

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 287

(Filing No. H- 382 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 287, Bill, "An Act to Require that the Clerk-of-the-works on State Construction Projects be Employed by the Owner, not the Architect"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning the Clerk-of-the-works'

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 5 MRSA §1751, as amended by PL 1983, c. 480, Pt. B, §1, is further amended to read:

§1751. Employment of a clerk-of-the-works

A clerk-of-the-works shall must be employed to assist in the inspection of the construction of a public improvement when directed by the director. The clerk shall report directly to the owner and the professional architect-engineer of record for the project. The budget for the public improvement shall must include funding for the clerk. The clerk shall must be hired through an open advertising and interview process by the owner and the architect-engineer. ~~The clerk candidate recommended by the architect-engineer shall be subject to approval by both the owner and director before being hired.~~ The clerk shall must possess qualifications of education and experience in construction technology and administration compatible with the needs of the public improvement. The director may promulgate adopt rules relative to this section.'

STATEMENT OF FACT

The amendment removes the clarification that the clerk is hired by the owner, removes the word "directly" and removes the approval of the clerk by the owner, because in the new language the owner is involved in the interview process.

COMMITTEE AMENDMENT

Reported by the Minority of the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the House  
5/20/93  
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