

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)

R.O.S.

L.D. 1238

DATE: 5/20/05

(Filing No. H-443)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

LABOR
Majority

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 856, L.D. 1238, Bill, "An Act To Ensure Compliance with Safety Regulations"

Amend the bill in section 1 in that part designated "~~§1696-K.~~" by striking out all of the headnote (page 2, line 10 in L.D.) and inserting in its place the following:

'§1696-K. Covered facilities'

Further amend the bill in section 1 in that part designated "~~§1696-K.~~" in subsection 1 by striking out all of the first paragraph (page 2, lines 12 to 14 in L.D.) and inserting in its place the following:

'1. Covered facility. An industrial or commercial facility is subject to this chapter if the facility has initiated or resumed operation and if:'

Further amend the bill in section 1 in that part designated "~~§1696-K.~~" in subsection 1 in paragraph C in the 1st and 2nd lines (page 2, lines 21 and 22 in L.D.) by striking out the following: "who will be working during the initiation or resumption of operation"

Further amend the bill in section 1 in that part designated "~~§1696-K.~~" in subsection 2 in paragraph A in the 9th and 10th lines (page 2, lines 44 and 45 in L.D.) by striking out the following: "section" and inserting in its place the following: 'chapter'

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 856, L.D. 1238

2 Further amend the bill in section 1 in that part designated
4 "~~§1696-K.~~" in subsection 2 in paragraph A in the last 3 lines
6 (page 2, lines 47 to 49 in L.D) by striking out the following:
"~~and, if the facility is currently in operation, order the
immediate cessation of that operation~~"

8 Further amend the bill in section 1 in that part designated
10 "~~§1696-K.~~" in subsection 2 by striking out all of paragraph B
(page 3, lines 1 to 12 in L.D.)

12 Further amend the bill in section 1 in that part designated
14 "~~§1696-L.~~" by striking out all of the first paragraph (page 3,
lines 16 to 18 in L.D.)

16 Further amend the bill in section 1 in that part designated
18 "~~§1696-L.~~" by striking out all of subsections 1 and 2 (page 3,
lines 20 to 32 in L.D.) and inserting in their place the
following:

20 '~~1. Inspection schedule. Within 20 days of its~~
22 ~~determination under section 1696-K that a facility is a covered~~
24 ~~facility, the Bureau of Labor Standards shall arrange a date and~~
~~time for an inspection of the facility.'~~

26 Further amend the bill in section 1 in that part designated
28 "~~§1696-L.~~" in subsection 3 by striking out all of paragraph A
(page 3, lines 42 to 44 in L.D.) and relettering the paragraphs
to read consecutively.

30 Further amend the bill in section 1 in that part designated
32 "~~§1696-L.~~" in subsection 3 in paragraph E in the last line (page
4, line 4 in L.D.) by striking out the following: "~~4~~" and
34 inserting in its place the following: '3'

36 Further amend the bill in section 1 in that part designated
38 "~~§1696-L.~~" in subsection 7 in the first paragraph in the 3rd line
(page 5, line 12 in L.D.) by striking out the following: "~~6~~" and
inserting in its place the following: '5' and in the 3rd line
40 from the end (page 5, line 14 in L.D.) by striking out the
following: "~~4~~" and inserting in its place the following: '3'

42 Further amend the bill in section 1 in that part designated
44 "~~§1696-L.~~" in subsection 7 in paragraph A in the 2nd line (page
5, line 19 in L.D.) by striking out the following: "~~6~~" and
46 inserting in its place the following: '5' and in the last line
(page 5, line 22 in L.D.) by striking out the following:
48 "~~initiate or resume~~" and inserting in its place the following:
~~'continue'~~

50

COMMITTEE AMENDMENT "A" to H.P. 856, L.D. 1238

Further amend the bill in section 1 in that part designated "~~§1696-L.~~" in subsection 7 in paragraph B in the 2nd line (page 5, line 25 in L.D.) by striking out the following: "6" and inserting in its place the following: '5' and in the 6th line (page 5, line 29 in L.D.) by inserting after the following: "deficiency." the following: 'The facility shall immediately cease operations upon receiving notice from the Bureau of Labor Standards pursuant to this paragraph.'

Further amend the bill in section 1 in that part designated "~~§1696-L.~~" in subsection 7 in paragraph C in the 2nd line from the end (page 5, line 49 in L.D.) by striking out the following: "~~6~~" and inserting in its place the following: '5'

Further amend the bill in section 1 in that part designated "~~§1696-L.~~" by striking out all of subsection 8 (page 6, lines 2 to 7 in L.D.)

Further amend the bill in section 1 in that part designated "~~§1696-L.~~" by renumbering the subsections to read consecutively.

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

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Regulation and Enforcement 0159

Initiative: Provides ongoing funds for one Occupational Health Specialist position and related All Other costs associated with conducting the required inspections.

GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$47,162	\$67,141
All Other	\$4,300	\$4,400
GENERAL FUND TOTAL	\$51,462	\$71,541'

SUMMARY

This amendment removes the prohibition on initiation or resumption of operation of a covered facility until inspection by the Department of Labor, Bureau of Labor Standards is complete. In place of that prohibition, the amendment requires that a covered facility cease operations if it has been found deficient

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 856, L.D. 1238

2 through the bureau's inspection and allows the facility to resume
operations only after the deficiencies have been corrected.

4 This amendment also adds an appropriations and allocations
6 section.

8 **FISCAL NOTE REQUIRED**
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1238

LR 0195(02)

An Act To Ensure Compliance with Safety Regulations

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium cost increase - General Fund

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$51,462	\$71,541	\$76,268	\$81,407
Appropriations/Allocations				
General Fund	\$51,462	\$71,541	\$76,268	\$81,407

Correctional and Judicial Impact Statements

Establishes new civil violations.

The collection of additional fines may increase General Fund revenue by minor amounts.

Results in new lengthy and costly court cases requiring additional services of a Superior Court justice, law clerk, court clerk, court reporter, court security officer and possibly jurors. The Judicial Branch estimates these costs would be at least \$5,000 per case. These additional costs are not expressed in the numbers above and could be substantial.

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$51,462 in fiscal year 2005-06 and \$71,541 in fiscal year 2006-07 for the Regulation and Enforcement program within the Department of Labor for one Occupational Health Specialist position and related all other costs associated with conducting the required inspections. The additional costs associated with providing assistance to inspect and enforce the provisions of this legislation can be absorbed by the Department of Environmental Protection, the Department of Defense, Veterans and Emergency Management and the Department of the Attorney General utilizing existing budgeted resources.