

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

established by the Maine Milk Commission, regardless of whether the dealer is subject to federal milk pricing regulation in addition to state milk pricing regulation.

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

Effective April 7, 1999.

CHAPTER 57

H.P. 432 - L.D. 574

An Act to Repeal the Chemical Substance Identification Law

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

PART A

Sec. A-1. 26 MRSA c. 22, as amended, is repealed.

PART B

Sec. B-1. 22 MRSA §664, sub-§1, as amended by PL 1997, c. 686, §5, is further amended to read:

1. Records. Each facility licensee shall permit the inspection and copying, for the purposes of this chapter, of its books and records, maintained in any form, except that books and records that are privileged as a matter of law, proprietary, security-related, or restricted by federal law, are not open to inspection. Subject to the approval of the United States Nuclear Regulatory Commission and of the facility licensee, access to books and records that are proprietary, security-related or restricted by federal law may be granted, if the State Nuclear Safety Inspector, on behalf of the State, enters into a nondisclosure agreement. For purposes of this section, proprietary information includes personnel records, manufacturers' proprietary information, licensee proprietary information and trade secrets, as defined by Title 26, section 1711, subsection 12. For purposes of this subsection, "trade secrets" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it.

Sec. B-2. 22 MRSA §1471-M, sub-§3, as amended by PL 1987, c. 660, §1, is repealed and the following enacted in its place:

3. Hazard communication and community right to know. The board shall assist the Director of the Bureau of Labor Standards in providing education and training to aid agricultural employers in complying with the federal Occupational Safety and Health Administration 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. B-3. 22 MRSA §1696-D, first ¶, as enacted by PL 1985, c. 494, §2, is amended to read:

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~~ is a trade secret under Title 26, chapter 22. For purposes of this section, "trade secret" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it. 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~~ the director's response to these requests.

Sec. B-4. 22 MRSA §1696-F, as enacted by PL 1985, c. 494, §2, is amended to read:

§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~~ is a trade secret under Title 26, chapter 22. For purposes of this section, "trade secret" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it. All other information, including routes of exposure, effects of exposure, type and degree of hazard and emergency treatment and response procedures, ~~shall~~ must be provided if requested by the Director of the Bureau of Health and ~~shall be~~ is considered a public record.

Sec. B-5. 26 MRSA §61, sub-§2, as amended by PL 1993, c. 52, §1, is further amended to read:

2. Source of funds. The commissioner or the commissioner's designee shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the most recent calendar year for which data is available by employers under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable after July 1st of each year, the commissioner or the commissioner's designee 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 program that the total workers' compensation benefits, exclusive of medical payments, paid by each licensed carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available. A licensed carrier or group or individual self-insured must be assessed based on all benefits paid, exclusive of medical payments, during any year for which the carrier was licensed or the group or individual self-insured employer was authorized to make workers' compensation payments directly to their employers for any portion of the year. ~~Assessments under this section must include sufficient funds to provide for training and information activities relating to pesticides as required by section 1720, subsection 5.~~

Sec. B-6. 26 MRSA §1402, sub-§1, ¶¶A and C, as enacted by PL 1983, c. 486, are amended to read:

A. "Repeated violation" means a violation of any legal requirement ~~under chapter 22 or~~ under the United States Code, Title 29, Chapter 15, where a previous violation of the same requirement was found which involved a substantially similar hazard.

C. "Willful violation" means a violation committed intentionally or knowingly with an intentional disregard of, or plain indifference to, legal requirements ~~under chapter 22 or~~ under the United States Code, Title 29, Chapter 15.

Sec. B-7. 26 MRSA §1402, sub-§2, as enacted by PL 1983, c. 486, is amended to read:

2. Debarment. The Department of Labor shall, after hearing, debar from participation in state contracts for 2 years any person, partnership, corporation or other public or private entity found to have committed a serious, willful violation or serious, repeated violations of a standard ~~under chapter 22 or~~ under the United States Occupational Safety and Health Act of 1970, United States Code, Title 29, Chapter 15, and either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted.

Sec. B-8. 38 MRSA §1401, sub-§2, ¶C, as enacted by PL 1983, c. 432, §11, is amended to read:

C. Hazardous material, as defined in Title 25, section 2102; and

Sec. B-9. 38 MRSA §1401, sub-§2, ¶D, as enacted by PL 1983, c. 432, §11, is repealed.

See title page for effective date.

CHAPTER 58

H.P. 642 - L.D. 892

An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council

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

Sec. 1. 5 MRSA §12004-I, sub-§54-A, as enacted by PL 1995, c. 560, Pt. F, §8, is repealed.

Sec. 2. 26 MRSA c. 19, sub-c. II, art. V is amended by repealing the article headnote and enacting in its place the following:

Article V

IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Sec. 3. 26 MRSA §§1416 and 1416-A, as enacted by PL 1995, c. 560, Pt. F, §13, are repealed.

Sec. 4. 26 MRSA §1416-B is enacted to read:

§1416-B. Improving recreational opportunities for persons with disabilities

In addition to its existing duties, the Statewide Independent Living Council, established pursuant to