

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1419

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H.P. 915

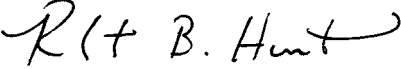
House of Representatives, March 30, 2023

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**An Act to Inform Fair Minimum Rates of Wages and Benefits in  
Bids for Public Contracts Using State and Federal Data**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative MILLETT of Cape Elizabeth.  
Cosponsored by President JACKSON of Aroostook and  
Representatives: COLLINGS of Portland, GERE of Kennebunkport, SKOLD of Portland,  
Senators: DAUGHTRY of Cumberland, TIPPING of Penobscot.

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

2 **Sec. 1. 26 MRSA §1308, sub-§1**, as repealed and replaced by PL 2019, c. 545, §1,  
3 is amended to read:

4 **1. Determination of wage and benefits 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 benefits  
7 rate, the bureau shall:

8 A. Collect a set of data by conducting a survey of wages and benefits during the 2nd  
9 and 3rd week of July of each year; ~~and~~

10 B. Collect a 2nd set of data through certified payroll submissions on state construction  
11 of public works during the 2nd and 3rd week of July of each year from any state agency  
12 that contracts for the construction of public works; ~~and~~

13 C. Collect a 3rd set of data for the job classification under the federal Davis-Bacon  
14 Act.

15 Survey data collected pursuant to paragraph A and certified payroll data collected pursuant  
16 to paragraph B must be submitted to the bureau by the 2nd week of October.

17 The bureau shall use the ~~higher~~ highest wage and benefits information of the ~~2~~ 3 data sets  
18 collected pursuant to paragraphs A ~~and~~, B ~~and~~ C to determine the prevailing hourly wage  
19 and benefits rate. The bureau may also use wage and benefits information received from  
20 construction trade associations in its determination of prevailing rates. In determining the  
21 prevailing rate, the bureau may ascertain and consider the applicable wage and benefits  
22 rates established by collective bargaining agreements, if any, and those rates that are paid  
23 generally in the locality where the construction of the public works is to be performed.

24 For purposes of this subsection, "benefits" means health and welfare contributions, pension  
25 or individual retirement account contributions and vacation and annuity contributions, per  
26 diem in lieu of wages and any other form of payment, except for wages, made to or on  
27 behalf of the employee. If a defined contribution amount is not established, the most  
28 accurate estimated value of contributions must be included.

29 **SUMMARY**

30 This bill requires that, in addition to other determinations, the Department of Labor,  
31 Bureau of Labor Standards investigate and determine the prevailing hourly wage and  
32 benefits rate paid in the construction industry in the State by collecting a 3rd set of data for  
33 the job classification under the federal Davis-Bacon Act.