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## **An Act To Provide Flexibility to the Application of the State Prevailing Wage and Benefit Rates**

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

**Sec. 1. 26 MRSA §1303**, as amended by PL 1997, c. 757, §1, is further amended to read:

### **§ 1303. Public works; minimum wage and benefits**

In the employment of laborers in the construction of public works, including state highways, by the State or by persons contracting for the construction, preference must first be given to citizens of the State who are qualified to perform the work to which the employment relates and, if they can not be obtained in sufficient numbers, then to citizens of the United States. Every contract for public works construction must contain a provision for employing citizens of this State or the United States. The hourly wage and benefit rate paid to laborers employed in the construction of public works, including state highways, may not be less than the fair minimum rate as determined in accordance with section 1308. A contractor may allot wages and benefits in any proportion, as long as the sum of the hourly wage and benefit rate paid is not less than the sum of the appropriate hourly wage and benefit rate, determined in accordance with section 1308, to the extent that the wage rate is otherwise in compliance with law. Any contractor who knowingly and willfully violates this section is subject to a fine of not less than \$250 per employee violation. Each day that any contractor employs a laborer at less than the wage and benefit minimum stipulated in this section constitutes a separate violation of this section.

### **SUMMARY**

This bill allows flexibility in the minimum hourly wage and benefit rates for workers employed in the construction of public works by the State or persons contracting with the State by allowing any allocation between hourly wage and benefit rates, as long as the sum of the hourly wage and benefit rates equals the sum of the appropriate hourly wage and benefit rates determined by the Department of Labor, Bureau of Labor Standards.