



Maine Water Environment Association  
Protecting Maine's Water Resources

March 1, 2021  
Honorable Joseph Rafferty, Senate Chair  
Honorable Mike Sylvester, House Chair  
Joint Legislative Committee on Labor and Housing  
100 State House Station  
Augusta, ME 04333

Re: ***LD 469, An Act to Ensure Safety Across Maine's Construction Industry***

Dear Senator Rafferty and Representative Sylvester:

The Maine Water Utilities Association (MWUA) and the Maine Water Environment Association (MeWEA) appreciate the opportunity to provide the following joint testimony in opposition to LD 469.

**About MWUA.** The Maine Water Utilities Association is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and counts approximately 109 water utilities in Maine as members.

**About MeWEA.** The Maine Water Environment Association is a non-profit, all volunteer association of over 650 members consisting of municipal and industrial wastewater system operators, consultants, students, and regulatory officials. The mission of MeWEA is to support and enhance Maine's water environment community through promoting training opportunities; supporting balanced environmental policy and practice; promoting education and collaboration with the public to protect and enhance Maine's water resources.

**Discussion.** As drafted, it is not clear whether this bill applies to water and wastewater systems in Maine. The bill applies to "contractors," but that term is not defined, so it is possible that the bill could apply directly to water and wastewater systems to the extent these systems engage in "public works" projects and hire "craft employees." The bill also applies to us indirectly to the extent water and wastewater systems hire "contractors" who are covered by the bill.

First, some background. Water and wastewater systems in Maine frequently hire contractors to complete infrastructure improvement projects. The project is advertised through a bidding process. Part of the bidding process is the issuance of design plans and specifications. The specification documents clearly emphasize the contractor's responsibility to maintain a safe work site and ensure the safety of their employees and all subcontractors. Water and wastewater systems require that contractors possess experience, specialized skills for a specific project, and the ability to secure bonds before any contractual arrangement or agreement is signed. Many of our member systems require that contractors have an assigned safety officer on the job site during any project. All OSHA safety regulations are included in the common contractual language of any issued contract. This also includes mandatory safety training.

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In light of the precautions already taken by water and wastewater systems, we find this bill to **be redundant and unnecessary**. In addition, we are concerned that the broad language in LD 469 will create administrative burdens by creating additional parallel recordkeeping or training requirements that already exist. This will result in potential increased costs to water and wastewater customers. This could also result in construction delays. The result could have adverse impact on a system's ability to have public works project completed on a timely basis; which is a large risk in a state with a very short construction season. Potentially this may adversely impact our ability to ensure our daily obligation to provide safe drinking water, a clean environment, and a more reliable system.

**Conclusion.** Therefore, we ask you to vote ought-not-to pass on LD 469. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,



Roger Crouse  
Chair, MWUA Legislative & Regulatory Committee  
General Manager, Kennebec Water District



Tim Wade  
Chair, MeWEA Government Affairs Committee  
Operations Manager Greater Augusta Utilities District

cc: Bruce Berger, Executive Director, MWUA  
Phil Tucker, York Sewer District, Board Chair, MeWEA  
James I. Cohen, Verrill Dana, LLP, Legislative Counsel