

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1515, L.D. 2068)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2545

H.P. 1859 House of Representatives, March 17, 1988
Reported by Representative TARDY from the Committee on
Agriculture and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill reported pursuant to Resolves of 1987,
Chapter 50.

STATE OF MAINE

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

1 **AN ACT to Assist Agricultural Employers in**
2 **Complying with Federal Hazard**
3 **Communication Rules.**
4

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

7 **Sec. 1.** 22 MRSA §1471-M, sub-§3, as enacted by
8 PL 1983, c. 568, §2, is amended to read:

1 3. Chemical substance identification. The To
2 the extent permitted under federal law, the board
3 shall have primary enforcement responsibility for
4 inspection of any workplace subject to the provisions
5 of Title 26, chapter 22, solely because of the
6 presence of a pesticide. The board shall have primary
7 enforcement responsibility for training programs to be
8 provided by employers under Title 26, chapter 22, in
9 those instances where the employer is subject to the
10 provisions of that law solely because of the presence
11 or use of a pesticide.

12 The board shall assist the Director of the Bureau of
13 Labor Standards in providing education and training in
14 accordance with Title 26, section 1720, to aid
15 agricultural employers in complying with the federal
16 requirements for hazard communication and shall assist
17 the responsible state agencies in providing education
18 and training to aid agricultural employers in
19 complying with the federal requirements for emergency
20 and hazardous chemical inventory forms and community
21 right-to-know reporting.

22 Sec. 2. 26 MRSA §61, sub-§2, as repealed and
23 replaced by PL 1987, c. 559, Pt. B, §8, is amended to
24 read:

25 2. Source of funds. The commissioner shall
26 annually assess a levy based on actual annual workers'
27 compensation paid losses, excluding medical payments,
28 paid in the previous calendar year by employers under
29 Title 39, the Workers' Compensation Act. As soon as
30 practicable after July 1st of each year, the
31 commissioner shall assess upon and collect from each
32 insurance carrier licensed to do workers' compensation
33 business in the State, and each group and individual
34 self-insured employer authorized to make workers'
35 compensation payments directly to their employees, a
36 sum equal to that proportion of the current fiscal
37 year's appropriation, exclusive of any federal funds,
38 for the safety education and training division which
39 the total workers' compensation benefits, exclusive of
40 medical payments, paid by each carrier or each group
41 or individual self-insured employer, bear to the total

1 of the benefits paid by all carriers, and group and
2 individual self-insured employers, during the previous
3 calendar year, except that the total amount levied
4 annually may not exceed 1% of the total of the
5 compensation benefits paid by all carriers, and group
6 and individual self-insured employers during the
7 previous calendar year. Assessments under this
8 section shall include sufficient funds to provide for
9 training and information activities relating to
10 pesticides as required by section 1720, subsection 5.

11 Sec. 3. 26 MRSA §1720, sub-§5 is enacted to
12 read:

13 5. Assistance to agricultural employers. The
14 director shall provide assistance to agricultural
15 employers in the development and conduct of training
16 programs for employees with respect to hazardous
17 chemicals which are pesticides and in satisfying the
18 information requirements of the Federal Occupational
19 Safety and Health Administration's Hazard
20 Communication Standard, Title 29, Code of Federal
21 Regulation, Part 1910.1200. In providing this
22 assistance, the director shall consult with the Board
23 of Pesticides Control and, to the maximum extent
24 practicable, shall work through the Cooperative
25 Extension Service.

26 STATEMENT OF FACT

27 The new draft retains the intent of the original
28 bill, to assist agricultural employers in complying
29 with new federal regulations under the Occupational
30 Safety and Health Administration which will require
31 additional training and reporting to be conducted by
32 employers where pesticides are present.

33 The new draft assigns the responsibility for
34 providing this assistance to the Bureau of Labor
35 Standards, which will work through the Cooperative
36 Extension Service as much as practicable and which
37 will consult with the Board of Pesticides Control.
38 The bureau may incorporate this activity into its
39 ongoing program without additional funding.

1 The new draft also recognizes that other agencies
2 have primary responsibility for implementing the
3 reporting requirements of the United States
4 Environmental Protection Agency under the Emergency
5 Planning and Community Right-to-Know Act of 1986,
6 Public Law 99-499, the United States Superfund
7 Amendments and Reauthorization Act (SARA) of 1986,
8 Title III. The Governor, in an Executive Order dated
9 April 13, 1987, created the Maine Emergency Response
10 Commission, composed of 6 agencies and 3 outside
11 organizations, and chaired by the Maine Emergency
12 Management Agency. The Board of Pesticides Control is
13 required to cooperate with those agencies in carrying
14 out that mandate.

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