

MAINE STATE LEGISLATURE

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L.D. 469

Date: 4/28/21

Majority

(Filing No. H-104)

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 345, L.D. 469, "An Act To Ensure Safety across Maine's Construction Industry"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 26 MRSA §1304, sub-§3-A is enacted to read:

3-A. Craft worker. "Craft worker" means a person who is engaged in a construction trade that is eligible for coverage under a wage determination under this chapter.

Sec. 2. 26 MRSA §1304, sub-§10 is enacted to read:

10. Trade. "Trade" means a construction work activity engaged in by a craft worker.

Sec. 3. 26 MRSA §1312, sub-§1, as amended by PL 2011, c. 403, §2, is further amended to read:

1. Violation by contractor or subcontractor. Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 and 1317 is subject to a forfeiture of not less than \$250.

Sec. 4. 26 MRSA §1317 is enacted to read:

§1317. Construction safety training requirements for craft workers

A contractor or subcontractor employing craft workers in the construction of public works shall require mandatory safety training for all craft workers in accordance with the requirements of this section.

1. Mandatory safety training. A contractor or subcontractor employing craft workers in the construction of public works shall require that all craft workers on the construction work site have completed a construction safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and is at least 10 hours in duration.

1 **2. Proof of compliance.** A contractor or subcontractor shall complete and submit
 2 monthly to the public authority that let the contract a signed statement of compliance that
 3 each craft worker has completed the training required in subsection 1.

4 **3. Posting of affidavit on job site.** A contractor or subcontractor shall post in a
 5 conspicuous location at each job site a signed affidavit that the contractor or subcontractor
 6 has met the requirements of this section.

7 **4. Rules.** The Commissioner of Labor may adopt rules to implement this section.
 8 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
 9 chapter 375, subchapter 2-A.

10 **Sec. 5. Appropriations and allocations.** The following appropriations and
 11 allocations are made.

12 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

13 **Bureau of General Services - Capital Construction and Improvement Reserve Fund**
 14 **0883**

15 Initiative: Provides appropriations for increased construction costs due to additional safety
 16 training requirements.

17 GENERAL FUND	2021-22	2022-23
18 All Other	\$10,000	\$10,000
19		
20 GENERAL FUND TOTAL	\$10,000	\$10,000

21

22 **ADMINISTRATIVE AND FINANCIAL**
 23 **SERVICES, DEPARTMENT OF**
 24 **DEPARTMENT TOTALS**

25	2021-22	2022-23
26 GENERAL FUND	\$10,000	\$10,000
27		
28 DEPARTMENT TOTAL - ALL FUNDS	\$10,000	\$10,000

29 **LABOR, DEPARTMENT OF**

30 **Regulation and Enforcement 0159**

31 Initiative: Provides ongoing appropriations for one Labor and Safety Inspector position and
 32 related All Other costs to conduct investigations into potential violations of the construction
 33 safety training requirements for craft workers.

34 GENERAL FUND	2021-22	2022-23
35 POSITIONS - LEGISLATIVE COUNT	1,000	1,000
36 Personal Services	\$63,597	\$87,667
37 All Other	\$6,789	\$6,789
38		
39 GENERAL FUND TOTAL	\$70,386	\$94,456

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41 **LABOR, DEPARTMENT OF**
 42 **DEPARTMENT TOTALS**

2021-22	2022-23
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1			
2	GENERAL FUND	\$70,386	\$94,456
3			
4	DEPARTMENT TOTAL - ALL FUNDS	\$70,386	\$94,456
5	TRANSPORTATION, DEPARTMENT OF		
6	Highway and Bridge Capital 0406		
7	Initiative: Provides allocations for increased construction costs due to additional safety		
8	training requirements.		
9	HIGHWAY FUND	2021-22	2022-23
10	Capital Expenditures	\$10,000	\$10,000
11			
12	HIGHWAY FUND TOTAL	\$10,000	\$10,000
13			
14	FEDERAL EXPENDITURES FUND	2021-22	2022-23
15	Capital Expenditures	\$40,000	\$40,000
16			
17	FEDERAL EXPENDITURES FUND TOTAL	\$40,000	\$40,000
18			
19	TRANSPORTATION, DEPARTMENT OF		
20	DEPARTMENT TOTALS	2021-22	2022-23
21			
22	HIGHWAY FUND	\$10,000	\$10,000
23	FEDERAL EXPENDITURES FUND	\$40,000	\$40,000
24			
25	DEPARTMENT TOTAL - ALL FUNDS	\$50,000	\$50,000
26			
27	SECTION TOTALS	2021-22	2022-23
28			
29	GENERAL FUND	\$80,386	\$104,456
30	HIGHWAY FUND	\$10,000	\$10,000
31	FEDERAL EXPENDITURES FUND	\$40,000	\$40,000
32			
33	SECTION TOTAL - ALL FUNDS	\$130,386	\$154,456

34

35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section

36 number to read consecutively.

37 **SUMMARY**

38 This amendment changes the definition of "craft worker" and defines "trade." It also

39 requires a contractor or subcontractor to complete and submit monthly to the public

40 authority that let the contract a signed statement of compliance that each craft worker has

41 completed 10 hours of a safety program. It also specifies that a contractor or subcontractor

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COMMITTEE AMENDMENT "A" to H.P. 345, L.D. 469

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who willfully and knowingly violates the Maine Revised Statutes, Title 26, section 1317 is subject to a forfeiture of not less than \$250.

This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 469

LR 791(02)

An Act To Ensure Safety across Maine's Construction Industry

Fiscal Note for Bill as Amended by Committee Amendment *A (H-104)*

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$80,386	\$104,456	\$97,436	\$100,519
Highway Fund	\$10,000	\$10,000	\$0	\$0
Appropriations/Allocations				
General Fund	\$80,386	\$104,456	\$97,436	\$100,519
Highway Fund	\$10,000	\$10,000	\$0	\$0
Federal Expenditures Fund	\$40,000	\$40,000	\$0	\$0

Fiscal Detail and Notes

This bill requires contractors to require mandatory safety training for all craft workers on public works construction sites and increases the types of construction workers needing to be trained. The bill includes General Fund appropriations of \$70,386 in fiscal year 2021-22 and \$94,456 in fiscal year 2022-23 to the Regulation and Enforcement program within the Department of Labor for one Labor and Safety Inspector position and related All Other costs associated with conducting investigations into potential violations of the construction safety training requirements for craft workers. The bill also includes General Fund appropriations of \$10,000 and Highway Fund allocations of \$10,000 in fiscal years 2021-22 and 2022-23 for increased construction costs. Federal Expenditures Fund allocations of \$40,000 in fiscal years 2021-22 and 2022-23 are also included. An effective date of October 1, 2021 is assumed.