

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1386

S.P. 430

In Senate, March 26, 2019

**An Act Regarding the Determination of the Prevailing Wage Rate  
for Public Works Projects**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator SANBORN, L. of Cumberland.  
Cosponsored by Representative COLLINGS of Portland and  
Senator: BELLOWS of Kennebec, Representatives: CARNEY of Cape Elizabeth, DOORE of  
Augusta, PEOPLES of Westbrook, SYLVESTER of Portland.

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

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

4 **1. Determination of wage and benefit rates.** The Bureau of Labor Standards shall  
5 investigate and determine the prevailing hourly wage and benefits rate paid in the  
6 construction industry in this State. To determine the prevailing hourly wage and benefit  
7 rate, the bureau shall collect one set of data by conducting a survey of wages and benefits  
8 during the 2nd and 3rd week of September July of each year and a 2nd set of data though  
9 certified payroll submissions on state construction projects during the 2nd and 3rd week  
10 of July of each year; the bureau shall use the higher wage and benefit information of the 2  
11 data sets to determine the prevailing hourly wage and benefit rate. The bureau may also  
12 use wage and benefit information received from construction trade associations in its  
13 determination of prevailing rates. Prevailing wages and benefits must be determined in  
14 September 1999 and become effective upon determination. In determining the prevailing  
15 rates, the bureau may ascertain and consider the applicable wage and benefits rates  
16 established by collective bargaining agreements, if any, and those rates that are paid  
17 generally in the locality where the construction of the public works is to be performed.  
18 For purposes of this subsection, "benefits" means health and welfare contributions,  
19 pension or individual retirement account contributions and vacation and annuity  
20 contributions, per diem in lieu of wages and any other form of payment, except for  
21 wages, made to or on behalf of the employee. If a defined contribution amount is not  
22 established, the most accurate estimated value of contributions must be included.

23 **Sec. 2. 26 MRSA §1308, sub-§1-A**, as enacted by PL 1999, c. 181, §2, is  
24 amended to read:

25 **1-A. Surveys.** The director may require any person to provide information on the  
26 wages and benefits provided to that person's employees and such other information as is  
27 needed to determine the prevailing wage and benefits. The director may assess a  
28 forfeiture of up to ~~\$50~~ \$250 against any person who fails to provide the information as  
29 requested.

30 **SUMMARY**

31 This bill directs the Department of Labor, Bureau of Labor Standards, when  
32 determining prevailing hourly wages and benefits, to collect one set of data through  
33 conducting a survey of wages and benefits and a 2nd set of data through certified payroll  
34 submissions on state construction projects during 2 weeks in July of each year and to use  
35 the higher wage and benefit information of the 2 data sets to determine the prevailing  
36 hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for  
37 failing to provide requested information to the bureau.