

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 485

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S. P. 163

In Senate, February 2, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Marcotte of York.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Preference to Maine Workmen and Contractors.

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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-§§ 6, 7 and 8, amended. Subsections 6, 7 and 8 of section 1304 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965 and as repealed and replaced by chapter 403 of the public laws of 1967, are amended to read as follows:

6. ~~Locality.~~ "Locality" means where the construction is to be performed and the adjacent areas from which labor would be recruited for work on the project, and, in appropriate circumstances, it may be deemed to include the entire State.

7. ~~Public authority.~~ "Public authority" means any officer, board or commission or other agency of the State of Maine, or any subdivision thereof or any public institution or municipality or quasi-municipal corporation, authorized by law to enter into contracts for the construction of public works, supported in whole or in part by public funds of the State of Maine, and sections 1304 to 1313 shall apply to expenditures made in whole or in part from such public funds.

8. ~~Public works.~~ "Public works" includes all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports, hospitals and all other structures upon which construction may be let to contract by the State of Maine a public authority and which contract amounts to includes \$10,000 or more of State funds.

Sec. 2. R. S., T. 26, § 1306, amended. The 3rd 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public laws of 1965 and as repealed and replaced by chapter 403 of the public laws of 1967, is amended to read as follows: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 prevailing wages paid in the ~~locality~~ State in like construction.

Sec. 3. R. S., T. 26, § 1306, amended. The 2nd sentence of the last paragraph of section 1306 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965 and as repealed and replaced by chapter 403 of the public laws of 1967, is repealed as follows:

~~No minimum wage shall be determined until January 1, 1968 and shall not apply to the construction of public works then underway.~~

Sec. 4. R. S., T. 26, § 1308, sub-§ 1, amended. The last sentence of subsection 1 of section 1308 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965 and as repealed and replaced by chapter 403 of the public laws of 1967, is amended to read as follows:

In determining such prevailing rates, the Department of Labor and Industry may ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and such rates as are paid generally in the ~~locality where the construction of the public works is to be performed~~ State.

#### STATEMENT OF FACT

The above changes in the existing law would provide consistency in the State's policy of protecting the worker's wages and would cover workers on all projects supported in whole or in part by public funds of the State of Maine in the amount of \$10,000 or more.

The additional changes would simplify and make more economical the administration of the law. It would be necessary only to make one wage determination each year, and both contractors and workers would know in January the minimum wage rates applicable for the year. This in turn would speed up the invitations to bid, and simplify the procedure for all agencies involved.