

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 287

H.P. 219

House of Representatives, February 4, 1993

**An Act to Require that the Clerk-of-the-works on State Construction  
Projects be Employed by the Owner, not the Architect.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMPBELL of Holden.  
Cosponsored by Senator AMERO of Cumberland and  
Representatives: BENNETT of Norway, BRUNO of Raymond, CAMERON of Rumford,  
CATHCART of Orono, COFFMAN of Old Town, DEXTER of Kingfield, DONNELLY of  
Presque Isle, FARNUM of South Berwick, HILLOCK of Gorham, JONES of Pittsfield,  
JOSEPH of Waterville, KNEELAND of Easton, KUTASI of Bridgton, LEMONT of Kittery,  
LIBBY of Buxton, LORD of Waterboro, MARSHALL of Eliot, MORRISON of Bangor, NASH  
of Camden, NICKERSON of Turner, NORTON of Winthrop, PENDEXTER of Scarborough,  
PLOWMAN of Hampden, QUINT of Paris, REED of Dexter, ROBICHAUD of Caribou, ROWE  
of Portland, RUHLIN of Brewer, SIMONEAU of Thomaston, STEVENS of Sabattus, STROUT  
of Corinth, TARDY of Palmyra, WINN of Glenburn, Senators: CIANCHETTE of Somerset,  
HANDY of Androscoggin, MARDEN of Kennebec.

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

2  
3 Sec. 1. 5 MRSA §1751, as amended by PL 1983, c. 480, Pt. B,  
4 §1, is further amended to read:

6 **§1751. Employment of a clerk-of-the-works**

8 A clerk-of-the-works shall must be employed by the owner, to  
9 assist in the inspection of the construction of a public  
10 improvement when directed by the director. The clerk shall  
11 report directly to the owner and the professional  
12 architect-engineer of record for the project. The budget for the  
13 public improvement shall must include funding for the clerk. The  
14 clerk shall must be hired through an open advertising and  
15 interview process by the owner and the architect-engineer. The  
16 clerk candidate recommended by the architect-engineer shall-be is  
17 subject to approval by both the owner and ~~director~~ before being  
18 hired. The clerk shall must possess qualifications of education  
19 and experience in construction technology and administration  
20 compatible with the needs of the public improvement. The  
21 director may ~~premulgate~~ adopt rules relative to this section.  
22

24 **STATEMENT OF FACT**

26 This bill designates the owner as the employer of the  
27 clerk-of-the-works and subjects the clerk to approval by the  
28 owner before being hired.