

MAINE STATE LEGISLATURE

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December 6, 1965

Vaughan M. Daggett, Chief Engineer

MSHC

George C. West, Deputy

Attorney General

Reference is made to your memo of December 1, 1965, asking for clarification of one sentence in our opinion issued October 11, 1965 to the Commissioner of Labor and Industry.

The sentence on which you seek clarification reads as follows:

"Obviously the Legislature did not intend the Department to determine more than one set of wages for any place where work is to be performed."

You ask as follows:

"In the instance of a highway project being located in more than one Labor Market Area, or decision area, could your statement be interpreted to mean that not more than one set of wages be used for any one contract?"

The answer is "yes."

To answer your question in any other manner would lead only to confusion and even chaos. In our October 11th opinion we recognized that highways "may, and often do, run through multiple municipalities or even cross county lines." It is also possible that a highway contract may cover construction in more than one Labor Market Area. It would be an administrative impossibility to segregate the work and wages performed in each particular section of the highway.

A contrary answer could result in the absurd situation of two persons working within feet of each other and drawing different pay.

We conclude that our statement not only could but should be interpreted to mean that only one set of wages is to be used for any one contract.

GCW:H

George C. West
Deputy Attorney General