

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2253

H.P. 1647 House of Representatives, February 11, 1988
Reported by Representative CARTER for the Legislative
Task Force on Railroads pursuant to Public Law of 1987,
Chapter 5.

Reference to the Joint Standing Committee on
Appropriations and Financial Affairs suggested and printing
ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

1 **AN ACT Concerning Sanitary Conditions on**
2 **Railroad Property.**
3

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

7 Whereas, Public Law 1985, chapter 5, requires the
8 Legislative Task Force on Railroads to submit its
9 report, together with any necessary legislation to the

1 Legislature prior to May 1, 1987; and

2 Whereas, the task force finds it necessary to
3 continue this study to June 30, 1988, to identify the
4 most effective role to be played by the State in
5 retaining and enhancing rail transportation; and

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

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

14 Sec. 1. 26 MRSA c. 5, sub-c. III-A is enacted
15 to read:

16 §351. Rules

17 The Commissioner of Labor shall adopt rules in
18 accordance with the Maine Administrative Procedure
19 Act, Title 5, chapter 375, relating to sanitation on
20 railroad property as it affects the safety and health
21 of railroad employees, including, but not limited to,
22 enginemen, trainmen, yardmen, maintenance-of-way
23 employees, clerical employees, carmen and enginehouse
24 employees.

25 §352. Scope

26 This subchapter applies to locomotives and cabooses
27 cars and other rolling stock, including camp cars and
28 any other work area in which sanitation is not
29 governed by a federal agency or another state agency.
30 It does not apply to locomotives used only in yard
31 switching service.

32 §353. Inspections

33 For the purposes of this subchapter, the
34 Commissioner of Labor or the commissioner's designee
35 may, at any reasonable time and upon presentation of
36 appropriate identification, enter and inspect a
37 workplace.

1 §354. Prohibition; penalty

2 A person who violates any rule that is adopted by
3 the commissioner under this subchapter shall be
4 subject to a civil forfeiture not to exceed \$1,000 for
5 each violation. Each day of violation shall
6 constitute a separate violation.

7 Sec. 2. PL 1985, c. 813, §2, sub-§3, as amended
8 by PL 1987, c. 5, §2, is further amended to read:

9 3. Report. The task force shall submit its
10 report, together with any necessary legislation to the
11 Legislature prior to ~~May 17, 1987~~ June 30, 1988.

12 Emergency clause. In view of the emergency
13 cited in the preamble, this Act shall take effect when
14 approved.

15 STATEMENT OF FACT

16 There are presently no rules enforceable by any
17 state or federal agency that establishes basic
18 standards of sanitation at some work sites in the
19 railroad industry in Maine. In particular, no
20 sanitation standards are effective on rolling stock
21 including "camp cars" which serve as temporary living
22 quarters for railroad maintenance crews. This bill
23 will place jurisdiction over these work sites within
24 the Maine Department of Labor and will give the
25 commissioner the authority to enter and inspect such
26 workplaces.

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