

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 810

S.P. 292

In Senate, January 28, 1999

An Act to Encourage Responsible Employment Practices.

Reference to the Committee on State and Local Government 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 CATHCART of Penobscot.
Cosponsored by Representative SHIAH of Bowdoinham and
Senators: DOUGLASS of Androscoggin, LaFOUNTAIN of York, Representatives: BRYANT
of Dixfield, CLARK of Millinocket, HATCH of Skowhegan, MUSE of South Portland,
SAMSON of Jay, STANLEY of Medway.

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

4 Sec. 1. 5 MRSA §1743-D is enacted to read:

6 **§1743-D. Responsible employment practices**

8 Any contract for any public improvement project for the
10 construction, altering, repairing, furnishing or equipping of a
12 building or public works in which the State or any of its
14 agencies holds a financial interest must meet the requirements of
16 this section.

18 1. Responsible employers. Only employers certified as
20 responsible employers may bid on and be awarded contracts for
22 State public improvement or public works projects. Responsible
24 employers are those employers who can document adherence to the
26 following fair employment practices:

28 A. Paying employees the prevailing wage standard for the
30 area and industry in which the company operates;

32 B. Offering health insurance to all employees and providing
34 a minimum of 50% employer contribution toward all premiums;

36 C. Providing workers' compensation by means of hiring
38 direct employees rather than independent contractors;

40 D. Providing a state-approved training or apprenticeship
42 program; and

44 E. Submitting accurate and practical bid quotations.

46 2. Standards. The Department of Administrative and
48 Financial Services, through the Bureau of General Services, shall
50 adopt rules establishing standards for responsible employers.
52 Rules adopted pursuant to this subsection are routine technical
54 rules as defined in chapter 375, subchapter II-A. The Director
56 of the Bureau of General Services may require employers to submit
58 written records for purposes of verifying compliance with the
60 standards.

62 3. Certificate. The Director of the Bureau of General
64 Services shall issue certification under this section to any
66 employer who submits an application and meets the standards of a
68 responsible employer. No fee may be charged to the employer for
70 this certification.

72 4. Prior contracts. The requirements of this section do
74 not apply to any contract issued prior to October 1, 1999.

2 **Sec. 2. Standards and certification dates.** The Department of
Administrative and Financial Services, through the Bureau of
4 General Services, shall establish standards for responsible
employers by January 1, 2000. The department shall certify all
6 employers applying for certification by June 30, 2000. By July
1, 2000, all employers bidding on state public improvement or
8 public works projects must be certified as responsible employers
under the provisions of the Maine Revised Statutes, Title 5,
10 section 1743-D prior to bidding on or being awarded any contract.

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SUMMARY

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16 This bill establishes responsible employment practices for
all employers who engage in public improvement or public works
18 projects for the State. The standards established under this
bill will be administered by the Bureau of General Services
within the Department of Administrative and Financial Services.