

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1436

7 S.P. 535

In Senate, April 30, 1985

8 Reference to the Committee on Human Resources suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Andrews of Cumberland.

11 Cosponsored by President Pray of Penobscot, Representative Carroll of
Gray and Representative Jacques of Waterville.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Allow the Department of Human
18 Services to Investigate and Provide
19 Information on Community Health
20 Issues.
21

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

24 Sec. 1. 22 MRSA c. 271, first 2 lines are re-
25 pealed and the following enacted in their place:

26 CHAPTER 271

27 HEALTH PROGRAMS

28 SUBCHAPTER I

29 ENVIRONMENTAL HEALTH PROGRAMS

30 Sec. 2. 22 MRSA c. 271, sub-c. II is enacted to
31 read:

1 volving hazardous materials, to establish a compre-
2 hensive program for the disclosure of information
3 about hazardous substances in the community and to
4 provide a procedure whereby residents of this State
5 may gain access to this information.

6 §1696-B. Short title

7 This subchapter may be cited as the "Community
8 Right-to-Know Act."

9 §1696-C. Community health information project

10 The department shall undertake a community health
11 information project under the auspices of the Envi-
12 ronmental Health Program in the Bureau of Health.
13 The project shall respond, subject to this subchap-
14 ter, to requests made by state agencies, municipali-
15 ties or individuals for information on potential
16 health hazards posed by the use of hazardous chemi-
17 cals. To meet these requests, the director shall es-
18 tablish a Community Health Information Clearinghouse
19 which shall contain information on the health impli-
20 cations of chemicals in use in the home and the
21 workplace.

22 §1696-D. Response to requests

23 When requested under this subchapter, the direc-
24 tor shall provide, at a minimum, the identity of
25 chemical substances in use or present at a specific
26 location, unless the substance has been designated as
27 a trade secret under Title 26, chapter 22. The di-
28 rector may provide information on the chronic and
29 acute health hazards posed by the substance, poten-
30 tial routes of exposure, emergency procedures and
31 other subjects as appropriate. The director shall
32 report in writing annually by January 1st to the
33 joint standing committee of the Legislature having
34 jurisdiction over human resources on the number and
35 type of requests received and on his response to
36 these requests.

37 §1696-E. Cooperation with state agencies

38 The director may obtain, upon request, informa-
39 tion from and the assistance of the Bureau of Labor

1 Standards, Department of Environmental Protection,
2 Bureau of Pesticides Control and other state agencies
3 as appropriate in the conduct of investigations under
4 this chapter. Information obtained under this sec-
5 tion shall be subject to the trade secret provisions
6 governing the agencies supplying the information.

7 §1696-F. Provision of information; trade secrets

8 A person may withhold the identity of a specific
9 toxic or hazardous substance, if the substance has
10 been registered as a trade secret under Title 26,
11 chapter 22. All other information, including routes
12 of exposure, effects of exposure, type and degree of
13 hazard and emergency treatment and response proce-
14 dures, shall be provided if requested by the Director
15 of the Bureau of Health and shall be considered a
16 public record.

17 Sec. 3. 26 MRSA §1721, as enacted by PL 1983, c.
18 823, §2, is amended to read:

19 §1721. Confidentiality of information

20 All information and reports obtained by the di-
21 rector, the Director of the Bureau of Health or any
22 other agency under this chapter shall be confiden-
23 tial, except that the Director of the Bureau of
24 Health shall ~~may~~ provide the public with relevant in-
25 formation relating to any chemical in a particular
26 workplace when the Director of the Bureau of Health
27 has reason to believe that the chemical is present in
28 that workplace under circumstances which represent an
29 immediate or long-term threat to the health or safety
30 of the general public subject to Title 22, chapter
31 271, subchapter II. Review of the director's actions
32 or failure to act under this section shall be in Su-
33 perior Court.

34 Sec. 4. Emergency response study. The Bureau of
35 Civil Emergency Preparedness, the Department of Envi-
36 ronmental Protection, and the Bureau of Health shall
37 jointly conduct a study of the State's ability to re-
38 spond to accidental releases of hazardous material
39 due to fires, spills, natural disasters and other un-
40 foreseen events.

1 This bill establishes a procedure for providing
2 information to citizens on the hazardous materials
3 that may be in use in their communities. The bill
4 utilizes existing information collection mechanisms
5 and imposes no new reporting burdens on the State's
6 businesses. Legitimate trade secrets are protected
7 as they are under existing law.

8 The community health information project will be
9 coordinated by the Environmental Health Program in
10 the Department of Human Services. This agency has
11 the responsibility and expertise to evaluate poten-
12 tial threats to public health.

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