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An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

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

Sec. 1. 26 MRSA §1309-A is enacted to read:

§ 1309-A. Contract to contain provision relative to occupational health and safety training

1. Training requirement. For any contract for a public work entered into on or after July 1, 2008 and amounting to \$10,000 or more, the contract between the public authority and the successful bidder must contain a provision in which the successful bidder and all subcontractors of the successful bidder certify that each employee to be employed at the work site has successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration that is no shorter than 10 hours in duration. The successful bidder and all subcontractors of the successful bidder must provide to the public authority documentation of successful completion of the course required by this section by each employee with the first certified payroll report.

2. Penalties and enforcement. In addition to the penalties provided in section 1312, any contractor or subcontractor who willfully and knowingly violates this section is subject to the following actions:

A. Removal from the work site by the Director of the Bureau of Labor Standards of any employee for whom documentation required by this section is not provided; and

B. Cancellation of the contract or enforcement of performance of the contract by the public authority that is a party to the contract.

SUMMARY

This bill requires that a contractor or subcontractor entering into a contract for a public work on or after July 1, 2008 that is for \$10,000 or more provide documentation demonstrating that all employees working on that project have completed a construction safety training course, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also specifies that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.