

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1472

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H. P. 1005

House of Representatives, March 8, 1967

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Couture of Lewiston.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT** Relating to the Determination of Fair Minimum Wage Rates in the  
Construction of Public Works.

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

**Sec. 1. R. S., T. 26, § 1304, sub-§ 5, repealed.** Subsection 5 of section 1304 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, is repealed, as follows:

**§. Locality.** ~~“Locality” means where the construction is to be performed.~~

**Sec. 2. R. S., T. 26, § 1306, amended.** The 2nd sentence of section 1306 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, is amended to read as follows:

The “fair minimum rate of wages,” for the intent and purposes of sections 1304 to 1313, shall be the rate of wages paid in the locality in this State as herein before defined to the majority of which is the average rate of the rates of wages paid to those workmen, laborers or mechanics in the same trade or occupation in the construction industry who receive a rate of wages higher than the median rate of wages paid to all such workmen, laborers or mechanics, and who worked in said trade or occupation for a total of not less than 120 days during the year preceding the time at which the Commissioner of Labor and Industry makes the determination of rates.

**Sec. 3. R. S., T. 26, § 1307, amended.** The first paragraph of section 1307 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, is amended to read as follows:

A Minimum Wage Rate Board to consist of ~~5~~ 7 members shall be appointed by the Governor with the advice and consent of the Council to serve at the will

and pleasure of the Governor. The Governor, in making his appointments, shall name one representative from the State Highway Commission, ~~one~~ 2 from organized labor in the building and construction trades, one from the highway and heavy contractors, one from the building contractors and ~~one~~ 2 public ~~member~~ members. The term of each member shall be for a period of ~~4~~ 3 years.

**Sec. 4. R. S., T. 26, §1308, sub-§ 5, amended.** Subsection 5 of section 1308 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, is amended to read as follows:

**5. Rates pending appeal.** The rates for the preceding year shall remain in effect, pending the appeal of a determination of the Commissioner of Labor and Industry. **Once the appeal of the determination of the Commissioner of Labor and Industry to the Minimum Wage Rate Board has been decided by the Minimum Wage Rate Board, the decision of said board shall become effective immediately as establishing the fair minimum wage rates, and said rates shall not be suspended but shall remain in full force and effect pending any appeal to the courts until such time as a final decision shall be rendered by the Superior or Supreme Judicial Court.**

**Sec. 5. R. S., T. 26, § 1313, amended.** Section 1313 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, is amended to read as follows:

**§ 1313. Existing contracts**

Sections 1304 to 1313 shall apply only to contracts for construction on public improvements let after ~~the effective date of this Act~~ **September 3, 1965**, and to construction on public improvements for which there has been determined the fair minimum wage rates as provided in sections 1304 to 1313, and ~~such determination has not been appealed from as may be provided by sections 1304 to 1313~~ **subject to the provisions governing appeals as set forth in section 1308.**