

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

An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects

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

Sec. 1. 26 MRSA §1302-A, as enacted by PL 2009, c. 452, §1, is repealed.

Sec. 2. 26 MRSA §1312, sub-§1, as amended by PL 2009, c. 452, §2, is further amended to read:

1. Violation by contractor or subcontractor. Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates ~~section 1302-A or~~ sections 1304 to 1313 is subject to a forfeiture of not less than \$250.

Sec. 3. 39-A MRSA §105-A, sub-§6 is enacted to read:

6. Insurance coverage information for public construction projects. Insurance coverage information regarding construction subcontractors and independent contractors is controlled by this subsection.

A. At the onset of work on any construction project undertaken by the State, the University of Maine System or the Maine Community College System, the general contractor or designated project construction manager, if any, shall provide to the board a list of all construction subcontractors and independent contractors on the job site and a record of the entity to whom that construction subcontractor or independent contractor is directly contracted and by whom that construction subcontractor or independent contractor is insured for workers' compensation purposes. The list must be posted on the board's publicly accessible website and updated as needed.

B. The board and the Department of Administrative and Financial Services, Bureau of General Services shall cooperate and provide notice to each other regarding the letting of state-funded construction projects and any stop-work order, debarment or other action as either may take or issue.

C. This subsection provides minimum disclosure standards regarding construction subcontractors and independent contractors and does not preclude the contracting agency from setting more rigorous standards for construction work under its jurisdiction.

D. If the general contractor or designated project construction manager fails to provide the board with the information required by paragraph A, that person is subject to a fine of not less than \$250.

SUMMARY

This bill clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site

at the Workers' Compensation Board. It moves the requirement from the Maine Revised Statutes, Title 26 to Title 39-A and complements the current reporting requirement to the Workers' Compensation Board.