

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

ceptance or rejection of this Act by voting on the following question:

"Do you want to vote on any Maine site for disposal of low-level radioactive waste if it is not disposed of safely outside of Maine or at the Maine Yankee site?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective immediately.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective Pending Referendum.

CHAPTER 494

S.P. 535 - L.D. 1436

AN ACT to Allow the Department of Human
Services to Investigate and Provide
Information on Community Health
Issues.

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

Sec. 1. 22 MRSA c. 271, first 2 lines are repealed and the following enacted in their place:

CHAPTER 271

HEALTH PROGRAMS

SUBCHAPTER I

ENVIRONMENTAL HEALTH PROGRAMS

Sec. 2. 22 MRSA c. 271, sub-c. II is enacted to read:

SUBCHAPTER II

COMMUNITY HEALTH INVESTIGATION AND INFORMATION

§1696-A. Findings and intent

The Legislature finds and declares that the proliferation of hazardous substances in the environment poses a growing threat to the public health, safety and welfare; that the constantly increasing number and variety of hazardous substances, and the many routes of exposure to them make it difficult and expensive to adequately monitor and detect any adverse health effects attributable to them; that individuals are often able to detect and thus minimize effects of exposure to hazardous substances if they are aware of the identity of the substances and the early symptoms of unsafe exposure; and that individuals have an inherent right to know the full range of the risks they face so that they can make reasoned decisions and take informed actions concerning their employment and their living conditions.

The Legislature further declares that accidental releases of hazardous materials pose a threat to public health and safety and that there are serious questions concerning the State's ability to respond to these emergencies in a coordinated and effective manner; and that local health, fire, police, safety and other government officials require information about the identity, characteristics and quantities of hazardous substances used and stored in communities within their jurisdictions, in order to adequately plan for, and respond to, emergencies and enforce compliance with applicable laws and rules concerning these substances.

The Legislature further declares that the extent of the toxic contamination of the air, water, and land in this State has caused a high degree of concern among its residents; and that much of this concern is needlessly aggravated by the unfamiliarity of these substances to residents.

The Legislature determines that it is in the public interest for the State to examine its emergency response mechanisms and procedures for accidents involving hazardous materials, to establish a comprehensive program for the disclosure of information about hazardous substances in the community and to

provide a procedure whereby residents of this State may gain access to this information.

§1696-B. Short title

This subchapter may be cited as the "Community Right-to-Know Act."

§1696-C. Community health information project

The department shall undertake a community health information project under the auspices of the Environmental Health Program in the Bureau of Health. The project shall respond, subject to this subchapter, to requests made by state agencies, municipalities or individuals for information on potential health hazards posed by the use of hazardous chemicals. To meet these requests, the director shall establish a Community Health Information Clearinghouse which shall contain information on the health implications of chemicals in use in the home and the workplace.

§1696-D. Response to requests

When requested under this subchapter, the director shall provide, at a minimum, the identity of chemical substances in use or present at a specific location, unless the substance has been designated as a trade secret under Title 26, chapter 22. The director may provide information on the chronic and acute health hazards posed by the substance, potential routes of exposure, emergency procedures and other subjects as appropriate. The director shall report in writing annually by January 1st to the joint standing committee of the Legislature having jurisdiction over human resources on the number and type of requests received and on his response to these requests.

In the case of a request for information from a municipality or individual concerning chemicals in use or present at a specific site, the director shall be required to provide information pursuant to this Act only if the specific site is within a 50-mile radius of the municipality or within a 50-mile radius of a residence of the individual requesting the information.

§1696-E. Cooperation with state agencies

The director may obtain, upon request, information from and the assistance of the Bureau of Labor Standards, Department of Environmental Protection,

Bureau of Pesticides Control and other state agencies as appropriate in the conduct of investigations under this chapter. Information obtained under this section shall be subject to the trade secret provisions governing the agencies supplying the information.

§1696-F. Provision of information; trade secrets

A person may withhold the identity of a specific toxic or hazardous substance, if the substance has been registered as a trade secret under Title 26, chapter 22. All other information, including routes of exposure, effects of exposure, type and degree of hazard and emergency treatment and response procedures, shall be provided if requested by the Director of the Bureau of Health and shall be considered a public record.

Sec. 3. 26 MRSA §1721, as enacted by PL 1983, c. 823, §2, is amended to read:

§1721. Confidentiality of information

All information and reports obtained by the director, the Director of the Bureau of Health or any other agency under this chapter shall be confidential, except that the Director of the Bureau of Health ~~shall~~ may provide the public with relevant information relating to any chemical in a particular workplace ~~when the Director of the Bureau of Health has reason to believe that the chemical is present in that workplace under circumstances which represent an immediate or long-term threat to the health or safety of the general public subject to Title 22, chapter 271, subchapter II.~~ Review of the director's actions or failure to act under this section shall be in Superior Court.

Sec. 4. Emergency response study. The Bureau of Civil Emergency Preparedness, the Department of Environmental Protection, and the Bureau of Health shall jointly conduct a study of the State's ability to respond to accidental releases of hazardous material due to fires, spills, natural disasters and other unforeseen events.

1. Report. The results of this study together with any recommendations for legislation shall be reported to the First Regular Session of the 113th Legislature by January 1, 1987.

2. Study subject. The study will consider issues, including, but not limited to, the need for a

central dispatcher of emergency response teams and health experts, the need for mobile sampling and analytical equipment, training needs of local and state health and safety officials, onsite emergency decision-making procedures and advance planning for emergency response at specific locations.

3. Advisory group. To assist in the conduct of this study, the agencies mentioned in this section shall appoint a temporary advisory group composed of individuals from Department of Public Safety, Department of Transportation, the Maine State Council of Uniform Firefighters and the Maine State Fire Chiefs' Association, Legislature, municipal governments and other members of the public as appropriate.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Bureau of Health		
Positions	(1/2)	(1/2)
Personal Services	\$ 8,341	\$12,050
All Other	7,500	10,000
Total	<u>\$15,841</u>	<u>\$22,050</u>

Funds will provide for a half-time research associate and related expenses to develop and provide information on health implications of chemicals in use in the home and workplace.

Effective September 19, 1985.

CHAPTER 495

H.P. 969 - L.D. 1386

AN ACT to Protect Abused Children.

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

Sec. 1. 15 MRSA §1205, sub-§§1 and 2, as enacted by PL 1983, c. 411, are repealed and the following enacted in their place: