

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1358

H. P. 1078

House of Representatives, March 24, 1975

On Motion of Mr. Tierney of Durham referred to Committee on Labor.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Prevailing Wage Law under the Labor and Industry Statutes.

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

Sec. 1. 26 MRSA § 1304, sub-§ 9, as last repealed and replaced by PL 1967, c. 403, is amended to read:

9. **Prevailing wage.** "Prevailing wage" shall be the hourly wage and the hourly value of fringe benefits paid to the median number of workers employed in a trade or occupation on the 2nd and 3rd week in September.

Sec. 2. 26 MRSA § 1304, sub-§ 10, is enacted to read:

10. **Prevailing wage and prevailing fringe benefits.** As used in this chapter, the terms "wages", "fair minimum wages" and "prevailing wages" shall include:

A. The basic hourly rate of pay; and

B. The amount of

(1) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program; and

(2) the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected,

for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other Federal, State or local law to provide any of such benefits, provided that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations may be discharged by the making of payments in cash, by the making of contributions of a type referred to in paragraph B, subparagraph (1) or by the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in paragraph B, subparagraph (2), or any combination thereof, where the aggregate of any such payments, contributions and costs is not less than the rate of pay described in paragraph A plus the amount referred to in paragraph B.

STATEMENT OF FACT

The intentions of this bill are :

- (1) To conform Maine law to the Federal law upon which the Maine law is based;
- (2) To simplify administration by reason of uniformity between the Maine and Federal laws;
- (3) To prohibit discrimination against employers who pay health insurance and other fringe benefits to employees, and to prohibit favoritism in the award of public construction contracts in favor of employers who do not provide health insurance and other fringe benefits.