

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1183

S. P. 424

In Senate, March 7, 1957

Referred to the Committee on State Government, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Curtis of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Establishing Minimum Wages of Employees in Public Works by State of Maine.

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

R. S., c. 30, §§ 51-A - 51-F, additional. Chapter 30 of the Revised Statutes is hereby amended by adding thereto 6 new sections to be numbered 51-A to 51-F, inclusive, to read as follows:

'Wages in State Public Works.

Sec. 51-A. Regulation. The rate per hour of the wages paid to mechanics, teamsters, chauffeurs and laborers employed in the construction of public works by the State of Maine, or by persons contracting or subcontracting for such work shall not be less than the rate or rates of wages to be determined by the Commissioner of Labor and Industry. The wages paid to mechanics, teamsters, chauffeurs and laborers employed on said works shall not be less than the wages paid to said employees in the municipal service of the municipalities where said works are being constructed. Where the same public work is to be constructed in 2 or more municipalities, the wages paid to said employees shall not be less than the wages paid to said employees in the municipal service of the municipality paying the highest rate. If, any of the area where the works are to be constructed, a wage rate or wage rates have been established in certain trades and occupations by collective agreements or understandings between organized labor and employers, the rate or rates to be paid on said works shall not be less than the rates so established.

Sec. 51-B. Determination of wages, enforcement and penalties. The Commissioner shall prepare, for the use of such public officials or public bodies whose

duty it shall be to cause public works to be constructed, a list of the several jobs usually performed on various types of public works upon which mechanics, teamsters, chauffeurs and laborers are employed. The Commissioner shall classify said jobs, and he may revise such classification from time to time, as he may deem advisable. At least 10 days before asking for bids the authorized department or agent prescribing specifications shall request the Commissioner to ascertain the prevailing wage rate, as provided in section 51-A. The Commissioner shall immediately determine the prevailing wage rate in said municipality, and shall so notify any organization or employees or employers who shall have previously requested that any such prevailing wage rate so determined shall be furnished them. In advertising or calling for bids for said works, the awarding official or public body shall incorporate said schedule in the advertisement or call for bids by an appropriate reference thereto, and shall furnish a copy of said schedule, without cost, to any person requesting same. Said schedule shall be made a part of the contract for said works and shall continue to be the minimum rate or rates of wages for said employees during the life of the contract. Any person engaged in the construction of said works shall cause a legible copy of said schedule to be kept posted in a conspicuous place at the site of said works during the life of the contract. Whoever shall pay less than said rate or rates of wages to an employee on said works shall forfeit to the Commissioner a sum equal to twice the difference between said rate or rates and the wages actually paid to said employee, said sum to be recovered by the Commissioner in an action of contract for the benefit of the employee; and whoever, for himself, or as representative, agent or officer of another, shall withhold, take or receive for his own use of another person, as a rebate, refund or gratuity, or in any other guise, any part or portion of the wages paid to any employee for work done or services rendered on said public works, shall be punished for each offense by a fine of not less than \$100 nor more than \$300, or by imprisonment for not more than 6 months, or by both.

Sec. 51-C. Appeal. Within 15 days after such wage rates shall be determined in accordance with the provisions of sections 51-A and 51-B, such rates may be appealed by an association of employees or employers, any 2 citizens of the State or any public awarding agency, such appeal to be heard before a board of 3, constituted as follows: The Governor and Council shall appoint 2 members for a term of 2 years each. Employers and organized employees in the construction industry shall each be represented on said board. The third member of said board shall be appointed by the first 2 members, and in case the 2 cannot agree on the third member within 30 days after their own appointment, said third member shall be appointed by the Governor and Council. If while an appeal is pending any member of the appeal board, by reason of illness, absence from the State or otherwise, is unable to perform his duties, the Governor shall appoint a person to act in his stead with respect to that appeal then pending. Upon the filing of an appeal, the appeal board shall fix a time and place for a public hearing thereon to be held not later than 7 days after filing of the appeal, Saturdays, Sundays and holidays excepted; and the Commissioner of Labor and Industry shall give written notice thereof to any public awarding agencies concerned, and to all interested associations and organizations of employers and employees in the construction industry deemed by him to be affected by the appeal. Within 48 hours after adjournment of the hearing, the board shall submit its decision in

writing to the Commissioner who shall forward copies thereof to all parties deemed by him to be interested in the appeal and affected thereby.

Sec. 51-D. Records. Every contractor, subcontractor or public body engaged in said public works to which sections 51-B to 51-C apply, shall keep true and accurate registers of all mechanics, teamsters, chauffeurs and laborers employed thereon, showing the name, address and occupation classification of each employee on said works, and the hours worked by and the wages paid to each such employee, and shall furnish to the Commissioner upon his request a true statement of the same. Such records shall be kept in such manner as the Commissioner shall prescribe, and shall be open to inspection by any authorized representative of the Department of Labor and Industry at any reasonable time and as often as may be necessary.

Sec. 51-E. Penalties. Whoever, either by himself or an agent, superintendent or foreman for another, violates any provision of sections 51-A to 51-D, inclusive, where no other penalty has been provided for, shall be punished by a fine of not less than \$100 nor more than \$300 for each offense, or by imprisonment for not more than 3 months, or both.

Whoever shall have been convicted of a second violation of any of said provisions shall be prohibited from contracting directly or indirectly, with the State for the construction of any public works, or from performing any work on the same as contractor or subcontractor for a period of 2 years from the date of said conviction.

Sec. 51-F. Definition. Wherever used in sections 51-A to 51-E, inclusive, the words "construction" and "constructed," as applied to public works, shall include additions to and alterations of public works.'