

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1640

S.P. 657

In Senate, April 12, 2023

**An Act to Require Industry Training and Certification for Persons
Undertaking Corrosion Prevention and Mitigation for Bridges**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Representative WILLIAMS of Bar Harbor and
Senators: HARRINGTON of York, President JACKSON of Aroostook, LaFOUNTAIN of
Kennebec, NANGLE of Cumberland, Representatives: ANKELES of Brunswick, CRAFTS of
Newcastle, MASON of Lisbon, THERIAULT of Fort Kent.

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

2 **Sec. 1. 23 MRSA §357** is enacted to read:

3 **§357. Corrosion prevention and mitigation; bridges**

4 The Department of Transportation shall adopt rules governing corrosion prevention
5 and mitigation methods for bridges wholly or partly under the control of the State for
6 projects costing \$50,000 or more. Rules adopted pursuant to this section must include, but
7 are not limited to, establishing a process for ensuring that corrosion prevention and
8 mitigation activities are carried out in accordance with established corrosion prevention
9 and mitigation standards, requiring the use of personnel who are industry-trained and
10 industry-certified in corrosion prevention and mitigation methods on any type of substrate
11 or surface and requiring plans to prevent environmental degradation that might result from
12 corrosion prevention and mitigation activities. Rules adopted pursuant to this section are
13 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 2. Rulemaking.** Rulemaking conducted pursuant to this Act is governed by
15 this section.

16 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "Corrosion" means the deterioration of a material, usually a metal or concrete, that
19 results from a chemical or electrochemical reaction with its environment.

20 B. "Corrosion prevention and mitigation" means:

21 (1) The preparation, application, installation, removal and general maintenance as
22 necessary of a protective coating system, including but not limited to:

23 (a) Surface preparation and coating application on the interior or exterior of
24 the surface;

25 (b) Removal of a lead-based or other hazardous coating;

26 (c) Painting of structural steel fabricated for installation; and

27 (d) Installation of coatings and surfacing on concrete or other cementitious
28 substrates; and

29 (2) With respect to bridges, any activities related to corrosion prevention, including
30 cathodic protection, that in accordance with rules adopted pursuant to this Act must
31 be performed by industry-trained and industry-certified personnel.

32 C. "Corrosion prevention project" means a project costing \$50,000 or more consisting
33 of corrosion prevention and mitigation activities performed during construction,
34 alteration, maintenance or repair work or at any other time necessary on bridge
35 infrastructure.

36 D. "Industry-trained and industry-certified" means:

37 (1) Completion of, or current enrollment in for at least the entire duration of a
38 corrosion prevention project, a state-certified apprenticeship training program that
39 requires concurrent on-the-job training and classroom instruction for an individual
40 to be considered adequately knowledgeable to perform corrosion prevention and
41 mitigation activities; or

1 (2) Confirmation from a corrosion prevention industry credentialing organization
2 whose standards for corrosion prevention and mitigation meet state requirements
3 that an individual is adequately trained to perform corrosion prevention and
4 mitigation activities or conduct inspections.

5 **2. Rulemaking.** In adopting rules to implement the Maine Revised Statutes, Title 23,
6 section 357, the Department of Transportation shall adopt rules that:

7 A. Provide the same standards and requirements for corrosion prevention and
8 mitigation methods as are established by the Society for Protective Coatings for its
9 coating application specialist program; the National Association of Corrosion
10 Engineers for its certified coating applicator program; and the National Association of
11 Corrosion Engineers International Institute;

12 B. Require the use of industry-trained and industry-certified personnel:

13 (1) To perform corrosion prevention and mitigation activities on any type of
14 substrate or surface; and

15 (2) As inspectors to ensure best practices and standards are followed in corrosion
16 prevention projects; and

17 C. For all corrosion prevention projects, require the development of a plan to prevent
18 environmental degradation that might result from corrosion prevention and mitigation
19 activities.

20 SUMMARY

21 This bill requires the adoption of rules by the Department of Transportation governing
22 projects costing \$50,000 or more consisting of corrosion prevention and mitigation for
23 bridge infrastructure. Rules adopted pursuant to this legislation must include establishing
24 a process for ensuring that corrosion prevention and mitigation activities are performed in
25 accordance with established corrosion prevention and mitigation standards, requiring the
26 use of personnel who are industry-trained and industry-certified in corrosion prevention
27 and mitigation methods and requiring plans to prevent environmental degradation that
28 might result from corrosion prevention and mitigation activities.