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Date: (Filing No. S-)

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION**

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

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**'

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**'

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**"

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:

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.'

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**'

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.'**

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**

SENATE AMENDMENT

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**