of organic matter, or.

1 C- Is listed as a radioactive material in regu-
2 lations promulgated by the United States Nuclear
3 Regulatory Commission-

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

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

8 7. Toxic substance. "Toxic substance" means a
9 chemical which is:

10 A. Listed in the Toxic and Hazardous Substances
11 section of the regulations of the Occupational
12 Health and Safety Act labeling standard in the
13 United States Code of Federal Regulations 29,
14 Part 1910, Subpart Z, or.

15 B- Contained on a list established by the direc-
16 tor by rule and which meets any of the following
17 criteria:

18 (1) Has a median lethal oral dose of not
19 more than 500 milligrams per kilogram of
20 body weight;

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

24 (3) Has a median inhalation lethal concen-
25 tration in air of not more than 2,000 parts
26 per million by volume of gas or vapor, or
27 more than 2 milligrams per liter but not
28 more than 20 milligrams per liter of mist,
29 fume or dust, or

30 (4) Has been found by the director, based
31 on established scientific evidence, to have
32 significant potential to cause adverse
33 health effects because it is carcinogenic,
34 mutagenic, teratogenic, neurotoxic or
35 bioaccumulative.

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

1 Sec. 5. 26 MRSA §1702, sub-§9, as amended by PL
2 1983, c. 568, §7, is repealed.

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

5 Sec. 7. 26 MRSA §1704, sub-§1, as amended by PL
6 1983, c. 568, §9, is further amended to read:

7 1. Educational and training program required.
8 The employer shall institute an educational and
9 training program for all employees who are routinely
10 exposed to hazardous or toxic substances.

11 Sec. 8. 26 MRSA §1704, sub-§2, as amended by PL
12 1983, c. 568, §10, is further amended to read:

13 2. Schedule for educational and training pro-
14 gram. The education and training shall commence prior
15 to initial assignment and shall be repeated at least
16 annually thereafter. Additional instruction shall be
17 provided whenever chemicals or processes change, or
18 newly acquired information indicates the need for ad-
19 ditional protective measures. ~~Programs shall be con-~~
20 ~~ducted during the employee's regular working hours.~~

21 Sec. 9. 26 MRSA §1704, sub-§3, as amended by PL
22 1983, c. 568, §11, is further amended to read:

23 3. Educational and training contents. The educa-
24 tional and training program shall include the follow-
25 ing:

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

29 B. The nature of the operations which could re-
30 sult in exposure to these chemicals as well as
31 any necessary handling or hygienic practices or
32 precautions;

33 C. The purpose, proper use and limitation of
34 personal protective equipment required by any
35 other Occupational Health and Safety Act standard
36 or otherwise used in the work area; and

1 D. An explanation of the information contained
2 on the labels and the appropriate material safety
3 data sheets; and.

4 E. The provisions of this chapter-

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

7 Sec. 11. 26 MRSA §1704, sub-§6, as enacted by PL
8 1983, c. 568, §13, is repealed.

9 Sec. 12. 26 MRSA §1705, sub-§3, as enacted by PL
10 1983, c. 568, §14, is repealed.

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

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

15 §1707. Penalty

16 Any person, partnership, corporation or other le-
17 gal entity who refuses to comply, in whole or in
18 part, with this chapter commits a civil violation for
19 which a forfeiture not to exceed \$500 ~~for the first~~
20 ~~violation and not to exceed \$1,000 for any subse-~~
21 ~~quent violation~~ may be adjudged.

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

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

25 STATEMENT OF FACT

26 This new draft restores the 1980 law, thereby re-
27 moving fees and allowing for easier implementation.
28 The emergency preamble and emergency clause are re-
29 moved from the new draft.

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