

## **An Act To Ensure Safety across Maine's Construction Industry**

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

**Sec. 1. 26 MRSA §1304, sub-§3-A** is enacted to read:

**Sec. 2. 26 MRSA §1317** is enacted to read:

### **§1317. Construction safety training requirements**

The construction of public works shall require mandatory safety training in accordance with the requirements of this section.

**1. Mandatory safety training.** Any contractor or subcontractor, signing a contract to work on a construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency with a total project cost of \$50,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program within 30 days of a signed contract's start date. The training program shall utilize an OSHA approved curriculum. This section shall apply to the construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work managed by a state agency.

Any employee required to complete the OSHA 10-hour construction safety program under this section who has not completed the program shall be subject to removal from the worksite if the employee does not provide documentation of having completed such program by the 30th day after the date the employee is found to be in noncompliance. Proof of such documentation provided by the employer shall constitute compliance with this section. The procurement agency's commissioner or commissioner's designee shall enforce this section.

### **2. Proof of compliance.**

A contractor shall complete and submit to the contracting agency as part of the contractor's regular certified payroll submission process or on a form required by the procurement agency, a signed statement of compliance that each worker has completed the training required in subsection 1. A subcontractor shall complete and submit to the general contractor a form to assert compliance that worker has completed the training required in subsection 1.

**3. Submission of affidavit.** A contractor shall submit a signed affidavit to the contracting agency that the contractor and subcontractor has met the requirements of this section.

**4. Report to Committee.** The Maine Department of Labor will collect data from contracting agencies on compliance and report back to the 131st Legislature.

**5. Waiver of Requirement.** Special circumstances, including job site visits, or emergencies may require a waiver of subsection 1. The contractor may waive this condition and keep written documentation of a waiver on file for inspection by the contracting agency.

### **6. The following individuals are exempt from this requirement:**

- (a) Law enforcement officers contracted for construction traffic management or in the course of their official duty.
- (b) Flagging personnel who have completed the training required by the department of transportation.

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(c) All relevant federal, state, and municipal government employees and inspectors.

(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 non-construction delivery personnel and non-trade personnel.

**SUMMARY**