

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

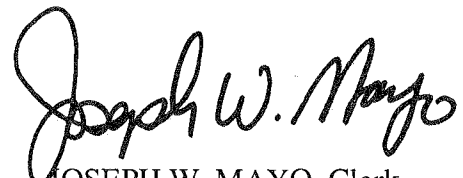
No. 1644

H.P. 1167

House of Representatives, March 24, 1997

**An Act to Give the Director of the Bureau of Labor Standards
Rule-making Authority for All Wage and Hour and Other Related Laws
That the Bureau of Labor Standards Is Charged with Enforcing.**

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Senator CATHCART of Penobscot.

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

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4 **Sec. 1. 26 MRSA §42, first ¶,** as repealed and replaced by PL 1989, c. 502, Pt. B, §24, is amended to read:

6 The bureau shall collect, assort and arrange statistical
8 details relating to all departments of labor and industrial
10 pursuits in the State; to trade unions and other labor
12 organizations and their effect upon labor and capital; to the
14 number and character of industrial accidents and their effect
16 upon the injured, their dependent relatives and upon the general
18 public; to other matters relating to the commercial, industrial,
20 social, educational, moral and sanitary conditions prevailing
22 within the State, including the names of firms, companies or
24 corporations, where located, the kind of goods produced or
26 manufactured, the time operated each year, the number of
28 employees classified according to age and sex and the daily and
30 average wages paid each employee; and the exploitation of such
32 other subjects as will tend to promote the permanent prosperity
34 of the industries of the State. The director is authorized and
36 empowered, subject to the approval of the Governor, to accept
38 from any other agency of government, individual, group or
40 corporation such funds as may be available in carrying out this
42 section, and meet such requirements with respect to the
44 administration of such funds, not inconsistent with this section,
46 as are required as conditions precedent to receiving such funds.
48 An accounting of such funds and a report of the use to which they
50 were put shall must be included in the biennial report to the
52 Governor. Each agency of government shall cooperate fully with
 the bureau's efforts to compile labor and industrial statistics.
 The director shall cause to be enforced all laws regulating the
 employment of minors ~~and--women~~; all laws established for the
 protection of health, lives and limbs of operators in workshops
 and factories, on railroads and in other places; all laws
 regulating the payment of wages; and all laws enacted for the
 protection of the working classes. The director may adopt, in
 accordance with the Maine Administrative Procedure Act, rules
 regarding all such laws, except where this authority is granted
 to a board or commission. Rules adopted pursuant to this section
 are routine technical rules as defined in Title 5, chapter 375,
 subchapter II-A. The director shall, on or before the first day
 of July, biennially, report to the Governor, and may make such
 suggestions and recommendations as the director may deem
 necessary for the information of the Legislature. The director
 may from time to time cause to be printed and distributed
 bulletins upon any subject that shall be of public interest and
 benefit to the State and may conduct a program of research,
 education and promotion to reduce industrial accidents. The
 director may review various data, such as workers' compensation
 records, as well as other information relating to any public or
 private employer's safety experience. When any individual public
 or private employer's safety experience causes the director to

2 question seriously the safe working environment of that employer,
the director may offer any safety education and consultation
4 programs to that employer that may be beneficial in providing a
safer work environment. If the employer refuses this assistance
6 or is in serious noncompliance which may lead to injuries, or if
serious threats to worker safety continue, then the director
shall communicate concerns to appropriate agencies, such as the
8 United States Occupational Safety and Health Administration. As
used in this section, the term "noncompliance" means a lack of
10 compliance with any applicable health and safety regulations of
the United States Occupational Safety and Health Administration
12 or other federal agencies. The bureau shall-be is responsible
for the enforcement of indoor air quality and ventilation
14 standards with respect to state-owned buildings and buildings
leased by the State. The bureau shall enforce air quality
16 standards in a manner to ensure that corrections to problems
found in buildings be made over a reasonable period of time,
18 using consent agreements and other approaches as necessary and
reasonable.

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SUMMARY

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This bill allows the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction, where that authority is not specifically granted to a board or commission.