

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1296

H.P. 967 House of Representatives, April 21, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Business Legislation
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative TAYLOR of Camden.

Cosponsored by Senator TWITCHELL of Oxford,
Representatives WILLEY of Hampden and BROWN of Gorham.

STATE OF MAINE

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

1 AN ACT to Clarify the Responsibilities of
2 State and Federal Laws Regarding the
3 Chemical Substance Identification Laws.
4

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

7 Sec. 1. 26 MRSA §1709, first ¶, as enacted by PL
8 1983, c. 823, §2, is amended to read:

9 The purpose of this chapter is to ensure that the
10 hazards of all chemicals produced or imported by
11 chemical manufacturers or importers are evaluated,
12 and that information concerning their hazards is
13 transmitted to affected public employers and employ-
14 ees and others in order to reduce the incidence of
15 chemically-related illnesses and injuries. This

1 transmittal of information is to be accomplished by
2 means of comprehensive hazard communication programs,
3 which are to include container labeling and other
4 forms of warning, material safety data sheets and em-
5 ployee training. Workers have a right to know about
6 chemical hazards to which they may be exposed.

7 Sec. 2. 26 MRSA §1710, sub-§1, as enacted by PL
8 1983, c. 823, §2, is amended to read:

9 1. Information. This chapter requires that in-
10 formation be provided to employees by the a public
11 employer about the identities and hazards of chemi-
12 cals in the work area by means of chemical identifi-
13 cation lists, labels, material safety data sheets,
14 education and training and access to written records.

15 Sec. 3. 26 MRSA §1710, sub-§4, as enacted by PL
16 1983, c. 823, §2, is amended to read:

17 4. Nonapplicable employers. This chapter ap-
18 plies to all public employers within the State with
19 hazardous chemicals within the workplace, except as
20 specifically provided. Agricultural employers regu-
21 lated by the Department of Agriculture, Food and Ru-
22 ral Resources are exempt from this chapter.

23 Sec. 4. 26 MRSA §1711, sub-§6-A is enacted to
24 read:

25 6-A. Employer. "Employer" means any public em-
26 ployer, which includes the State, the University of
27 Maine System, counties, cities, towns and any agency,
28 board or division of the State or any subdivision of
29 the State.

30 Sec. 5. 26 MRSA §1712, first ¶, as enacted by PL
31 1983, c. 823, §2, is amended to read:

32 Employers Public employers shall develop and im-
33 plement a written hazard communication program which
34 describes how the requirements of this chapter for
35 labeling, material safety data sheets and for employ-
36 ee education and training will be met, and which also
37 includes a list of the hazardous chemicals known to
38 be present in the workplace, the methods the employer
39 will use to inform employees of the hazards of rou-

1 tine and nonroutine tasks and the methods the employ-
2 er will use to inform contractor employees of the
3 hazardous chemicals to which they may be exposed and
4 of appropriate protective measures.

5 **Sec. 6. 26 MRSA §1720**, as amended by PL 1985, c.
6 170, §1, is repealed and the following enacted in its
7 place:

8 §1720. Chemical Information and Training Assistance
9 Fund

10 1. Assistance to employers. The director shall,
11 upon request, provide assistance to employers in the
12 development and conduct of training programs for em-
13 ployees and local public safety personnel.

14 2. Telephone information line. The director
15 shall publicize a telephone number for the Bureau of
16 Labor Standards, Division of Safety. The phone num-
17 ber is to be used by either a public or private em-
18 ployer or employee, to dispense information regarding
19 chemical substances in any workplace. In the case of
20 a private employer or employee, the department may
21 refer the situation to the United States Occupational
22 Safety and Health Administration.

23 **Sec. 7. 26 MRSA §1724**, as amended by PL 1985, c.
24 170, §2, is further amended to read:

25 §1724. Report to Legislature; progress

26 Each year by March 15th the director shall report
27 to the Legislature on the Bureau of Labor Standard's
28 experience under this chapter, including progress in
29 implementation, the status of the training assistance
30 program, evidence of improved safety records, and any
31 ~~recommendation on fee structure. Any amount of these~~
32 ~~fees collected in a year that exceeds the allocation~~
33 ~~from the Training Assistance Fund for that year shall~~
34 ~~be applied so as to reduce fees levied on employers~~
35 ~~under this chapter in the succeeding year~~
36 recommendations.

1

STATEMENT OF FACT

2 This bill amends the current chemical substance
3 identification laws to include only public employees,
4 as private employees are covered under federal laws
5 and regulations administered by the Occupational
6 Safety and Health Administration. Consequently, a
7 new definition of employer is added to the law and
8 the fee schedule is taken out. The Department of La-
9 bor, Bureau of Labor Standards, Division of Safety
10 will act as an information clearinghouse and publi-
11 cize a telephone number which any public or private
12 employer or employee may use to gain more information
13 about chemical substances in the workplace. If the
14 employee or employer is private, and further action
15 is required, the director shall refer the caller to
16 the Occupational Safety and Health Administration.

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