

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

Chapter 554

AN ACT Relating to Rules and Regulations for the Protection of Health and Safety.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, action by the regular session of the 104th Legislature revised the state regulations regarding industrial health and safety; and

Whereas, a number of occupations are now left unprotected by the appropriate state agency; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 22, § 42-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 42-A, to read as follows:

§ 42-A. Duties of the Department of Health and Welfare

The Department of Health and Welfare shall be authorized and empowered:

1. Formulate, amend and repeal rules and regulations. To formulate, amend and repeal such rules and regulations as may be necessary for the protection of life, health and welfare of employees in industrial establishments and places of employment;

2. Environmental or other health hazards. To make evaluations and determinations of environmental or other health hazards affecting employees in any occupation and to establish appropriate standards related thereto. These hazards shall include but not be limited to drinking water, toilets, lavatories, showers, sleeping quarters, eating facilities, garbage and refuse disposal, sewage disposal, cross-connections, control of communicable diseases, plumbing, housekeeping, illumination, heating and ventilation, rest and dressing rooms, labeling, storage, transportation and use of materials, noise, occupational diseases including protection from radiation and air contaminants such as dusts, fumes, mists, gases and vapors.

3. Cooperate with others. To advise, consult and cooperate with other agencies of the State, the Federal Government and other states and interstate agencies, and with affected groups, political subdivisions and industries;

4. Funds. To accept and administer according to law loans, grants or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this chapter;

5. Studies and research. To encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of occupational health hazards;

6. Health education information. To collect and disseminate health education information relating to occupational health and welfare;

7. Inspections. To enter and inspect industrial establishments and places of employment and to enforce the rules and regulations promulgated under this section;

8. Penalties. Any person who violates any provision of this section or the rules and regulations made thereunder shall be punished by a fine of not less than \$50 nor more than \$200 for each offense.

Sec. 2. R. S., T. 26, § 569, amended. Section 569 of Title 26 of the Revised Statutes, as enacted by chapter 454 of the public laws of 1969, is amended to read as follows:

§ 569. Rules and regulations

The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the Board of Boiler Rules, the Board of Construction Safety Rules and Regulations and the Board of Elevator Rules and Regulations, whose rule making authority is clearly set forth in sections 173, 373 and 432, respectively, and the rules and regulations duly promulgated by the Department of Health and Welfare under the laws administered by that department. Before any rules or regulations are adopted, a public hearing shall be held, suitable notification to be published in at least 3 newspapers throughout the State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective January 30, 1970

Chapter 555

AN ACT Relating to Clarification of Release and Discharge from Commitment after a Finding of Not Guilty by Reason of Mental Disease or Mental Defect.

Emergency preamble. Whereas, Acts passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it has become clear since the most recent amendment of 15 M.R.S.A. § 104, that conditional release as permitted by the statute is restrictive to the point that rehabilitative programming, permitting gradual return to the community of persons found not guilty by reason of mental disease or mental defect is impossible; and