

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1978

6
7 H.P. 1402 House of Representatives, February 7, 1986
8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Beaulieu of Portland.

Cosponsored by Representative Willey of Hampden.

11
12 STATE OF MAINE
13

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

17 AN ACT to Require the Consideration of Safety
18 Records in Public Bidding.
19

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

22 Sec. 1. 5 MRSA §1743, as repealed and replaced
23 by PL 1977, c. 303, §1, is amended to read:

24 §1743. Competitive bids

25 Any contract for any public improvement in which
26 the State or any of its agencies hold in fee or by
27 lease hold interest, except contracts for professional,
28 architectural and engineering services, shall be
29 awarded by the Department of Finance and Administration
30 through the Bureau of Public Improvements, under
31 a system of competitive bidding in accordance with
32 chapters 141 to 155 and such other conditions and re-
33 strictions as the Governor may from time to time pre-
34 scribe.

1 1. Safety records of bidders. The Department of
2 Finance and Administration shall promulgate rules re-
3 quiring the consideration of safety records of bid-
4 ders for public improvement contracts under this sec-
5 tion.

6 Rules promulgated under this subsection shall in-
7 clude, but are not limited to:

8 A. The consideration of each bidder's safety
9 record;

10 B. The information required to be produced by
11 each bidder to satisfy the requirements of this
12 subsection, including, but not limited to:

13 (1) The bidder's previous citations for vi-
14 olating federal or state workplace safety
15 laws and rules; and

16 (2) The bidder's previous fines for viola-
17 tions of those laws or rules;

18 C. The period of time for which the information
19 required under paragraph B must be reported; and

20 D. The information required to be produced re-
21 garding the bidder's possible use of subcontract-
22 ors to perform work on the public improvement.

23 Sec. 2. 30 MRSA c. 241, sub-c. II-A is enacted
24 to read:

25 SUBCHAPTER II-A

26 BIDDING ON PUBLIC IMPROVEMENTS

27 §5281. Definitions

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

31 1. Municipal corporation. "Municipal corpora-
32 tion" means any city, town, plantation, quasi-munici-
33 pal corporation as defined in section 2250, regional
34 planning commission or council of governments.

1 2. Public improvement. "Public improvement"
2 means:

3 A. The construction, major alteration or repair
4 of town ways and buildings or public works owned
5 or leased by a municipal corporation, which is
6 paid for by the municipal corporation with funds
7 acquired from any source, including the State
8 Government and Federal Government; or

9 B. The construction, major alteration or repair
10 of privately owned or leased buildings or struc-
11 tures which is funded in whole or in part with
12 funds acquired from the municipality.

13 3. Safety records. "Safety records" means a
14 person, firm or corporation's history of violations
15 of federal or state workplace safety laws and rules,
16 and fines incurred for those violations, within a
17 reasonable length of time preceding the person, firm
18 or corporation's submission of a bid on any public
19 improvement project.

20 §5282. Bidding on public improvements

21 1. Consideration of safety records. In any mu-
22 nicipal corporation which uses or requires a system
23 of competitive bidding to award contracts for public
24 improvements, the safety records of persons, firms or
25 corporations that submit bids for any public improve-
26 ment shall be considered in awarding the contract for
27 the public improvement.

28 A. The safety records of bidders shall not be
29 the only criteria on which the contract is
30 awarded, but must be one of the factors which the
31 municipal corporation considers in the award. A
32 municipal corporation may consider other factors
33 and may set the relative weight to be given to
34 each factor in awarding the contract.

35 B. A municipal corporation may require the pro-
36 duction of any person, firm or corporation's
37 safety records before accepting that person's bid
38 on a public improvement.

39 2. Exceptions. This section does not apply
40 where it would conflict with:

