

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1628

H.P. 1146

House of Representatives, May 3, 2005

An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PATRICK of Rumford.
Cosponsored by Senator BRYANT of Oxford and
Representatives: CLARK of Millinocket, HUTTON of Bowdoinham, JACKSON of Fort Kent,
PINEAU of Jay, SAVIELLO of Wilton, SMITH of Van Buren, TUTTLE of Sanford,
WATSON of Bath.

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

4 **Sec. 1. 26 MRSA §1309-A is enacted to read:**

6 **§1309-A. Contract to contain provision relative to occupational health and safety training**

8 **1. Training requirement.** For any contract for a public
10 work entered into on or after July 1, 2007 and amounting to
12 \$10,000 or more, the contract between the public authority and
14 the successful bidder must contain a provision in which the
16 successful bidder and all subcontractors of the successful bidder
18 certify that each employee to be employed at the work site has
20 successfully completed a course in construction safety approved
by the United States Occupational Safety and Health
Administration that is no shorter than 10 hours in duration. The
successful bidder and all subcontractors of the successful bidder
must provide to the public authority documentation of successful
completion of the course required by this section by each
employee with the first certified payroll report.

22 **2. Penalties and enforcement.** In addition to the penalties
24 provided in section 1312, any contractor or subcontractor who
willfully and knowingly violates this section is subject to the
following actions:

26 **A.** Removal from the work site by the Director of the Bureau
28 of Labor Standards of any employee for whom documentation
required by this section is not provided; and

30 **B.** Cancellation of the contract or enforcement of
32 performance of the contract by the public authority that is
a party to the contract.

34
36 **SUMMARY**

38 This bill requires that a contractor or subcontractor
40 entering into a contract for a public work on or after July 1,
2007 that is for \$10,000 or more provide documentation
42 demonstrating that all employees working on that project have
completed a construction safety training course, no shorter than
44 10 hours in duration, approved by the United States Occupational
Safety and Health Administration. The bill also specifies that,
46 in addition to fines provided in existing law, violation of these
requirements may result in removal of employees for whom the
48 required documentation is not provided, as well as cancellation
or enforcement of performance of the contract.