



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045
WAGE & HOUR DIVISION

LAURA A. FORTMAN
COMMISSIONER

J. KATE BURKHART
DIRECTOR

January 22, 2025

Joint Standing Committee on Labor
Maine State Capitol
Cross Building, Room 202
Augusta, Maine 04330

Re: Annual Report Pursuant to LD1270, Section A-20

Chairpersons Tipping and Roeder,

LD 1270, enacted on July 1, 2025, and effective on September 23, 2025, contains important policies and protections for workers involved in Maine's energy and construction sectors. The Department is working to implement these, and other newly passed labor standards, this fiscal year.

LD 1270 requires that:

By January 15, 2026, the Department of Labor shall submit a report to the Joint Standing Committee on Labor that includes information detailing the process and progress to date of how the Department of Labor, Bureau of Labor Standards is using the wage and benefits information received from construction trade associations and labor unions in its determination of prevailing rates pursuant to the Maine Revised Statutes, Title 26, section 1308, subsection 1. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 132nd Legislature.¹

This is a special report, not a recurring/annual report. I sincerely apologize that we did not provide this report by January 15, 2026, as provided in the legislation.

The Bureau of Labor Standards did not have "wage and benefits information received from construction trade associations and labor unions" available for consideration when setting the 2026 Prevailing Wage pursuant to Title 26, Chapter 15 and 12-170 MRC Chapter 13. LD 1270 amended

¹ LD 1270 Section A-20.

26 MRSA §1308(1) to require that “each year, labor unions shall submit the most recent collectively bargained rates to the bureau.” No labor unions submitted their most recent collective bargaining agreements or wage rates to the Bureau between the passage of the bill and the calculation of the prevailing wage rates in December.

Prior to LD 1270, 26 MRSA §1308 provided:

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. (Emphasis added.)

LD 1270 amended the law to now provide:

The bureau shall ascertain and consider wage and benefits information received from construction trade associations and labor unions that are paid generally in the locality where the construction of the public works is to be performed in its determination of prevailing rates. (Emphasis added.)

LD 1270 imposes an obligation on unions to submit their collectively bargained rates for consideration, while obliging the Bureau to consider the wage and benefit information received. In 2026, neither obligation was met because no wage rates were submitted.

To address this problem, the Bureau will establish a process by which unions can submit their collectively bargained rates annually in a timely and organized manner that will allow the Bureau to “ascertain and consider wage and benefits information received” in the course of setting prevailing wages according to the process set out in law. We will notify unions of this process on or before July 1, 2026.

The Bureau is committed to ensuring that all Maine workers receive fair wages and the protections provided by law. We look forward to an efficient process for the submission and consideration of collectively bargained wage rates in the process for setting the prevailing wage rates for 2027.

Sincerely,

J. Kate Burkhart, Director
Bureau of Labor Standards