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An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification

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

Sec. 1. 26 MRSA §1302-A is enacted to read:

§ 1302-A. Insurance coverage posted on public construction projects

1. List of contractors. At the onset of work on any construction project undertaken with public funds, including but not limited to any project undertaken by the State, a county, a municipality, 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 contracting agency a list of all subcontractors and independent contractors on the job site and a record of the entity to whom that subcontractor or independent contractor is directly contracted and by whom that subcontractor or independent contractor is insured for workers' compensation purposes. The list must be posted on the job site and updated as needed and also posted on the contracting agency's website and updated weekly. A subcontractor or independent contractor may not be present on a construction site unless the contractor's name and direct contracting relationship is posted in a visible location at the site.

2. Minimum standards. This section provides minimum disclosure standards regarding subcontractors and does not preclude the contracting agency from setting more rigorous standards for construction work under its jurisdiction.

3. Noncompliance. If the Commissioner of Labor finds that the general contractor or designated project construction manager is not in compliance with subsection 1, the commissioner may assess a civil penalty of up to \$2,500. In addition, the general contractor or designated project construction manager must be assessed a civil penalty of \$100 per day for each contractor or independent contractor not listed in accordance with subsection 1. The fines must be assessed from the first day of the infraction. The commissioner shall employ as many individuals as necessary to carry out the department's responsibilities under this section.

SUMMARY

This bill requires a general contractor on a project undertaken with public funds to provide the public agency with a list of all independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the job site and the agency's website and updated weekly. The bill also establishes penalties.