

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

administrative unit. Except as provided in subsection 2, these state allocation payments may be expended only for costs attributable to transportation operation activities or school bus purchases. State allocation payments expended in accordance with this subsection shall be considered as a school cost for future school subsidy purposes.

2. Exception. The school board for the unit may, by a 2/3 vote, specifically authorize the use of the funds specified in subsection 1 for another purpose or may carry such funds forward for use in the transportation account in succeeding years.

Effective August 4, 1988.

CHAPTER 660

H.P. 1859 — L.D. 2545

AN ACT to Assist Agricultural Employers in Complying with Federal Hazard Communication Rules.

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

Sec. 1. 22 MRSA §1471-M, sub-§3, as enacted by PL 1983, c. 568, §2, is amended to read:

3. Chemical substance identification. The To the extent permitted under federal law, the board shall have primary enforcement responsibility for inspection of any workplace subject to the provisions of Title 26, chapter 22, solely because of the presence of a pesticide. The board shall have primary enforcement responsibility for training programs to be provided by employers under Title 26, chapter 22, in those instances where the employer is subject to the provisions of that law solely because of the presence or use of a pesticide.

The board shall assist the Director of the Bureau of Labor Standards in providing education and training in accordance with Title 26, section 1720, to aid agricultural employers in complying with the federal requirements for hazard communication and shall assist the responsible state agencies in providing education and training to aid agricultural employers in complying with the federal requirements for emergency and hazardous chemical inventory forms and community right-to-know reporting.

Sec. 2. 26 MRSA §61, sub-§2, as repealed and replaced by PL 1987, c. 559, Pt. B, §8, is amended to read:

2. Source of funds. The commissioner shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the previous calendar year by employers under Title 39, the Workers' Compensation Act. As soon as practicable after July 1st of each year, the commissioner shall assess upon and collect from each insurance carrier

licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training division which the total workers' compensation benefits, exclusive of medical payments, paid by each carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all carriers, and group and individual self-insured employers, during the previous calendar year, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all carriers, and group and individual self-insured employers during the previous calendar year. Assessments under this section shall include sufficient funds to provide for training and information activities relating to pesticides as required by section 1720, subsection 5.

Sec. 3. 26 MRSA §1720, sub-§5 is enacted to read:

5. Assistance to agricultural employers. The director shall provide assistance to agricultural employers in the development and conduct of training programs for employees with respect to hazardous chemicals which are pesticides and in satisfying the information requirements of the Federal Occupational Safety and Health Administration's Hazard Communication Standard, Title 29, Code of Federal Regulation, Part 1910.1200. In providing this assistance, the director shall consult with the Board of Pesticides Control and, to the maximum extent practicable, shall work through the Cooperative Extension Service.

Effective August 4, 1988.

CHAPTER 661

H.P. 1851 — L.D. 2534

AN ACT to Ensure Family Medical Leave in the State.

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

26 MRSA c. 7, sub-c. VI-A is enacted to read:

SUBCHAPTER VI-A

FAMILY MEDICAL LEAVE REQUIREMENTS

§843. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Employee. "Employee" means any person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to en-