

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 469

H.P. 345

House of Representatives, February 16, 2021

An Act To Ensure Safety across Maine's Construction Industry

Received by the Clerk of the House on February 11, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.

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

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

3 **3-A. Craft worker.** "Craft worker" means a person who possesses experience and
4 proficiency in a trade involved in building construction.

5 **Sec. 2. 26 MRSA §1317** is enacted to read:

6 **§1317. Construction safety training requirements for craft workers**

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

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

15 **2. Proof of compliance.** A contractor or subcontractor shall complete and submit to
16 the Department of Labor as part of the contractor's or subcontractor's regular certified
17 payroll submission process a signed statement of compliance that each craft worker has
18 completed the training required in subsection 1.

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

22 **4. Issuance of a cease operations order.** The Commissioner of Labor or the
23 commissioner's designee may order a contractor or subcontractor to cease business
24 operations if the commissioner or the commissioner's designee determines:

25 A. The contractor or subcontractor has failed to comply with this section; or

26 B. The commissioner or the commissioner's designee has previously determined that
27 the contractor's or subcontractor's practice or policy resulted in a failure to comply with
28 this section on more than one occasion or within the last 12 months.

29 The commissioner or the commissioner's designee shall provide the contractor or
30 subcontractor notice and an opportunity to be heard 3 business days before the effective
31 date of a cease operations order issued pursuant to this subsection. The issuance of a cease
32 operations order constitutes final agency action. The commissioner or the commissioner's
33 designee shall design the cease operations order as narrowly as is determined necessary.
34 Any person who is aggrieved by the imposition of a cease operations order has 10 days
35 from the date of service of the order to make a request to the commissioner or the
36 commissioner's designee for a hearing. The hearing must be held within 7 business days
37 of the request. The hearing officer shall issue a decision within 5 business days of the
38 hearing.

39 If a contractor or subcontractor refuses to obey an order to cease operations, that order may
40 be enforced in Superior Court.

1 **5. Stay of cease operations order.** The Commissioner of Labor or the commissioner's
2 designee shall stay the issuance of a cease operations order under subsection 4, if the
3 contractor or subcontractor provides evidence acceptable to the commissioner or the
4 commissioner's designee that the contractor or subcontractor has met the requirements of
5 this section.

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

9 **SUMMARY**

10 This bill requires a contractor or subcontractor with a public works contract with the
11 State of \$50,000 or more to certify all craft workers who will be on the construction site
12 have taken a safety training program that uses a curriculum approved by the United States
13 Department of Labor, Occupational Safety and Health Administration and that is at least
14 10 hours in duration. A contractor or subcontractor is required to provide proof of
15 compliance by submitting a statement of compliance as part of its regular certified payroll
16 submission. The contractor or subcontractor is required to display at the job site an affidavit
17 showing compliance. The Commissioner of Labor or the commissioner's designee is
18 authorized to issue a cease operations order if a contractor or subcontractor is not in
19 compliance. The Department of Labor is authorized to adopt rules to implement this
20 section.