

# MAINE STATE LEGISLATURE

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Majority

L.D. 658

Date: 4/16/9

(Filing No. H-121)

Majority  
LABOR

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 472, L.D. 658, Bill, "An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts"

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 provisions relative to occupational health and safety training

1. Training requirement. For any contract for public works entered into on or after July 1, 2010 and amounting to \$100,000 or more, 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.

2. Exempt individuals. The following individuals are exempt from the requirements of the United States Occupational Safety and Health Administration 10-hour construction safety program under subsection 1:

- A. Law enforcement officers involved with traffic control or work site security;
- B. Flagging personnel who have completed the training required by the Department of Transportation;
- C. All relevant federal, state and municipal government employees and inspectors;  
and
- D. All individuals who are not considered to be on the work site under the federal Davis-Bacon Act, 40 United States Code, Section 276a et seq., including, but not

**COMMITTEE AMENDMENT**

1 limited to, construction and nonconstruction delivery personnel and nontrade  
2 personnel.

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

6 A. Removal from the work site by the director of any employee for whom  
7 documentation required by this section is not provided; and

8 B. Cancellation of the contract or enforcement of performance of the contract by the  
9 public authority that is a party to the contract.'

10 **SUMMARY**

11 This amendment, which is the majority report of the Joint Standing Committee on  
12 Labor, clarifies that the bill applies only to those works entered into on or after July 1,  
13 2010. It also amends the penalties and enforcement provision of the bill by eliminating  
14 the appointment by the Commissioner of Labor of as many individuals as necessary to  
15 carry out the section and states that the penalties are in addition to the penalties provided  
16 in the Maine Revised Statutes, Title 26, section 1312.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 658

LR 1140(02)

## An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium cost increase - Highway Fund  
Potential current biennium cost increase - Federal Expenditures Funds

#### Fiscal Detail and Notes

This bill could increase Highway Fund and Federal Expenditures Funds costs if contractors selected by the Department of Transportation for construction projects increase the cost of their contracts to cover the training costs.

Additional costs to the Bureau of Labor Standards within the Department of Labor can be absorbed within existing budgeted resources.