

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Study Safety Measures
Relating to Open Trenches and Excavations'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1 Department of Transportation to establish a working group to study safety measures relating to open trenches and excavations. Resolved: That the Department of Transportation, in conjunction with the Department of Public Safety, shall establish a working group to study trench and excavation safety, referred to in this resolve as "the working group." In addition to representatives of the Department of Transportation and the Department of Public Safety, the working group must include, but is not limited to, the Department of Labor, the Public Utilities Commission, the Maine Turnpike Authority, the Maine Better Transportation Association, the Maine Municipal Association, Associated General Contractors of Maine and other representatives of the construction industry in the State to examine safety issues relating to unattended trenches and excavations on both public and private property. The working group, in its deliberations, shall study the trench safety law recently enacted in Massachusetts, which is specifically designed to prevent a member of the public from falling into an unattended trench and suffering an injury or fatality. The working group shall develop recommendations for improving the safety of unattended trenches and excavations for the general public; and be it further

Sec. 2 Report. Resolved: That the working group shall submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The report must include an analysis of federal and state trench and excavation safety laws, regulations and rules with recommended legislation to strengthen laws relating to trench and excavation safety. After reviewing the report, the Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 124th Legislature concerning the subject matter of this resolve.'

SUMMARY

The amendment, which replaces the bill, directs the Department of Transportation, in conjunction with the Department of Public Safety, to establish a working group to examine issues relating to unattended trenches and excavations on both public and private property. The working group is required to submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 124th Legislature concerning the subject matter of this resolve.

FISCAL NOTE REQUIRED
(See attached)