

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 78

S. P. 50

In Senate, January 21, 1953

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Inspection of Construction Projects.

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

R. S., c. 25, §§ 50-A - 50-E, additional. Chapter 25 of the revised statutes, as amended, is hereby further amended by adding thereto 5 new sections to be numbered 50-A to 50-E, inclusive, to read as follows :

'Construction

Sec. 50-A. Duty of employer. Whenever construction of buildings, works or other projects is under way, it shall be the duty and responsibility of the employer to maintain his equipment and conditions in a safe, suitable and proper manner to protect the worker and the public from undue hazards.

The employer, whether contractor or owner, shall notify the commissioner of the starting of any project.'

'**Sec. 50-B. Right of entry.** It shall be the duty of the commissioner, or his authorized agent, to inspect such construction projects to see that safe conditions are maintained. He may enter any construction project when same is open or in operation and may examine into the method of protection from danger to employees and public in and around such buildings and places and may make a record of such inspection.'

'Sec. 50-C. Power of inspection. If, upon inspection or examination, any condition is found to be dangerous to the life or limb of any person, the inspector shall at once notify the foreman and employer responsible for the maintenance of safe conditions of such fact and instruct him to remedy the unsafe condition and require the same to be done so as to avoid such danger. Such notice may be served personally upon the person responsible for the maintenance of safe conditions or by conspicuously affixing it to the object or device or to the part thereof declared to be unsafe. After such notice has been served or affixed, the person responsible shall cease using until the object or device, or part thereof, is altered or strengthened in such a manner as to provide safe conditions.'

'Sec. 50-D. Petition for review. Any person or corporation aggrieved by any order of the commissioner issued under the provisions of sections 50-A, 50-B and 50-C may appeal to a justice of the superior court by presenting to him within 30 days from the effective date of such order, a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the commissioner and after the hearing the justice may affirm or reverse in full or in part any such order of the commissioner and the decision of such justice shall be final. Any order issued by the commissioner under the provisions of sections 50-A, 50-B and 50-C shall become effective immediately and the filing of a petition for review shall not operate as a stay thereof.'

'Sec. 50-E. Penalty. Any owner, contractor, foreman or other employer or person, having charge of the construction project, shall comply with all the terms of sections 50-A, 50-B and 50-C and any such person violating any of such provisions shall, upon conviction thereof, be punished by a fine of not less than \$25, nor more than \$500, or by imprisonment for not less than 3 months, nor more than 6 months, or by such fine and imprisonment.

Each day that such violation exists or continues shall be considered as a separate offense.'