

MAINE STATE LEGISLATURE

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LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 446, L.D. 596, Bill, "An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 22 MRSA §454, as amended by PL 1989, c. 487, §4, is repealed and the following enacted in its place:

§454. Duties

1. Reporting; action on complaints. In a book kept for that purpose, the local health officer shall make and keep a record of all the proceedings, transactions, doings, orders and regulations of that local health officer. The local health officer shall assist in the reporting, prevention and suppression of diseases and conditions dangerous to health, and that local health officer is subject to the supervision and direction of the department.

The local health officer shall report promptly to the Commissioner of Human Services, or the commissioner's designee, facts that relate to communicable diseases occurring within the limits of the health officer's jurisdiction, and shall report to the commissioner, or the commissioner's designee, every case of communicable disease as the rules of the department require. Those diseases that the rules of the department may require to be reported are known, under the terms of this Title, as notifiable diseases.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "H" to H.P. 446, L.D. 596

2 The local health officer shall receive and evaluate complaints
4 made by any of the inhabitants concerning nuisances posing a
6 potential public health threat within the limits of the health
8 officer's jurisdiction. With the consent of the owner, agent or
10 occupant, the local health officer may enter upon or within any
12 place or premises where nuisances or conditions posing a public
14 health threat are known or believed to exist, and personally, or
16 by appointed agents, inspect and examine the same. If entry is
18 refused, the municipal health officer shall apply for an
20 inspection warrant from the District Court, pursuant to Title 4,
section 179, prior to conducting the inspection. When the local
health officer has reasonable cause to suspect the presence of a
communicable disease, the local health officer shall consult with
the commissioner, or a designee. The health officer shall then
order the suppression and removal of nuisances and conditions
posing a public health threat found to exist within the limits of
the health officer's jurisdiction. For purposes of this section,
"public health threat" means any condition or behavior that can
reasonably be expected to place others at significant risk of
exposure to infection with a communicable disease.

22 2. Departmental intervention. If the local health officer,
24 or individual designated as the local health officer pursuant to
26 section 451, fails to perform the duties of the local health
officer as those duties are described under this section, the
department may intervene to perform those duties.'

28 Further amend the bill in section 1 by striking out all of
30 that part designated "**§586.**" (page 1, lines 34 to 50 and page 2,
lines 1 to 5 in L.D.) and inserting in its place the following:

32 '**§586. Agricultural labor housing standards**

34 The bureau shall adopt rules for the protection of the
36 health, safety and welfare of the agricultural laborers and their
38 families who occupy housing provided, owned or controlled by
40 their employers. These rules apply only to housing facilities of
42 employers of agricultural labor who provide housing to more than
44 5 employees and whose minimum housing habitability standards are
46 not already established under the regulations on housing
48 promulgated by the United States Department of Labor,
50 Occupational Safety and Health Administration under the federal
Migrant and Seasonal Agricultural Worker Protection Act, 29
United States Code, Sections 1801 et seq. The rules adopted
under this subchapter must be identical to the federal housing
habitability regulations promulgated to protect seasonal and
migrant workers under the authority of the federal Migrant and
Seasonal Agricultural Worker Protection Act. Rules adopted
pursuant to this subchapter are routine technical rules as
defined in Title 5, chapter 375, subchapter II-A.'

COMMITTEE AMENDMENT

2 Further amend the bill by relettering or renumbering any
3 nonconsecutive Part letter or section number to read
4 consecutively.

6 Further amend the bill by inserting at the end before the
7 summary the following:

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FISCAL NOTE

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The Department of Labor will incur some minor additional costs to adopt certain rules pertaining to agricultural labor housing standards. These costs can be absorbed within the department's existing budgeted resources.

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The additional costs associated with providing technical assistance can be absorbed by the Department of Human Services utilizing existing budgeted resources.

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

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SUMMARY

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This amendment changes the content of the rules to be adopted by the Department of Labor, Bureau of Labor Standards to make them identical to the federal housing habitability regulations adopted under the authority of the federal Migrant and Seasonal Agricultural Worker Protection Act. It also changes the application of the rules to housing facilities of agricultural employers who house more than 5 employees and whose housing habitability standards are not already established under the federal housing and habitability regulations.

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Finally, the amendment gives the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties. It also adds a fiscal note to the bill.

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