

MAINE STATE LEGISLATURE

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L.D. 1270

Date:

6/17/25

(Filing No. H- 771)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 845,
L.D. 1270, "An Act to Establish the Department of Energy Resources"

Amend the amendment on page 1 by inserting after paragraph B the following:

'Amend the bill in Part A by inserting after section 6 the following:

'Sec. A-7. 26 MRSA §1308, sub-§1, as amended by PL 2023, c. 333, §1, is further amended to read:

1. Determination of wage and benefits rates. The Bureau of Labor Standards shall investigate and determine the prevailing hourly wage and benefits rate paid in the construction industry in this State. To determine the prevailing hourly wage and benefits rate, the bureau shall:

A. Collect a set of data by conducting a survey of wages and benefits during the 2nd and 3rd week of July of each year;

B. Collect a 2nd set of data through certified payroll submissions on state construction of public works during the 2nd and 3rd week of July of each year from any state agency that contracts for the construction of public works; and

C. Collect a 3rd set of data for the job classification under the federal Davis-Bacon Act.

Survey data collected pursuant to paragraph A and certified payroll data collected pursuant to paragraph B must be submitted to the bureau by the 2nd week of October. Each year, labor unions shall submit the most recent collectively bargained rates to the bureau.

The bureau shall use the highest wage and benefits information of the 3 data sets collected pursuant to paragraphs A, B and C to determine the prevailing hourly wage and benefits rate. ~~The bureau may also use wage and benefits information received from construction trade associations in its determination of prevailing rates. In determining the prevailing rate, the bureau may ascertain and consider the applicable wage and benefits rates established by collective bargaining agreements, if any, and those rates that are paid generally in the locality where the construction of the public works is to be performed. For any classification, if that rate represents a decrease from the prevailing hourly wage and benefits rate as published in the immediately preceding year, the bureau shall adjust the rate to ensure that the decrease is not more than 15%.~~

The bureau shall ascertain and consider wage and benefits information received from construction trade associations and labor unions that are paid generally in the locality where the construction of the public works is to be performed in its determination of prevailing rates.

For purposes of this subsection, "benefits" means health and welfare contributions, pension or individual retirement account contributions and vacation and annuity contributions, per diem in lieu of wages and any other form of payment, except for wages, made to or on behalf of the employee. If a defined contribution amount is not established, the most accurate estimated value of contributions must be included.'

Amend the amendment by striking out all of section A-10.

Amend the bill in §10313 by striking out all of subsection 5 (page 10, lines 38 to 43 and page 11, lines 1 to 5 in amendment) and inserting the following:

'5. Wage, safety and apprenticeship standards. If the department selects a project for a contract for energy from an assisted project located in the State as defined in Title 26, section 1304, subsection 1-A, the department shall ensure that standards under the contract applicable to contractors and subcontractors involved in the project's construction include requirements that a contractor or subcontractor:

A. Ensure that all construction workers earn compensation at or above the prevailing hourly wage as described in Title 26, section 1308; and

B. Meet the requirements described in Title 26, sections 1301, 1317 and 3502.'

Amend the amendment by inserting after section A-13 the following:

'Sec. A-14. Wage and benefit report. By January 15, 2026, the Department of Labor shall submit a report to the Joint Standing Committee on Labor that includes information detailing the process and progress to date of how the Department of Labor, Bureau of Labor Standards is using the wage and benefits information received from construction trade associations and labor unions in its determination of prevailing rates pursuant to the Maine Revised Statutes, Title 26, section 1308, subsection 1. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 132nd Legislature.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

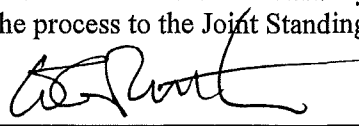
This amendment amends Committee Amendment "A" in the following ways. It removes the changes to the definition of "Maine emerging industry compensation threshold." It replaces the requirement that the Department of Energy Resources ensure that community and workforce enhancement standards meet certain criteria with a requirement related to wage, safety and apprenticeship standards. It amends the provisions in the Maine Revised Statutes that provide the process for how the Bureau of Labor Standards within the Department of Labor is required to determine the prevailing hourly

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 845, L.D. 1270

1 wage and benefits rate paid in the construction industry and requires the department to
2 submit a report detailing the process to the Joint Standing Committee on Labor.

3 SPONSORED BY: _____



4 (Representative RUNTE, W.)

5 TOWN: York

FISCAL NOTE REQUIRED
(See attached)



Approved: 06/17/25 **LRL**

132nd MAINE LEGISLATURE

LD 1270

LR 1752(03)

An Act to Establish the Department of Energy Resources

Fiscal Note for House Amendment 'A' to Committee Amendment "A" (H-771)
Sponsor: Rep. Runte, Jr. of York
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Governor's Energy Office and the Department of Labor to adopt the changes in this amendment are expected to be minor and can be absorbed within existing budgeted resources.