

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2295

H.P. 1676 House of Representatives, February 18, 1988

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Appropriations and
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CHONKO of Topsham.

Cosponsored by Representatives MANNING of Portland,
McGOWAN of Canaan and CARTER of Winslow.

STATE OF MAINE

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

1. AN ACT to Establish an Occupational Health
2. Program.
3.

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

6. Sec. 1. 22 MRSA c. 259-A, first 2 lines are
7. repealed and the following enacted in their place:

8. CHAPTER 259-A

1 OCCUPATIONAL DISEASE REPORTING
2 AND HEALTH HAZARD EVALUATION

3 **Sec. 2.** 22 M RSA §1492, as enacted by PL 1985,
4 c. 452, §1, is amended to read:

5 §1492. Occupational disease reporting and surveillance
6 system

7 The Department of Human Services shall establish,
8 maintain and operate a statewide occupational disease
9 reporting system. The data collected shall be
10 analyzed and interpreted in order to better identify
11 risk factors associated with occupational diseases and
12 strategies to prevent or reduce these risks. The
13 results of this analysis shall be made available to
14 the public. The department shall conduct appropriate
15 analyses of health statistics data systems which
16 provide occupational history information on state
17 residents to identify high-risk employee populations
18 by industry, occupation and location to permit the
19 targeting of appropriate surveillance and intervention
20 activities for high-risk groups.

21 **Sec. 3.** 22 M RSA §§1495 to 1498 are enacted to
22 read:

23 §1495. Consultation and training

24 The department shall provide expert consultation
25 and answer occupational health-related questions from
26 other state agencies, private industries, organized
27 labor and the general public, and train health care
28 providers in the recognition of occupational diseases
29 and on the appropriate case management of selected
30 occupational illnesses occurring in the State.

31 §1496. Health hazard evaluations

32 The department shall develop industrial hygiene
33 and safety program evaluation capabilities which shall
34 permit inspection and sample collection activities to
35 follow up on individual occupational surveillance
36 program case reports or the leads generated by the

1 analysis of occupational history information. The
2 department shall accomplish the purposes of this
3 section through collaboration and coordination with
4 other state and federal agencies.

5 §1497. Inspections

6 For the purposes of this chapter, the Director of
7 the Bureau of Health or the director's designee may,
8 at any reasonable time and upon presentation of
9 appropriate identification, enter, inspect and collect
10 samples from a workplace accompanied by the employer
11 and employee representative.

12 §1498. Prohibited practices; remedy

13 It is unlawful for any employer to discharge,
14 discipline or otherwise discriminate against any of
15 its employees who have assisted in the carrying out of
16 this chapter. The Director of the Bureau of Health
17 may, after investigation and hearing, bring an action
18 in Superior Court on behalf of any employee to enforce
19 this section. The director may seek all other
20 appropriate relief, including payment of compensation
21 actually lost by the employee.

22 Sec. 4. Appropriation. The following funds are
23 appropriated from the General Fund to carry out the
24 purposes of this Act.

25		<u>1988-89</u>
26	<u>HUMAN SERVICES,</u>	
27	<u>DEPARTMENT OF</u>	
28	Bureau of Health	
29	Positions	(3)
30	Personal Services	\$ 65,000
31	All Other	40,000
32	Capital Expenditures	6,800
33		
34	Total	<u>\$111,800</u>

1 STATEMENT OF FACT

2 The occupational disease reporting system
3 established by the Legislature in 1985 has resulted in
4 the reporting of diseases to the Department of Human
5 Services, Bureau of Health, without any capability to
6 provide for surveillance and follow-up activities in
7 industries where the affected person was employed.
8 Recently, the federal Occupational Safety and Health
9 Administration, OSHA, announced a hazard communication
10 standard, Federal Register Vol. 52, No. 163, page
11 31852, August 24, 1987, which preempted all state and
12 local laws pertaining to occupational hazard
13 communication, including programs in the Department of
14 Labor.

15 Unfortunately, according to the Department of
16 Labor, Maine ranks first among the states in both
17 occupational injuries and illnesses and lost work
18 days. A pattern of higher occupational injury and
19 illness rates has been observed in the State since
20 1972.

21 An occupational health program is needed in the
22 Department of Human Services, Bureau of Health,
23 Division of Disease Control, to improve the collection
24 and analysis of occupational health data and assure
25 the appropriate recognition, investigation and
26 prevention activities of occupationally related health
27 disorders occurring in the state work force.

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