

# MAINE STATE LEGISLATURE

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L.D. 1893

(Filing No. S-473)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 718, L.D. 1893, Bill, "An Act to Revise the Asbestos Certification Law"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

**Whereas,** industry should be allowed to have their own trained and certified asbestos abatement units performing abatement procedures within their facilities; and

**Whereas,** companies with certified and trained in-house abatement teams will have to contract out this work at a higher cost if changes are not made to current laws; and

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

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

**Sec. 1. 38 MRSA §1272, sub-§5,** as enacted by PL 1987, c. 448, §1-C, is amended to read:

**5. Asbestos abatement project supervisor.** "Asbestos abatement project supervisor" means a person with responsibility for the supervision of asbestos abatement activities. Those persons include, but are not limited to, abatement project

2 supervisors employed by contractors, in-house asbestos abatement  
3 units, employees of governmental or public entities who  
4 coordinate or directly supervise asbestos abatement activities  
5 performed by public schools, governmental or other public  
6 employees in a school district, governmental or other public  
7 buildings and project supervisors employed as consultants to  
8 monitor and direct abatement contractors.

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10 **Sec. 2. 38 MRSA §1272, sub-§11**, as enacted by PL 1987, c. 448,  
11 §1-C, is repealed.

12 **Sec. 3. 38 MRSA §1272, sub-§14-A** is enacted to read:

13 **14-A. In-house asbestos abatement unit.** "In-house asbestos  
14 abatement unit" means the unit of a business or public entity  
15 that engages in, or intends to engage in, asbestos abatement  
16 activities or projects solely within the confines of property  
17 owned or leased by the entity and that employs one or more  
18 asbestos abatement supervisors for asbestos abatement activities.

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20 **Sec. 4. 38 MRSA §1272, sub-§15**, as enacted by PL 1987, c. 448,  
21 §1-C, is amended to read:

22  
23 **15. License.** "License" means a document issued by the  
24 Department of Environmental Protection to a business entity or  
25 public entity affirming that the entity has met the requirements  
26 set forth in this chapter to engage in asbestos abatement  
27 activities as an asbestos abatement contractor or in-house  
28 asbestos abatement unit.

29  
30 **Sec. 5. 38 MRSA §1274, sub-§1**, as enacted by PL 1987, c. 448,  
31 §1-C, is amended to read:

32  
33 **1. Asbestos abatement license.** To qualify for a license as  
34 an asbestos abatement contractor or in-house asbestos abatement  
35 unit, an applicant shall show evidence satisfactory to the  
36 commissioner that:

37  
38 **A.** Each employee or agent within its employ who will come  
39 in contact with asbestos or will be responsible for an  
40 asbestos abatement project:

41  
42 (1) Is familiar with all applicable state and federal  
43 standards for asbestos abatement projects; and

44  
45 (2) Has successfully completed a course of instruction  
46 for ~~his~~ that employee's or agent's particular category,  
47 which that has been certified pursuant to section 1275,  
48 and is capable of complying with all applicable  
49 standards of the State, the United States Environmental  
50 Protection Agency and the United States Occupational  
51 Safety and Health Administration;

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- 2 B. It has access to at least one asbestos disposal site
- 4 approved by the ~~Department--of--Environmental--Protection~~  
~~department~~ that is sufficient for the deposit of all
- 6 asbestos waste that it will generate during the term of the  
license;
- 8 C. It possesses a work program that prevents the
- 10 contamination or recontamination of the environment and  
protects the public health from the hazards of exposure to  
12 asbestos;
- 14 D. It possesses evidence of certification under subsection  
4 of each individual employee or agent who will be  
16 responsible for other employees who may come in contact with  
friable asbestos-containing materials;
- 18 E. It possesses evidence of certification of all other  
employees as required by subsection 5; and
- 20 F. It possesses a worker protection and medical monitoring  
22 program consistent with requirements established by the  
Maine Board of Occupational Safety and Health Protection if  
24 the contractor or in-house asbestos abatement unit is a  
public entity and a worker protection program consistent  
26 with the requirements of the United States Occupational  
Safety and Health Administration if the contractor or  
28 in-house asbestos abatement unit is a business entity.

30 **Sec. 6. 38 MRSA §1275, first ¶,** as enacted by PL 1987, c. 448,  
32 §1-C, is amended to read:

34 The ~~commissioner~~ board, after consultation with the  
36 Commissioner of Administration and the Commissioner of Labor,  
shall develop rules establishing criteria and procedures for the  
38 certification of training courses and examinations which shall  
ensure the qualifications of applicants for certification as  
40 required in this chapter. ~~These--rules~~ The board shall be  
~~promulgated--by--the--Department--of--Environmental--Protection~~  
promulgate these rules in accordance with Title 5, chapter 375,  
subchapter II.

42 **Sec. 7. 38 MRSA §1275, sub-§3** is enacted to read:

44 **3. Transition.** Training courses conducted by, and  
46 instructors employed by, firms with in-house asbestos abatement  
units contracting for asbestos removal with the Federal  
48 Government are considered certified under this section pending  
review for certification if the firm has submitted to the  
50 commissioner by March 1, 1990, a training course that meets  
training requirements set forth in this chapter.

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Sec. 8. 38 MRSA §1278, sub-§1, ¶¶A and B, as enacted by PL 1987, c. 448, §1-C, are amended to read:

A. The fees are:

- (1) Asbestos abatement contractor: \$250;
- (1-A) In-house asbestos abatement unit: \$250;
- (2) Asbestos abatement design consultant: \$50;
- (3) Asbestos evaluation specialist: \$50;
- (4) Asbestos project supervisor: \$50; and
- (5) Asbestos abatement worker: \$25.

B. A business, in-house asbestos abatement unit or public entity may pay the certification fee and receive certificates for one or more positions in each category on an annual basis. Employees filling the certified positions at any time during the one-year period shall must be qualified under terms of this chapter and, if qualified, shall must receive written evidence of certification. The business, in-house asbestos abatement unit or public entity shall notify the commissioner within 5 working days of any changes of the persons holding its certified positions and shall provide all information requested by the commissioner to show that new employees meet the requirements for certification pursuant to this chapter.

Sec. 9. 38 MRSA §1278, sub-§2, as enacted by PL 1987, c. 448, §1-C, is amended to read:

2. **Notification fees.** Notification of a planned asbestos abatement project pursuant to section 1273, ~~subsections subsection 2 and 3~~, shall must be accompanied by a notification fee, unless such the activity occurs in private single-unit residential buildings of 4-dwelling-units-or-less.

A. The fees are:

- (1) Projects involving more than ~~160~~ 100 square feet or ~~260~~ 100 linear feet, but less than 1,000 square feet or 5,000 linear feet: \$100; and
- (2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

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**FISCAL NOTE**

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This bill establishes a new fee for in-house asbestos abatement units and modifies notification fees for planned asbestos abatement projects. The proposed new fee for in-house asbestos abatement units is expected to raise approximately \$3,000 of dedicated revenue to the Maine Environmental Protection Fund on an annual basis.

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Also, the modification of the notification fees would result in a slight increase in revenue to the Maine Environmental Protection Fund in an amount not determined at this time.'

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**STATEMENT OF FACT**

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This amendment allows in-house asbestos abatement units to continue asbestos abatement activities, provided that training requirements and abatement activities are consistent with those required of all other asbestos abatement professionals. A license fee equal to that required of asbestos abatement contractors is imposed also on in-house asbestos abatement units. The removal quantities for notification fee exemptions are made consistent with the quantities for notification exemptions.

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In addition, this amendment allows federal contractors with in-house asbestos abatement units to train workers pending approval of their training programs by the commissioner.

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Reported by Senator Erwin for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.

(1/22/90)

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