

# MAINE STATE LEGISLATURE

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STATE OF MAINE

5

SENATE

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131ST LEGISLATURE

7

SECOND REGULAR SESSION

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 180,  
L.D. 373, "An Act to Improve Labor Conditions for Maine Workers"

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Amend the amendment in section 1 in §3133-B in the first line (page 1, line 17 in amendment) by striking out the following: "Employer" and inserting the following: 'Commitment to employer'

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Amend the amendment in section 1 in §3133-B in the first line (page 1, line 17 in amendment) by inserting after the following: "for" the following: 'certain'

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Amend the amendment in section 1 in §3133-B in subsection 1 in paragraph B in the 2nd line (page 1, line 24 in amendment) by striking out the following: "representing or"

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Amend the amendment in section 1 in §3133-B by striking out all of subsection 2 (page 1, lines 30 to 34 and page 2, lines 1 to 4 in amendment) and inserting the following:

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**'2. Responsible agency to require employer and employee harmony agreement as condition of lease. The commission, or any department, agency or instrumentality of the State responsible for granting the lease of state land for the use or construction of a facility to be used in the development or operation of a clean energy development project, including any facility owned or operated by the Maine Port Authority, shall require as a condition of the lease that the lessee agree to enter into an employer and employee harmony agreement with any labor organization seeking to represent the lessee's employees at the clean energy development project site.'**

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Amend the amendment in section 1 in §3133-B in subsection 3 in the 2nd line (page 2, line 6 in amendment) by inserting after the following: "binds" the following: 'the facility owner or operator and'

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Amend the amendment in section 1 in §3133-B in subsection 3 in the last line (page 2, line 8 in amendment) by inserting after the following: "basis." the following: 'The Department of Labor, through routine technical rulemaking in accordance with Title 5, chapter 375, subchapter 2-A, shall define "temporary basis" for purposes of this subsection.'

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Amend the amendment in section 1 in §3133-B in subsection 4 in the last line (page 2, line 13 in amendment) by inserting after the following: "safe." the following: 'For purposes of this subsection, "maintenance" includes routine repairs, inspections and proactive management and upkeep of the physical assets and infrastructure of a fully constructed

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**SENATE AMENDMENT**

ROS

1 facility or maritime operation but does not include facility upgrades requiring services from  
2 a 3rd party.'

3 Amend the amendment in section 1 in §3133-B by inserting after subsection 4 the  
4 following:


5 **'5. On-site manufacturing. All manufacturing that takes place at a site covered by**  
6 **this section must be used primarily for the purpose of supplying the clean energy**  
7 **development project with goods and materials necessary for the operation of the project.'**

8 Amend the amendment in section 1 in §3133-B by renumbering the subsections to read  
9 consecutively.

10 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
11 section number to read consecutively.

12 **SUMMARY**

13 This amendment specifies that the harmony agreement is binding on the facility owner  
14 or operator, as well as employers, employees and contractors and subcontractors, as  
15 specified in Committee Amendment "A". The amendment requires the Department of  
16 Labor to establish a definition of "temporary basis" for purposes of excepting employees  
17 of contractors and subcontractors from the harmony agreement. The amendment provides  
18 a definition of "maintenance" for purposes of the harmony agreement and excepts services  
19 that are upgrades performed by a 3rd party. The amendment requires any manufacturing  
20 done on a site covered by a harmony agreement to be for the purpose of supplying a clean  
21 energy development project with goods and materials for the operation of the project.

22 **SPONSORED BY:**  \_\_\_\_\_

23 (Senator TIPPING, M.)

24 **COUNTY: Penobscot**

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 131st MAINE LEGISLATURE

LD 373

LR 2274(04)

An Act to Improve Labor Conditions for Maine Workers

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S. 690)

Sponsor: Sen. Tipping of Penobscot

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Labor associated with the rule-making process can be absorbed within existing budgeted resources.