

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1092

H.P. 754

House of Representatives, March 19, 2009

**An Act To Improve Worksite Accountability for Public
Construction Projects by Requiring Subcontractor Identification**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: BICKFORD of Auburn, BLODGETT of Augusta, BUTTERFIELD of
Bangor, DRISCOLL of Westbrook, GILBERT of Jay, Senator: GERZOFKY of Cumberland.

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

2 Sec. 1. 26 MRSA §1302-A is enacted to read:

3 **§1302-A. Insurance coverage posted on public construction projects**

4 **1. List of contractors.** At the onset of work on any construction project undertaken
5 with public funds, including but not limited to any project undertaken by the State, a
6 county, a municipality, the University of Maine System or the Maine Community College
7 System, the general contractor or designated project construction manager, if any, shall
8 provide to the contracting agency a list of all subcontractors and independent contractors
9 on the job site and a record of the entity to whom that subcontractor or independent
10 contractor is directly contracted and by whom that subcontractor or independent
11 contractor is insured for workers' compensation purposes. The list must be posted on the
12 job site and updated as needed and also posted on the contracting agency's website and
13 updated weekly. A subcontractor or independent contractor may not be present on a
14 construction site unless the contractor's name and direct contracting relationship is posted
15 in a visible location at the site.

16 **2. Minimum standards.** This section provides minimum disclosure standards
17 regarding subcontractors and does not preclude the contracting agency from setting more
18 rigorous standards for construction work under its jurisdiction.

19 **3. Noncompliance.** If the Commissioner of Labor finds that the general contractor
20 or designated project construction manager is not in compliance with subsection 1, the
21 commissioner may assess a civil penalty of up to \$2,500. In addition, the general
22 contractor or designated project construction manager must be assessed a civil penalty of
23 \$100 per day for each contractor or independent contractor not listed in accordance with
24 subsection 1. The fines must be assessed from the first day of the infraction. The
25 commissioner shall employ as many individuals as necessary to carry out the
26 department's responsibilities under this section.

27 **SUMMARY**

28 This bill requires a general contractor on a project undertaken with public funds to
29 provide the public agency with a list of all independent contractors and subcontractors on
30 the job site and the names of their workers' compensation insurers. The list must be
31 posted on the job site and the agency's website and updated weekly. The bill also
32 establishes penalties.