

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

—  
H.P. 475 - L.D. 699

**An Act To Update Maine Law To Conform to New Federal Occupational  
Safety and Health Administration Regulations**

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

**Whereas,** the United States Occupational Safety and Health Administration implemented changes to its injury and illness recordkeeping requirements that became effective January 1, 2015; and

**Whereas,** the State became a so-called state plan state for public sector employers in an effort to decrease General Fund costs and employer costs; and

**Whereas,** state plan states must conform their statutes to the new federal provisions no later than July 1, 2015; and

**Whereas,** the State's lack of compliance with the injury and illness recordkeeping requirements would cause loss of reimbursement to the State; 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**Sec. 1. 26 MRSA §2,** as repealed and replaced by PL 2003, c. 244, §1, is amended to read:

**§2. Reports of deaths and injuries**

**1. Reports of deaths.** The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 8 hours after the occurrence, report ~~in writing or by telephone~~ the death of any person in the workplace or

~~on the premises to the Director of the Bureau of Labor Standards the death of any person in the workplace or on the premises, or the director's designee, by telephone or electronically, stating as fully as possible the cause of the death and the place where the deceased person has been sent and supplying other information relative to the death that may be required by the director who may investigate the causes of the death and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the death reported.~~

**2. Reports of serious physical injuries.** The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 24 hours after the occurrence, report ~~in writing or by telephone~~ all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises to the Director of the Bureau of Labor Standards ~~all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises, or the director's designee, by telephone or electronically,~~ stating as fully as possible the extent and cause of the injury and the place where the injured person has been sent and supplying other information relative to the injury that may be required by the director who may investigate the causes of the injury and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the accident reported.

**3. Serious physical injuries defined.** "Serious physical injuries," as used in this section, means an incident that results in an amputation, loss or fracture of any body part or that necessitates immediate hospitalization or formal admission to the inpatient service of a hospital or clinic for care or treatment.

**Sec. 2. 26 MRSA §44, first ¶,** as amended by PL 2013, c. 473, §2, is further amended to read:

The director as state factory inspector, and any authorized agent of the bureau, may enter any workplace as defined in section 1, provided by the State or by a state agency, county, municipal corporation, school district or other public corporation or political subdivision when the same are open or in operation, for the purpose of gathering facts and statistics under sections 42 to 44, and may examine the methods of protecting employees from danger, the safety and health of employees and ~~the~~ sanitary conditions in and around ~~the~~ such buildings and places, and may make a record of such inspection. Upon petition of the director, a Superior Court in the county in which any refusal to permit entry or fact gathering or inspection was alleged to have occurred may order appropriate injunctive relief against any person in charge of the workplace who refuses entry to the director or authorized agent of the bureau.

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