

# MAINE STATE LEGISLATURE

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Date: 5/12/19

L.D. 1094  
(Filing No. H 269)

**TRANSPORTATION**

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

COMMITTEE AMENDMENT "A" to H.P. 756, L.D. 1094, Bill, "An Act To Enhance Safety at Construction Sites by Regulating Open Trenches"

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Study Safety Measures Relating to Open Trenches and Excavations'**

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

**'Sec. 1. Department of Transportation to establish a working group to study safety measures relating to open trenches and excavations. Resolved:** That the Department of Transportation, in conjunction with the Department of Public Safety, shall establish a working group to study trench and excavation safety, referred to in this resolve as "the working group." In addition to representatives of the Department of Transportation and the Department of Public Safety, the working group must include, but is not limited to, the Department of Labor, the Public Utilities Commission, the Maine Turnpike Authority, the Maine Better Transportation Association, the Maine Municipal Association, Associated General Contractors of Maine and other representatives of the construction industry in the State to examine safety issues relating to unattended trenches and excavations on both public and private property. The working group, in its deliberations, shall study the trench safety law recently enacted in Massachusetts, which is specifically designed to prevent a member of the public from falling into an unattended trench and suffering an injury or fatality. The working group shall develop recommendations for improving the safety of unattended trenches and excavations for the general public; and be it further

**Sec. 2. Report. Resolved:** That the working group shall submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The report must include an analysis of federal and state trench and excavation safety laws, regulations and rules with recommended legislation to strengthen laws relating to trench and excavation safety. After reviewing the report, the Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 124th Legislature concerning the subject matter of this resolve.'

**COMMITTEE AMENDMENT**

**SUMMARY**

1  
2 The amendment, which replaces the bill, directs the Department of Transportation, in  
3 conjunction with the Department of Public Safety, to establish a working group to  
4 examine issues relating to unattended trenches and excavations on both public and private  
5 property. The working group is required to submit a report to the Joint Standing  
6 Committee on Transportation no later than the first business day in February 2010. The  
7 Joint Standing Committee on Transportation may report out a bill to the Second Regular  
8 Session of the 124th Legislature concerning the subject matter of this resolve.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 124th MAINE LEGISLATURE

LD 1094

LR 1580(02)

**An Act To Enhance Safety at Construction Sites by Regulating Open Trenches**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**  
**Committee: Transportation**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Departments of Transportation, Public Safety and Labor, as well as the Public Utilities Commission, can be absorbed within existing budgeted resources.