

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 199

H.P. 158

House of Representatives, January 21, 2003

An Act to Protect Children from Cancer-causing Chemicals

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative EDER of Portland.

Cosponsored by Representative: McKEE of Wayne, Senator: TREAT of Kennebec.

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

2

Sec. 1. 20-A MRSA §15613, sub-§14, as amended by PL 1989, c. 700, Pt. A, §73, is further amended to read:

4

6 **14. Hazardous chemicals.** The Commissioner of Education shall establish rules governing the purchase and storage of hazardous chemicals in schools. ~~These rules shall be established prior to January 1, 1990.~~ These rules must prohibit the presence, use and storage on school property of chemicals known to cause cancer. By July 1, 2004, the department shall adopt rules specifying the chemicals that are known to cause cancer that are prohibited on school property. Rules adopted pursuant to this subsection regarding chemicals that cause cancer are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

10

12

14

16

18

20

Sec. 2. 22 MRSA §8302-A, sub-§1, as amended by PL 2001, c. 645, §7, is further amended to read:

22

24

1. Rules for child care facilities. Rules for child care facilities must include, but are not limited to, rules pertaining to the following:

26

A. Child to staff ratios;

28

B. The health and safety of the children and staff, including training on communicable diseases;

30

C. Water for drinking and cooking;

32

D. Wastewater;

34

E. Rabies vaccinations for pets;

36

F. The quality of the program provided;

38

G. The age, criminal record and personal history of the provider of care for children and staff members;

40

H. The administration of medication; and

42

I. Licensing procedures; and

44

J. By July 1, 2004, the prohibition of the presence, use and storage on child care center property of chemicals known to cause cancer. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

46

48

2 Rules Except as provided in paragraph J, rules adopted pursuant
4 to this subsection are routine technical rules pursuant to Title
5, chapter 375, subchapter ~~II~~-A 2-A.

6 **Sec. 3. Rule-making procedure.** The Department of Education
8 and the Department of Human Services shall complete preliminary
10 adoption of the rules on chemicals that cause cancer pursuant to
14 the Maine Revised Statutes, Title 20-A, section 15613, subsection
14 and Title 22, section 8302-A, subsection 1, paragraph J by
12 January 1, 2004.

14 **SUMMARY**

16 This bill prohibits the presence, use and storage on school
18 and child care center property of chemicals known to cause
20 cancer. The bill requires the adoption of major substantive
22 rules by the Commissioner of Education and the Commissioner of
Human Services, with those rules taking effect by July 1, 2004.
The bill requires the 2 departments to complete preliminary
adoption of their rules on chemicals that cause cancer by January
1, 2004.