

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 430 - L.D. 1386

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

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

Sec. 1. 26 MRSA §1308, sub-§1, as amended by PL 1997, c. 757, §7, is repealed and the following enacted in its place:

1. Determination of wage and benefits rates. The Bureau of Labor Standards shall investigate and determine the prevailing hourly wage and benefits rate paid in the construction industry in this State. To determine the prevailing hourly wage and benefits rate, the bureau shall:

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

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

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

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

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

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

1-A. Surveys. The director may require any person to provide information on the wages and benefits provided to that person's employees and such other information as is needed to determine the prevailing wage and benefits. The director may assess a ~~forfeiture fine~~ fine of up to ~~\$50~~ \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for any subsequent offense against any person who fails to provide the information as requested.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Safety Education and Training Programs 0161

Initiative: Allocates funds for the cost of one Statistician II position and related All Other costs for data collection and analysis necessary to determine the prevailing hourly wage and benefits rate paid in the construction industry in the State.

| OTHER SPECIAL REVENUE FUNDS | 2019-20 | 2020-21 |
|--|-----------------|-----------------|
| POSITIONS - LEGISLATIVE COUNT | 1.000 | 1.000 |
| Personal Services | \$43,932 | \$73,150 |
| All Other | \$8,485 | \$10,167 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$52,417 | \$83,317 |