

# MAINE STATE LEGISLATURE

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Date: 3-18-08

(Filing No. S-470)

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STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 458,  
L.D. 591, Bill, "An Act Regarding Occupational Safety and Health Training for Workers  
on State-funded Construction Projects"

Amend the amendment by striking out everything after the title and before the  
summary and inserting the following:

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

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

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

**1. Training requirement.** For any contract for public works entered into on or  
after July 1, 2009 and amounting to \$100,000 or more, except for a contract for paving or  
repaving roads and bridges and a contract for building new roads, the contract between  
the public authority and the successful bidder must contain a provision in which the  
successful bidder and all subcontractors of the successful bidder certify that each  
employee to be employed at the work site has 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. In the case of a contract for paving or  
repaving roads and bridges or a contract for building new roads, preference must be given  
to a bidder that pledges to use employees to be employed at a work site who have  
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.

**2. Exempt individuals.** The individuals described under this subsection are exempt  
from the requirement of subsection 1 that certain individuals complete a course in  
construction safety approved by the United States Occupational Safety and Health  
Administration that is no shorter than 10 hours in duration:

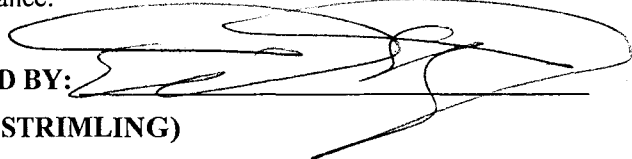
**SENATE AMENDMENT**



SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 458, L.D. 591

1 D. All individuals who are not considered to be on the site of work under the  
2 federal Davis-Bacon Act, including, but not limited to, construction and  
3 nonconstruction delivery personnel and nontrade personnel.

4 4. It removes the penalty provision that allows for cancellation of the contract or  
5 enforcement of performance of the contract and replaces it with a penalty provision that  
6 provides for a fine of no more than \$2,500 and a fine of \$100 per employee for each day  
7 of noncompliance.

8 **SPONSORED BY:**   
9 **(Senator STRIMLING)**  
10 **COUNTY: Cumberland**



Approved: 02/27/08 *mac*

# 123rd MAINE LEGISLATURE

LD 591

LR 1078(11)

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

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Strimling of Cumberland

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium revenue increase - General Fund

#### Fiscal Detail and Notes

Instituting a fine of not more than \$2,500 and an additional \$100 per employee against any contractor or subcontractor who violates the requirements of this legislation may increase the amount of General Fund revenue received from fines. The amount can not be determined at this time.