

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

Amend the bill by striking out all of section 1 and inserting the following:

‘**Sec. 1. 26 MRSA §1309-A** is enacted to read:

§ 1309-A. Contract to contain provision relative to occupational health and safety training

1. Training requirement. For any contract for public works entered into on or after July 1, 2009 and amounting to \$100,000 or more, except for a contract for paving or repaving roads and bridges and a contract for building new roads, the contract between the public authority and the successful bidder must contain a provision in which the successful bidder and all subcontractors of the successful bidder certify that each employee to be employed at the work site has successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration. The successful bidder and all subcontractors of the successful bidder must provide to the public authority documentation of successful completion of the course required by this section by each employee with the first certified payroll report. In the case of a contract for paving or repaving roads and bridges or a contract for building new roads, preference must be given to a bidder that pledges to use employees to be employed at a work site who have successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration.

2. Exempt individuals. The individuals described under this subsection are exempt from the requirement of subsection 1 that certain individuals complete a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration:

- A. Law enforcement officers involved with traffic control or jobsite security;
- B. Flagging personnel who have completed the training required by the Department of Transportation;
- C. All relevant federal, state and municipal government employees and inspectors; and
- D. All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, 40 United States Code, Section 276a et seq., including, but not limited to, construction and nonconstruction delivery personnel and nontrade personnel.

3. Penalties and enforcement. In addition to the penalties provided in section 1312, any contractor or subcontractor who willfully and knowingly violates this section is subject to:

- A. Removal from the work site by the Director of the Bureau of Labor Standards of any employee if that employee does not provide documentation of having completed the course in construction safety required in subsection 1 by the 15th day after the date that employee is found to be in noncompliance; and
- B. A fine of no more than \$2,500 and a fine of \$100 per employee for each day of noncompliance.

SUMMARY

This amendment incorporates the changes made by Committee Amendment "A" and makes the following changes to the bill.

1. It exempts contracts for paving or repaving roads and bridges and contracts for building new roads from the requirement that employees have successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration.

2. It provides that in the case of a contract for paving or repaving roads and bridges or a contract for building new roads, preference must be given to a bidder that pledges to use employees to be employed at a work site who have successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration.

3. It exempts the following individuals from the requirement to complete a course in construction safety:

- A. Law enforcement officers involved with traffic control or jobsite security;
- B. Flagging personnel who have completed the training required by the Department of Transportation;
- C. All relevant federal, state and municipal government employees and inspectors; and
- D. All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, including, but not limited to, construction and nonconstruction delivery personnel and nontrade personnel.

4. It removes the penalty provision that allows for cancellation of the contract or enforcement of performance of the contract and replaces it with a penalty provision that provides for a fine of no more than \$2,500 and a fine of \$100 per employee for each day of noncompliance.