

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-871) (LD 1969 2020)

Date: 9/1/2020

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Date: (Filing No. H-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1413, L.D. 1969, Bill, “An Act To Protect State Workers from Exposure to Carcinogens”

Amend the bill by striking out the title and substituting the following:

'An Act To Protect State Workers from Exposure to Harmful Substances'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 5 MRSA §1742-G is enacted to read:

§1742-G. Bureau of General Services; inventory of asbestos, lead, black mold and other substances that may be harmful to human health in state-owned and state-leased buildings

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Bureau" means the Bureau of General Services within the department.
- B. "Department" means the Department of Administrative and Financial Services.
- C. "State-owned building" means a building owned by the State in which persons employed by a state agency perform job duties, including, but not limited to, maintenance and repair work.

2. Initial inventory. The bureau shall inventory all state-owned buildings to identify the presence of asbestos, lead, black mold and other substances that may be harmful to human health. The department shall require property owners of buildings leased to the State to conduct a similar inventory and provide the results of the inventory to the bureau prior to executing a new lease or renewing or extending an existing lease and, with respect to a lease that on the effective date of this subsection has a remaining term of more than 2 years, within 12 months of the effective date of this subsection. The bureau shall enter the results of the inventories into the database established and maintained by the bureau pursuant to subsection 3.

COMMITTEE AMENDMENT

1 **3. Database.** The bureau shall keep and maintain an electronic database including,
2 for each state-owned building or state-leased building:

3 A. The results of the inventories completed by the bureau and by the property
4 owners of state-leased buildings pursuant to subsection 2;

5 B. Detailed plans for the remediation, abatement or containment of asbestos, lead,
6 black mold and other substances that may be harmful to human health found in state-
7 owned buildings and state-leased buildings; and

8 C. Data on the completion of planned remediation, abatement or containment.

9 **4. Access to database.** The database kept and maintained pursuant to subsection 3
10 must be readily accessible electronically to:

11 A. Collective bargaining agents of employees who work in state-owned buildings or
12 state-leased buildings;

13 B. State employees whose usual work site is a state-owned building or state-leased
14 building that contains asbestos, lead, black mold or other substances that may be
15 harmful to human health;

16 C. Individuals who perform maintenance, repair and custodial services in state-
17 owned buildings or state-leased buildings;

18 D. Firefighters responsible for providing services to a state-owned building or state-
19 leased building;

20 E. The Department of Labor;

21 F. The Department of Health and Human Services, Maine Center for Disease Control
22 and Prevention; and

23 G. Members of the joint standing committee of the Legislature having jurisdiction
24 over state and local government matters.

25 **5. Building maintenance or repair.** Prior to any maintenance or repair of a state-
26 owned building by a person employed by a state agency, the bureau shall review the
27 building's records in the database kept and maintained pursuant to subsection 3 or
28 inventory the building if the building has not already been inventoried pursuant to
29 subsection 2 and add the results of the inventory into the database established and
30 maintained pursuant to subsection 3. If asbestos, lead, black mold or other substances
31 that may be harmful to human health are found in the state-owned building to be
32 maintained or repaired by a person employed by a state agency, the bureau shall inform
33 the person performing the maintenance or repair work and provide appropriate protective
34 gear.

35 **6. Monitoring, abatement and remediation.** To promote a safe and healthy
36 environment in state-owned buildings, the bureau's division of safety and environmental
37 services shall:

38 A. Provide statewide monitoring of state-owned buildings to continuously identify
39 the presence of health hazards in the buildings, including, but not limited to, asbestos,
40 lead, black mold and other substances that may be harmful to human health;

1 B. Conduct routine building inventories and testing as appropriate to discover and
2 assess the presence of health hazards in state-owned buildings, including, but not
3 limited to, asbestos, lead, black mold and other substances that may be harmful to
4 human health;

5 C. Identify any abatement, remediation, containment and maintenance necessary to
6 address and prevent potential health hazards in state-owned buildings, including, but
7 not limited to, asbestos, lead, black mold and other substances that may be harmful to
8 human health; and

9 D. Work with state departments and state agencies to develop safety protocols and
10 train state employees on safety protocols.

11 7. Biennial report. The department shall submit a report to the joint standing
12 committee of the Legislature having jurisdiction over state and local government matters
13 that describes the conditions of state-owned buildings and state-leased buildings and
14 areas of concern by February 1st of every odd-numbered year.

15 8. Rules. The department may adopt rules to implement this section. Rules adopted
16 pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter
17 2-A.

18 **Sec. 2. Safety education; black mold standards; safety committees.** The
19 Department of Administrative and Financial Services and the Department of Labor shall
20 work together with collective bargaining organizations representing state employees to
21 promote health and safety education of state employees, identify appropriate standards for
22 black mold prevention and remediation in state-owned buildings and state-leased
23 buildings similar to the standards recommended by the United States Environmental
24 Protection Agency and develop a framework for regionally based safety committees.

25 **Sec. 3. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

28 **Buildings and Grounds Operations 0080**

29 Initiative: Establishes 2 Engineering Technician IV positions to carry out the
30 requirements of this bill.

31	GENERAL FUND	2019-20	2020-21
32	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
33	Personal Services	\$0	\$95,243
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$95,243</u>

36
37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
38 section number to read consecutively.

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SUMMARY

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft. It requires the Department of Administrative and Financial Services, Bureau of General Services to inventory all state-owned buildings where state employees perform job duties to determine the presence of asbestos, lead, black mold or other substances that may be harmful to human health. It requires property owners of buildings leased to the State to conduct a similar inventory and report the results to the bureau. The amendment requires the bureau to establish and maintain a database containing the results of the inventories and make the database easily accessible electronically to employee collective bargaining agents, employees working in state office buildings with asbestos, lead, black mold or other substances that may be harmful to human health, individuals who perform maintenance, repair or custodial services, firefighters, the Department of Labor, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and members of the joint standing committee of the Legislature having jurisdiction over state and local government matters. It requires the database to be consulted before maintenance of or repair to a state-owned building by a state employee and the provision of protective gear to the employee if appropriate. The department is required to submit a biennial report and may adopt rules to implement these requirements.

The amendment also provides funding for personnel in the bureau to carry out the requirements of this legislation.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 1969

LR 2816(02)

An Act To Protect State Workers from Exposure to Carcinogens

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$95,243	\$197,344	\$204,448
Appropriations/Allocations				
General Fund	\$0	\$95,243	\$197,344	\$204,448

Fiscal Detail and Notes

The bill requires the Department of Administrative and Financial Services (DAFS) to inventory all state-owned buildings where state employees work for the presence of harmful substances. It also requires DAFS to establish and maintain a database of the results from this inventory and make that inventory available to multiple different state departments and agencies as well as organizations. DAFS has indicated it will require two full time positions to meet these requirements. The bill establishes two full time Engineering Technician IV positions and provides a General Fund appropriation in fiscal year 2020-21 of \$95,243 for these positions, assuming a start date of January 1, 2021.