

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 591

H.P. 458

House of Representatives, February 6, 2007

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: BLANCHARD of Old Town, BRYANT of Windham, HOGAN of Old
Orchard Beach, JACKSON of Allagash, PINEAU of Jay, SMITH of Monmouth, THERIAULT
of Madawaska, TUTTLE of Sanford.

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

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

3 **§1309-A. Contract to contain provision relative to occupational health and safety**
4 **training**

5 **1. Training requirement.** For any contract for a public work entered into on or
6 after July 1, 2008 and amounting to \$10,000 or more, the contract between the public
7 authority and the successful bidder must contain a provision in which the successful
8 bidder and all subcontractors of the successful bidder certify that each employee to be
9 employed at the work site has successfully completed a course in construction safety
10 approved by the United States Occupational Safety and Health Administration that is no
11 shorter than 10 hours in duration. The successful bidder and all subcontractors of the
12 successful bidder must provide to the public authority documentation of successful
13 completion of the course required by this section by each employee with the first certified
14 payroll report.

15 **2. Penalties and enforcement.** In addition to the penalties provided in section
16 1312, any contractor or subcontractor who willfully and knowingly violates this section is
17 subject to the following actions:

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

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

22 **SUMMARY**

23 This bill requires that a contractor or subcontractor entering into a contract for a
24 public work on or after July 1, 2008 that is for \$10,000 or more provide documentation
25 demonstrating that all employees working on that project have completed a construction
26 safety training course, no shorter than 10 hours in duration, approved by the United States
27 Occupational Safety and Health Administration. The bill also specifies that, in addition
28 to fines provided in existing law, violation of these requirements may result in removal of
29 employees for whom the required documentation is not provided, as well as cancellation
30 or enforcement of performance of the contract.