

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 943

S.P. 318

In Senate, February 22, 2005

### An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COWGER of Kennebec.  
Cosponsored by Representative SMITH of Van Buren and  
Senator: BRYANT of Oxford, Representatives: DUPLESSIE of Westbrook, HANLEY of  
Gardiner, JENNINGS of Leeds, PELLETIER-SIMPSON of Auburn, PINEAU of Jay, PIOTTI  
of Unity, TWOMEY of Biddeford.

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

4 **Sec. 1. 26 MRSA §1308, sub-§1**, as amended by PL 1997, c. 757,  
5 §7, is further amended to read:

6 **1. Determination of wage and benefit rates.** The Bureau of  
7 Labor Standards shall investigate and determine the prevailing  
8 hourly wage and benefits rate paid in the construction industry  
9 in this State during the ~~2nd and 3rd week of September~~ peak  
10 employment period of each year of each employer. ~~Prevailing~~  
11 ~~wages and benefits must be determined in September 1999 and~~  
12 ~~become effective upon determination.~~ In determining the  
13 prevailing rates, the bureau may ascertain and consider the  
14 applicable wage and benefits rates established by collective  
15 bargaining agreements, if any, and those rates that are paid  
16 generally in the locality during the peak employment period where  
17 the construction of the public works is to be performed. For  
18 purposes of this subsection, "peak employment period" means the  
19 2-week period during the previous 52 weeks during which the  
20 employer employed the most employees. For purposes of this  
21 subsection, "benefits" means health and welfare contributions,  
22 pension or individual retirement account contributions and  
23 vacation and annuity contributions, per diem in lieu of wages and  
24 any other form of payment, except for wages, made to or on behalf  
25 of the employee. If a defined contribution amount is not  
26 established, the most accurate estimated value of contributions  
27 must be included.

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29 **SUMMARY**

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32 Current law requires the Department of Labor, Bureau of  
33 Labor Standards to determine the prevailing hourly wage and  
34 benefits in the construction industry in Maine. The survey is  
35 based upon an investigation of wages and benefits paid by  
36 employers in the construction industry during the 2nd and 3rd  
37 weeks of September, annually.

38  
39 This bill requires the bureau to determine the prevailing  
40 hourly wage and benefits on an annual basis based upon each  
41 construction industry employer's annual peak employment period,  
42 which is defined as the 2-week period each year during which the  
43 employer employs the most employees.  
44