

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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government employees will not come under that at all. All utility employees and all other types of employees, construction workers and so on do not fall into the manufacturing industry categories.

Therefore, we have more or less patterned our law on the Federal rule taking that into consideration and we are taking advantage of information which will finally be available to the employers of this State because of the Federal rule and I do appreciate that. First, beginning in November of 1985 the Federal rule will require that all chemical manufacturers label those hazardous chemicals coming from their plants. That means whatever their destination, whether it be to manufacturing employers to others finally those hazardous chemicals will carry a label.

Secondly, that Federal rule requires that hazardous materials safety data sheets accompany those hazardous chemicals so that employers can communicate the hazards and can help prevent illness and accidents, chemically related accidents, from occurring to their employees.

Now the Federal rule requires only that those material safety data sheets be required to go to the manufacturing employers, but it does make it clear that those must be available for all other employers, also. The availability will be assured beginning by the end of 1985. Consequently, we have used those dates on availability of information in this law.

We have, by the way, tried to carefully think through what hazardous chemicals should be exempted from this.

Other than that I would be happy to go into a great deal more detail on this legislation, but this is something that I believe you can be proud of both as you speak with the employers of the State and the employees.

We have reduced the fee to just a ten dollar fee for almost all employers and it is not higher and we are exempting many employers, all employers particularly that have three or fewer employees.

So I think that we have done a good job, and if you have any questions either now or individually I would be happy to go through them with all of you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

SENATOR USHER: Mr. President, looking at this L. D. 2463 I am not concerned about the cost of the ten dollars, I don't think that that is going to hurt anybody. What I am concerned about is on page 12: "Employee Information and Training." Where I work there are over two thousand people, does this mean that over two thousand people have to be trained, whether they work in the office or not? We have over four hundred people in the office and they don't come into any contact with the chemicals that we do have at the plant. I am very concerned about the training program that will have to be taken care of.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate, knowing where the gentleman from Cumberland works, which is at S.D. Warren which is a manufacturing employer that under the Federal rule that manufacturing employer would be required to provide such training beginning in 1986.

I would like to point out that our law on the books since 1980 required more training than this proposed legislation does. The law presently on our books required annual training and this does not. This requires before assuming a particular position that there be training and then upon occasion for certain instances that more training could be required.

I do believe that you have to remember the significance of what we are discussing. Maine in 1982 had four times the national average of occupational illness instances, and three times in 1981. That is significant and it is supposed by

the Federal OSHA and . . . even during the Reagan Administration that most such occupational illnesses are related to hazardous chemicals.

I would, also, like to point out that probably there is gross under reporting of occupational illness particularly chemically induced, because of the fact that many of them result in cancers many years later, and therefore have not been directly linked to the hazardous chemicals in the work place but no doubt in the future they should be.

So this legislation, by the way, does not prohibit a single manufacturer from using a single hazardous substance, not a single one, no prohibition, there is not even regulation of that hazardous chemical. All it does is try to assure some communication so that illness, such as cancers and others and accidents related to chemicals can be avoided.

THE PRESIDENT: It is now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT (S. P. 915, L. D. 2463) READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

On motion by Senator PRAY of Penobscot all matters previously acted upon were sent forthwith.

SENATE AT EASE

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot the Senate removed from the UNASSIGNED TABLE:

Confirmation of the recommendation of the Joint Standing Committee on Agriculture on Russell Pinfold of Brunswick as the Veterinarian Representative of the Animal Welfare Board.

Tabled—March 2, 1984 by Senator PRAY of Penobscot.

Pending—CONFIRMATION.

(OFF RECORD REMARKS)

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Russell Pinfold be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE be overridden?" In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—None.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Emerson, Erwin, Gill, Hayes, Hichens, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senators, Diamond, Dutremble, Kany.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Russell Pinfold, DVM was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

On motion by Senator CARPENTER of Aroostook the Senate voted to consider the following:

SECOND READER

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

On motion by Senator CARPENTER of Aroostook, under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

(OFF RECORD REMARKS)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, a parliamentary inquiry.

THE PRESIDENT: The Senator may state his inquiry.

SENATOR PRAY: Mr. President has the Enrolled Bill been sent forthwith?

THE PRESIDENT: Not at this moment, it has been Passed to be Engrossed and to be sent down for concurrence.

On motion by Senator PRAY of Penobscot all matters previously acted upon were sent forthwith.

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H. P. 1860 JOINT RESOLUTION MEMORIALIZING THE HONORABLE RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES, TO SUPPORT AND AFFIRM FAIR TRADE IN THE BEST INTEREST OF AMERICAN SHOE WORKERS AND MANUFACTURERS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition President Ronald W. Reagan, as follows:

WHEREAS, imported shoes took 65% of the American market in 1983; and

WHEREAS, under the Orderly Marketing Agreement negotiated with Korea and Taiwan, in 1976, imports were held to 51% of the United States market; and

WHEREAS, this agreement was terminated by President Reagan in 1981, against the recommendations of the International Trade Commission; and

WHEREAS, since termination of the agreement, Korean imports have increased by 46% and Taiwanese imports have increased by 64%; and

WHEREAS, Maine, as the leading shoe-producing state in the nation, has been suffering from the damage of skyrocketing imports during these past 3 years; and

WHEREAS, hundreds of Maine workers have been displaced by the closings of G.H. Bass in North Jay, Farmington Shoe in Farmington, Melville Shoe in Brunswick, Nike of Saco and G.H. Bass in Rumford; and

WHEREAS, the Federal Government has failed to define import limitations, thereby permitting partially-assembled items to be imported as raw materials and reducing the number of direct manufacturing jobs; and

WHEREAS, the International Trade Commission has been petitioned by both shoe manufacturers and shoe workers to forward its recommendations for import relief to the President of the United States; now, therefore, be it