

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1752

S.P. 666

In Senate, May 1, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

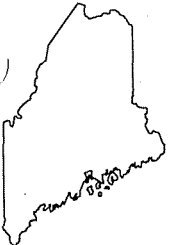
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Reduce the Health Care Cost Burden on Maine Consumers
and Taxpayers.**



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

2
4 26 MRSA c. 16 is enacted to read:

6 CHAPTER 16

8 MEDICAL BENEFITS IN PUBLIC WORKS
10 CONSTRUCTION CONTRACTS

12 §1331. Contract specifications for construction of public works
14 to specify hospitalization and medical insurance benefits

16 The specifications for each competitively bid public
18 contract for the construction, alteration or repair, including
20 painting or decorating, of public buildings or public works must
22 specify the hospitalization and medical insurance benefits to be
24 furnished to each type of employee necessary to perform the
26 contract work. In ascertaining the rate of benefits, the minimum
28 standard is the rates contained in local area nondiscriminatory
30 negotiated contracts between organizations that represent
32 employees and contractors, that are current to within 90 days
34 from the proposed bid advertisement date. The specifications for
36 the contracts must:

38 1. Schedule of benefits. Include a schedule of the
40 specified hospitalization and medical insurance benefits as a sum
42 certain in dollars and cents;

44 2. Identify contractor; subcontractors. Mandate the
46 contractor to whom the contract is awarded and any subcontractor
48 under the contractor to pay not less than the specified benefits
50 to all employees employed by them in the performance of the
contract;

3. Payment of liquidated damages. Provide that the
contractor pay to the bureau for each employee of the contractor
or of any subcontractor who performs any portion of the contract
work \$200 as liquidated damages for each calendar day, or portion
of each calendar day, that such employee is furnished less than
the specified benefits;

4. Posting requirement. Provide that the contractor and
each subcontractor post in a conspicuous place on the site where
the contract work is performed:

A. The schedule of the specified benefits for each type of
employee;

B. The amount of liquidated damages for any failure to pay
such benefits; and

2 C. The name and address of the responsible official in the
3 bureau to whom complaints should be submitted;

4 5. Withholding of accrued payments. Provide that there may
5 be withheld from the contractor so much of accrued payments as
6 may be considered necessary by the party awarding the contract to
7 pay to employees employed in the performance of the contract work
8 by the contractor, or any subcontractor, the difference between
9 the benefits required by the contract to be furnished to
10 employees and the amounts received by such employees;

12 6. Record keeping. Require the contractor and each
13 subcontractor to keep accurate written records signed under oath
14 as true and correct showing the names, social security numbers
15 and craft classifications of all employees performing work on the
16 contract, the hours and fractions of hours for every type of work
17 performed by each employee, the rate for each type of work and
18 the actual benefits provided to each employee. A copy of the
19 records must be kept at the job site and must be open at all
20 reasonable hours to the inspection of the bureau; and

22 7. Nontermination. Provide that a contractor or
23 subcontractor may not terminate an employee performing work on
24 the contract because of the employee's filing a complaint
25 regarding payment of benefits.

26 §1332. Administrative hearing

28 Upon receipt of a written complaint that a contractor or
29 subcontractor failed to pay the benefits required by the
30 contract, the director shall appoint a hearing officer and fix a
31 time for an administrative hearing on the complaint. A notice of
32 hearing must be served on the contractor or subcontractor against
33 whom the complaint is made and on the complainant. The hearing
34 officer shall submit proposed written findings and
35 recommendations together with a transcript of the hearing to the
36 director within a reasonable time after conclusion of the
37 hearing. The director must determine whether the contractor of
38 subcontractor failed to comply with the specifications as
39 alleged. If the director's determination is that the contractor
40 or subcontractor failed to comply, the noncomplying contractor or
41 subcontractor is prohibited from bidding or otherwise
42 participating in public contracts for the construction,
43 alteration or repair, including painting and decorating, of
44 public buildings or public works for a period of 3 years.

46 §1333. Exceptions

