

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1166

H. P. 853

House of Representatives, February 25, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Good of Westfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Relating to Apprentices Preference to Maine Workmen and
Contractors.**

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

Sec. 1. R. S., T. 26, § 1304, sub-§ 1-A, additional. 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1304 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, and as repealed and replaced by chapter 403 of the public laws of 1967, is amended by adding a new subsection 1-A to read as follows:

1-A. Apprentice. "Apprentice" shall be an individual who is learning a trade in the construction industry and who is indentured with the State Apprenticeship Council.

Sec. 2. R. S., T. 26, § 1306, amended. The first 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1306 of Title 26 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1965, and as repealed and replaced by chapter 403 of the public laws of 1967, is amended to read as follows: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 public authority shall, before advertising for bids for a public contract, ascertain from the Commissioner of Labor and Industry the fair minimum rate of wages to be paid by the successful bidder to the laborers, workmen ~~or~~, mechanics and apprentices employed in the performance of the contract.

Sec. 3. R. S., T. 26, § 1308, sub-§ 1, amended. 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1308 of Title 26 of the Revised Statutes as enacted by section 2 of chapter 406 of the public laws of 1965, and as repealed and replaced by chapter 403 of the public laws of 1967, is amended to read as follows:

1. Determination of wage rates. The Department of Labor and Industry shall investigate and determine the prevailing hourly rate paid to laborers,

workmen, mechanics and apprentices in the construction industry in this State during the 2nd and 3rd week of September of each year. In determining such prevailing rates, the Department of Labor and Industry ~~may~~ shall 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.

Sec. 4. R. S., T. 26, § 1310, amended. Section 1310 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:

§ 1310. Wage rates to be kept posted

A clearly legible statement of all fair minimum wage rates to be paid the several classes of laborers, workmen, ~~and~~ mechanics **and apprentices** employed on the construction on the public work shall be kept posted in a prominent and easily accessible place at the site thereof by each contractor and subcontractor subject to sections 1304 to 1313.

Sec. 5. R. S., T. 26, § 1311, amended. The first sentence of section 1311 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 contractor and each subcontractor in charge of the construction of a public work shall keep an accurate record showing the names and occupation of each and all laborers, workmen ~~and~~, mechanics **and apprentices** employed by them in connection with the construction on the public works showing the hours worked, the title of the job, the hourly rate and the actual wages paid to each of the laborers, workmen ~~and~~, mechanics **and apprentices**.

Sec. 6. R. S., T. 26, § 1312, sub-§ 2, amended. The first sentence of subsection 2 of section 1312 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:

Any laborer, workman ~~or~~, mechanic ~~or~~ apprentice engaged in construction of public works let to contract, who is paid less than the posted fair minimum rate of wages applicable thereto, may recover from such contractor or subcontractor the difference between the same and the posted fair minimum rate of wages, and in addition thereto, a penalty equal in amount to such difference, and reasonable attorney's fees; provided that the surety for such contractor or subcontractor shall not be liable for such penalty or attorney's fees.

STATEMENT OF FACT

The above changes in the existing law would provide for the establishing of a rate of wage for apprentices indentured with the State Apprenticeship Council.

An accelerating scale could be established providing for payment to apprentices based upon the degree of skill achieved and progress shown by an apprentice rather than the present method of establishing a single "helpers" rate which does not take these into consideration.

It would provide a reward for progress and achievement by an apprentice thus inducing young people in Maine to strive to obtain journeyman skill thereby guaranteeing a future supply of skilled domestic workmen.

The changes would also allow domestic contractors who are signatory to collective bargaining agreements to bid on public contracts competitively with those contractors who are under no obligation to pay the higher wage rates established by such agreements.