

### §3401-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 481, §2 (NEW).]

**1. Apprentice.** "Apprentice" has the same meaning as in Title 26, section 3201, subsection 1. [PL 2023, c. 481, §2 (NEW).]

**2. Certified business.** "Certified business" means a business that has been certified by the federal Small Business Administration or another appropriate entity, as determined by the commission by rule, as a minority-owned, veteran-owned or women-owned business. [PL 2023, c. 481, §2 (NEW).]

**3. Community and workforce enhancement standards.** "Community and workforce enhancement standards" means the standards described in section 3408, subsection 3 that contractors and subcontractors responsible for construction work and individuals performing construction work must meet. [PL 2023, c. 481, §2 (NEW).]

**4. Construction work.** "Construction work" means the construction, alteration or remodeling of a structure and any work directly related to the construction, alteration or remodeling of a structure, including, but not limited to, landscaping and trucking, but does not include surveying or engineering or the examination or inspection of a construction site. [PL 2023, c. 481, §2 (NEW).]

**5. Currently available and qualified employee.** "Currently available and qualified employee" means an individual, including, but not limited to, an apprentice, performing construction work who:

A. Is employed by and receives a W-2 form from a contractor or subcontractor responsible for construction work and has been employed as a permanent employee by that contractor or subcontractor for at least 90 calendar days prior to the commencement of that contractor's or subcontractor's work; and [PL 2023, c. 481, §2 (NEW).]

B. Possesses the skills, credentials, certifications or specialized training necessary to complete the required tasks upon being assigned to the construction site. [PL 2023, c. 481, §2 (NEW).]  
[PL 2023, c. 481, §2 (NEW).]

**6. Disadvantaged business enterprise.** "Disadvantaged business enterprise" means a business that is certified by the Department of Transportation in compliance with federal regulations under 49 Code of Federal Regulations, Part 26. [PL 2023, c. 481, §2 (NEW).]

**7. Fishing community.** "Fishing community" means a municipality where marine organisms, as defined in Title 12, section 6001, subsection 26, are landed or processed. [PL 2023, c. 481, §2 (NEW).]

**8. Hiring hall.** "Hiring hall" means a service provided by a labor organization or an entity associated with a labor organization that places employees with an employer under a collective bargaining agreement or otherwise places employees with employers. [PL 2023, c. 481, §2 (NEW).]

**9. Inclusive bidding standards.** "Inclusive bidding standards" means a set of guidelines to ensure comprehensive engagement and involvement of the construction industry, including requirements that:

A. The relevant agency or agencies responsible for awarding contracts related to the construction of an offshore wind power project make a demonstrated and documented effort to ensure broad and maximum engagement and participation of all interested contractors upon the publication by the

agency or agencies of requests for proposals surrounding work on or related to the offshore wind power project; and [PL 2023, c. 481, §2 (NEW).]

B. All contractors, including, but not limited to, those headquartered in the State, regardless of whether their employees are covered under a collective bargaining agreement, are eligible and encouraged to bid on and participate in any work related to an offshore wind power project. [PL 2023, c. 481, §2 (NEW).]  
[PL 2023, c. 481, §2 (NEW).]

**10. Labor organization.** "Labor organization" has the same meaning as in section 3210-H, subsection 1, paragraph B.  
[PL 2023, c. 481, §2 (NEW).]

**11. Lobster Management Area 1.** "Lobster Management Area 1" means the area defined by rule as Lobster Management Area 1 by the Department of Marine Resources.  
[PL 2023, c. 481, §2 (NEW).]

**12. Maine emerging industry compensation threshold.** "Maine emerging industry compensation threshold" means an employment total compensation package that includes wages, health and welfare benefits, retirement benefits and any additional employer-paid benefits that have a monetary value equal to or greater than that established and in effect as a result of a mutual agreement between a labor organization whose local jurisdiction includes the county in the State where the work related to an offshore wind power project is being or is to be performed, based on data submitted by that labor organization to the Department of Labor, and the related and applicable contractors that are signatories to that mutual agreement.  
[PL 2023, c. 481, §2 (NEW).]

**13. Nameplate capacity.** "Nameplate capacity" has the same meaning as in section 3481, subsection 11.  
[PL 2023, c. 481, §2 (NEW).]

**14. Office.** "Office" means the Governor's Energy Office established in Title 2, section 9.  
[PL 2023, c. 481, §2 (NEW).]

**15. Offshore wind power project.** "Offshore wind power project" has the same meaning as in section 3405, subsection 1, paragraph C and includes, but is not limited to, floating offshore wind power generation facilities.  
[PL 2023, c. 481, §2 (NEW).]

**16. Registered apprenticeship program.** "Registered apprenticeship program" means a plan approved by the Department of Labor or the United States Department of Labor containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including, but not limited to, the requirement for an apprenticeship agreement, a schedule of work experience outlining the skills to be learned on the job, a schedule of related instruction courses necessary to supplement on-the-job learning and a schedule of progressively increasing wages to be paid to an apprentice consistent with the skill proficiencies achieved and leading toward a journeyman wage rate.  
[PL 2023, c. 481, §2 (NEW).]

**17. Responsible entity.** "Responsible entity" means the person undertaking to develop an offshore wind power project.  
[PL 2023, c. 481, §2 (NEW).]

**18. Small business.** "Small business" means a business employing 100 or fewer employees.  
[PL 2023, c. 481, §2 (NEW).]

SECTION HISTORY

PL 2023, c. 481, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.