



# 130th MAINE LEGISLATURE

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Legislative Document

No. 1231

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H.P. 902

House of Representatives, March 24, 2021

### An Act Concerning Climate and Community Investment Projects

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Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative CUDDY of Winterport.  
Cosponsored by Representatives: Speaker FECTION of Biddeford, SYLVESTER of Portland,  
WARREN of Scarborough, Senator: VITELLI of Sagadahoc.

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

2 **Sec. 1. 26 MRSA c. 47** is enacted to read:

3 **CHAPTER 47**

4 **CLIMATE AND COMMUNITY INVESTMENT PROJECTS**

5 **§3701. Climate and community investment projects**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
7 following terms have the following meanings.

8 A. "Assisted project" means a construction project that involves a renewable energy  
9 project that will receive or is receiving economic assistance from the State with a total  
10 present financial value as of the start of the assistance of at least \$50,000, including but  
11 not limited to renewable energy credits, grants, loans, commitments of funds or tax  
12 abatements and tax exemptions.

13 B. "Disadvantaged community" means a zip code area of the State determined by the  
14 Department of Labor by rule to have a high rate of poverty, unemployment and chronic  
15 unemployment as well as a high number of individuals with barriers to employment,  
16 including individuals who have been incarcerated and people who have been  
17 traditionally underrepresented in a relevant employment area under this chapter.

18 C. "Labor organization" means an organization that is not a company union and that  
19 is constituted for the purpose, in whole or in part, of engaging in collective bargaining,  
20 dealing with employers concerning employee grievances or terms or conditions of  
21 employment or providing other employee aid or protection. "Labor organization"  
22 includes, but is not limited to, a bona fide labor organization that is certified or  
23 recognized as the organization of jurisdiction representing the relevant workers or a  
24 bona fide building and construction trades council or district council or state or local  
25 labor federation comprised of local unions certified or recognized as the representative  
26 of the relevant workers.

27 D. "Registered apprenticeship program" means an apprenticeship training program  
28 that:

29 (1) Is provided for each trade for which the employer employs craft workers;

30 (2) Is registered with and approved by the United States Department of Labor or  
31 the Maine Apprenticeship Program under section 3202; and

32 (3) Actively trains employees, has functioning training facilities and is regularly  
33 graduating apprentices to journeyman status who are then placed in employment  
34 on an assisted project.

35 E. "Renewable energy project" means a project to construct a source of electrical  
36 generation of 5 megawatts or more that relies on one or more of the following:

37 (1) Fuel cells;

38 (2) Tidal power;

- 1           (3) Solar arrays and installations;
- 2           (4) Wind power installations;
- 3           (5) Geothermal installations;
- 4           (6) Hydroelectric generators;
- 5           (7) Biomass generators that are fueled by wood or wood waste, landfill gas or
- 6           anaerobic digestion of agricultural products, by-products or wastes; or
- 7           (8) Generators fueled by municipal solid waste in conjunction with recycling.

8           F. "Workforce development program" means a program provided by an employer that:

- 9           (1) Provides any employee from a disadvantaged community, including a newly
- 10          hired employee, opportunities for skill development that will enable the employee
- 11          to qualify for a higher-paying job; and
- 12          (2) Provides apprenticeship training through a registered apprenticeship program
- 13          for each trade in which the employer employs craft workers.

14          **2. Labor and project performance standards.** The following requirements apply to

15          an assisted project.

16          A. An entity responsible for an assisted project shall, in accordance with applicable

17          law, take all necessary actions to establish and administer a workforce development

18          program.

19          B. A contractor working on an assisted project shall provide or participate in a

20          registered apprenticeship program for each trade in which it employs craft workers and

21          shall provide proof within 7 days of a request from the Department of Labor that the

22          apprenticeship program meets all the requirements of a registered apprenticeship

23          program.

24          C. A contractor or subcontractor working on an assisted project shall pay craft workers

25          on the assisted project no less than the applicable prevailing wage and benefits for the

26          appropriate classification in which the worker is employed, as established by the

27          Bureau of Labor Standards under section 1308. The contractor or subcontractor shall

28          provide all information to the bureau required under chapter 15.

29                  (1) The entity responsible for the assisted project that is receiving state assistance

30                  for that project shall take reasonable steps to ensure that all contractors and

31                  subcontractors meet the requirements of this paragraph.

32                  (2) The requirements of this paragraph do not apply if the entity responsible for the

33                  assisted project has entered into or has ensured that the entity directly responsible

34                  for the construction of the assisted project has entered into a project labor

35                  agreement consistent with the requirements of subsection 3.

36          D. If the assisted project involves a renewable energy project with a generation

37          capacity of 50 megawatts or more, the entity responsible for the assisted project shall

38          also ensure that a project labor agreement under subsection 3 is executed between the

39          entity directly responsible for construction of the assisted project and a labor

40          organization to supply skilled craft workers in all crafts needed for the project in the

41          area where the project is located.

1 E. Employers working on an assisted project shall adopt and follow any hiring policies  
2 required by the Department of Labor by rule under subsection 5.

3 **3. Terms of project labor agreement.** In order to meet the requirements of this  
4 section, an assisted project must have in place a project labor agreement that conforms to  
5 this subsection. The project labor agreement must:

6 A. Bind all contractors and subcontractors on the assisted project to the project labor  
7 agreement through the inclusion of appropriate specifications in all relevant solicitation  
8 provisions and contract documents;

9 B. Allow all contractors and subcontractors to compete for contracts and subcontracts  
10 on the assisted project without regard to whether they are otherwise parties to collective  
11 bargaining agreements;

12 C. Establish uniform terms and conditions of employment for all craft workers  
13 employed on the assisted project;

14 D. Contain guarantees against strikes, lockouts and similar job disruptions;

15 E. Set forth effective, prompt and mutually binding procedures for resolving labor  
16 disputes arising during the project labor agreement; and

17 F. Include other provisions negotiated by the parties as needed to promote successful  
18 delivery of the assisted project.

19 **4. Penalties and sanctions.** Failure of an entity that receives state assistance for an  
20 assisted project to comply with this section constitutes a material breach of the agreement,  
21 grant, loan, commitment of funds or other instrument pursuant to which state assistance is  
22 provided, and the relevant state agency may impose any available and appropriate penalties  
23 for that breach, including, but not limited to, ending the assistance and recouping all or part  
24 of any assistance already provided for the assisted project or directing that, in order for the  
25 entity to receive continued assistance, the entity must meet the requirements of this section  
26 and pay remedial compensation to any employees who were not paid prevailing wage and  
27 benefits.

28 **5. Rules; underrepresented populations.** The Department of Labor shall adopt rules  
29 to implement this section. The rules must require or incentivize employers working on  
30 eligible projects to adopt and maintain hiring policies that will attract and retain a diverse  
31 workforce that includes individuals who are traditionally underrepresented in that  
32 workforce, including Native Americans, persons of color, women and veterans. Rules  
33 adopted under this subsection are routine technical rules as defined in Title 5, chapter 375,  
34 subchapter 2-A.

35 **Sec. 2. 32 MRSA §1101, sub-§2,** as amended by PL 2017, c. 198, §2, is further  
36 amended to read:

37 **2. Electrical installations.** "Electrical installations" means the installation, repair,  
38 alteration and maintenance of electrical conductors, fittings, devices and fixtures for  
39 heating, lighting, power purposes or heat activated fire alarms, intrusion alarms, energy  
40 management, telephone, cable and closed-circuit television, sound systems, data  
41 transmission, conduit and raceway systems and electrically supervised manual fire alarms  
42 and sprinkler systems. "Electrical installations" includes ~~complete~~ but is not limited to  
43 installations related to photovoltaic, fuel cell and wind power generation systems.

1 Installation of photovoltaic systems includes but is not limited to the installation of  
2 supporting structures, such as frames, racks, rails, purlins and any part of the supporting  
3 structure that has an Underwriters Laboratories LLC listing as a raceway, and footings.  
4 "Electrical installations" does not include the installation or repair of portable appliances  
5 and other portable electrical equipment, installation of which involves only the insertion of  
6 an attachment plug into a fixed receptacle outlet. It is the meaning and intent of this  
7 subsection that the word "portable" does not include or apply to any type of fixed  
8 electrically operated or driven equipment.

## 9 SUMMARY

10 This bill does the following.

11 1. It requires projects involving the construction of renewable energy generating  
12 systems that are receiving at least \$50,000 in state assistance to meet certain requirements,  
13 including the following.

14 A. The entity responsible for the assisted project must establish a workforce  
15 development program that provides employees from disadvantaged communities  
16 opportunities for skill development and that also provides apprenticeship training  
17 through a registered apprenticeship program for each trade in which the employer  
18 employs craft workers.

19 B. A contractor working on the assisted project must provide or participate in a  
20 registered apprenticeship training program for each trade in which it employs craft  
21 workers.

22 C. A contractor or subcontractor working on the assisted project must pay craft  
23 workers on the project no less than the applicable prevailing wage and benefits, and  
24 the entity responsible for the assisted project that is receiving state assistance for that  
25 project must take reasonable steps to ensure that all contractors and subcontractors  
26 meet this requirement. This requirement does not apply, however, if the entity  
27 responsible for the assisted project has ensured that the entity directly responsible for  
28 the construction of the project has entered into a project labor agreement that meets  
29 certain requirements.

30 D. If the assisted project involves a renewable energy project with a generation  
31 capacity of 50 megawatts or more, the entity responsible for the project is required to  
32 ensure that a project labor agreement is executed between the entity directly  
33 responsible for construction of the project and a labor organization to supply skilled  
34 craft workers in all crafts needed for the project in the area where the project is located.

35 E. Employers working on an assisted project are required to adopt any hiring policies  
36 established by the Department of Labor by rule that require employers working on  
37 assisted projects to adopt and maintain hiring policies that will attract and retain a  
38 diverse workforce. The department may adopt incentives for adopting such policies  
39 rather than establishing requirements.

40 2. It amends the definition of "electrical installation" in the law governing the licensing  
41 of electricians. Under the law, undertaking an electrical installation generally requires a  
42 license. The bill defines an electrical installation of a photovoltaic system to include the  
43 installation of supporting structures, such as frames, racks, rails, purlins and any part of the

1 supporting structure that has an Underwriters Laboratories LLC listing as a raceway, and  
2 footings.