

MAINE STATE LEGISLATURE

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7
H. 118

L.D. 1628

DATE: 5/24/5

(Filing No. H-491)

LABOR

Majority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1146, L.D. 1628, Bill, "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

Amend the bill in section 1 in that part designated "~~\$1309-A.~~" in subsection 1 in the 3rd line (page 1, line 10 in L.D.) by striking out the following: "~~\$10,000~~" and inserting in its place the following: '\$100,000'

Further amend the bill in section 1 in that part designated "~~\$1309-A.~~" by striking out all of subsection 2 and inserting in its place the following:

'2. Deduction from contract payments. The Director of the Bureau of General Services within the Department of Administrative and Financial Services may deduct penalties assessed pursuant to section 1312 from payments due under a contract for a public work to a contractor or subcontractor subject to this section.

3. Time to correct; failure to correct. The fact that a contractor or subcontractor subject to this section has not corrected a violation of subsection 1 within the permitted time to correct the violation may be considered part of the contractor's or subcontractor's safety record under Title 5, section 1747, subsection 5 and may be used by the Director of the Bureau of General Services within the Department of Administrative and Financial Services under that section as grounds to refuse to release plans and specifications to the contractor or subcontractor for the purpose of bidding on a project. As used in this subsection, "permitted time to correct the violation" means:

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2 A. Thirty days from the date of being notified of the
3 violation; or

4
5 B. If the contractor or subcontractor does not employ a
6 trainer certified to provide a 10-hour course in
7 construction safety by the United States Occupational Safety
8 and Health Administration, the longer of:

9
10 (1) Thirty days from the date of being notified of the
11 violation; and

12
13 (2) The period until the date of the next 10-hour
14 construction safety course available to the
15 contractor's or subcontractor's employees that
16 satisfies this section, is offered by the Department of
17 Labor and is within 2 hours driving distance from the
18 work site.'

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20 **SUMMARY**

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22 This amendment, which is the majority report of the
23 committee, does the following:

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25 1. It eliminates the penalties of removal of workers and
26 cancellation of the contract;

27
28 2. It allows the Director of the Bureau of General Services
29 within the Department of Administrative and Financial Services to
30 deduct penalties assessed to contractors and subcontractors from
31 contract payments for public works;

32
33 3. It affords contractors and subcontractors 30 days to
34 correct a failure to provide the required training or, if the
35 contractor or subcontractor does not have a certified trainer on
36 staff, the longer of 30 days and until the date of the next
37 available and appropriate training by the Department of Labor
38 that occurs within a 2-hour drive of the work site; and

39
40 4. It allows the Director of General Services to refuse to
41 release plans and specifications to a contractor or subcontractor
42 for the purpose of bidding on a future project if the contractor
43 or subcontractor has violated the training requirements.
44