

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1629

6  
7 H.P. 1222

House of Representatives, May 16, 1983

8 Submitted by the Department of Labor pursuant to Joint Rule 24.  
9 Referred to the Committee on Labor. Sent up for concurrence and  
ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

11 Cosponsors: Representative Tammaro of Baileyville, Representative  
Bonney of Falmouth and Senator Dutremble of York.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Debar from State Contracts  
18 Employers Guilty of Willful or Repeated  
19 Violation of Safety Standards.  
20

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

23 26 MRSA §1402 is enacted to read:

24 §1402. Debarment from state contracts

25 Any person, corporation, partnership or other  
26 public or private entity found by the Board of  
27 Occupational Safety and Health or the Department of  
28 Labor to be in willful or repeated violation of  
29 applicable health and safety standards shall be  
30 barred from participation in state contracts for 5  
31 years. Certain exceptions to this section may be  
32 made if:

1       1. Unusual circumstances. The Commissioner of  
2 Labor determines that because of unusual circum-  
3 stances the state's interest requires otherwise;

4       2. Sole source of goods. If the state agency  
5 involved finds, after a hearing, that the firm is the  
6 sole source of such goods or services; or

7       3. Violation not willful. If a court rules that  
8 the violation was not willful.

9                               STATEMENT OF FACT

10       The purpose of this bill is to restrict contracts  
11 with companies in violation of federal or state laws  
12 and is consistent with the policies embodied in other  
13 state law. Just as state funds ought not to be spent  
14 to support forms of discrimination or practices con-  
15 trary to the public interest, they ought not be spent  
16 to support violations of workers' rights to a safe  
17 and healthy work environment.

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