

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1946
6

7 H.P. 1483

House of Representatives, January 12, 1984

8 Referred to the Committee on Labor. Ordered printed and sent up for
9 concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

EDWIN H. PERT, Clerk

Presented by Representative Clark of Millinocket.

Cosponsor: Representative Mayo of Thomaston.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Amend the Minimum Wage in
18 Construction Laws.
19

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

22 Sec. 1. 26 MRSA §1303, as amended by PL 1965, c.
23 406, §1, is further amended to read:

24 §1303. Public works; minimum wage

25 In the employment of laborers in the construction
26 of public works, including state highways, by the
27 State or by persons contracting therewith for ~~such~~
28 that construction, preference shall first be given to
29 citizens of the State who are qualified to perform
30 the work to which the employment relates, and, if
31 they cannot be obtained in sufficient numbers, then
32 to citizens of the United States. Every contract for
33 ~~such~~ that work shall contain a provision to this ef-
34 fect. The hourly wage rate paid to laborers employed

1 in the construction of public works, including state
2 highways, shall be not less than the fair minimum
3 rate as determined in accordance with section 1308.
4 Any contractor who knowingly and willfully violates
5 this section shall be punished by a fine of not more
6 than ~~§100~~ \$1,000. Each day that any contractor em-
7 ploys a laborer at less than the wage minimum herein
8 stipulated shall constitute a separate violation of
9 this section.

10 Sec. 2. 26 MRSA §1304, sub-§2, as repealed and
11 replaced by PL 1967, c. 403, is amended to read:

12 2. Construction. "Construction" means any con-
13 struction, reconstruction, demolition, improvement,
14 enlargement, painting, decorating or repair of any
15 public works let to contract. The term "construction"
16 shall not be construed to include engineering or ar-
17 chitectural services, temporary or emergency repairs
18 or any contract of less than ~~§10,000~~ \$1,000.

19 Sec. 3. 26 MRSA §1304, sub-§8, as enacted by PL
20 1967, c. 403, is amended to read:

21 8. Public works. "Public works" includes all
22 buildings, roads, highways, bridges, streets, alleys,
23 sewers, ditches, sewage disposal plants, demolition,
24 waterworks, airports and all other structures upon
25 which construction may be let to contract by the
26 State of Maine, or any subdivision thereof, and which
27 contract amounts to ~~§10,000~~ \$1,000 or more.

28 Sec. 4. 26 MRSA §1304, sub-§9, as enacted by PL
29 1967, c. 403, is repealed and the following enacted
30 in its place:

31 9. Prevailing wage. "Prevailing wage" means the
32 hourly wage rate found in union contracts on file
33 with the Department of Labor as of July 1st of each
34 year and includes fringe benefits.

35 Sec. 5. 26 MRSA §1306, as amended by PL 1981, c.
36 168, §26, is repealed and the following enacted in
37 its place:

38 §1306. Fair minimum rate of wages; determination

1 The public authority shall, before advertising
2 for bids for a public contract, ascertain from the
3 Director of the Bureau of Labor Standards the fair
4 rate of minimum wages to be paid by the successful
5 bidder to the laborers, workers or mechanics employed
6 in the performance of the contract. A schedule of
7 minimum wages shall be attached to and made a part of
8 the specifications for the construction and shall be
9 included in the bidding documents. The "fair minimum
10 rate of wages," for the intent and purposes of sec-
11 tions 1304 to 1313, means the prevailing wages as de-
12 termined in section 1304, subsection 9. The director
13 or a delegated member of that bureau shall assemble
14 the data as to wages contained in union contracts
15 during the first week of July of each year. From
16 this data, the fair minimum wage for the following
17 year shall be determined by the director.

18 The minimum wage shall be established and filed
19 as requested by the public authority within 30 days
20 after the request is received by the director. When
21 fair minimum wage rates are included and made a part
22 of any contract, that rate shall remain unchanged
23 during the time the contract is in effect.

24 Sec. 6. 26 MRSA §1308, sub-§1, as amended by PL
25 1981, c. 168, §26, is further amended to read:

26 1. Determination of wage rates. The Bureau of
27 Labor Standards shall investigate and determine the
28 prevailing hourly rate paid ~~in the construction~~
29 ~~industry~~ under collective bargaining agreements in
30 this State during the ~~2nd and 3rd week of September~~
31 first week of July of each year. In determining ~~such~~
32 the prevailing rates, the bureau may ascertain and
33 consider the applicable wage rates established by
34 collective bargaining agreements, if any, and such
35 rates as are paid generally in the locality where the
36 construction of the public works is to be performed.

1 STATEMENT OF FACT

2 Section 1 of this bill increases the penalty for
3 willfully and knowingly violating the Revised Stat-
4 utes, Title 26, section 1303, from \$100 to \$1,000.

5 Section 2 reduces the minimum size of contracts
6 covered by this section from \$10,000 to \$1,000.

7 Section 3 is intended to include political subdivi-
8 sions and reduce the covered contracts' amount to
9 \$1,000

10 Section 4 changes the definition of "prevailing
11 wage" to mean wage rates contained in collective bar-
12 gaining agreements on file with the Director of the
13 Bureau of Labor Standards.

14 Section 5 changes the procedure for determining
15 fair minimum rates of wages.

16 Section 6 changes the intervals for determining
17 the prevailing rates.

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