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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 further amended to read:

1. Determination of wage and benefit 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 benefit rate, the bureau shall collect one set of data by conducting a survey of wages and benefits during the 2nd and 3rd week of September~~July~~ of each year and a 2nd set of data through certified payroll submissions on state construction projects during the 2nd and 3rd week of July of each year; the bureau shall use the higher wage and benefit information of the 2 data sets to determine the prevailing hourly wage and benefit rate. The bureau may also use wage and benefit information received from construction trade associations in its determination of prevailing rates. ~~Prevailing wages and benefits must be determined in September 1999 and become effective upon determination.~~ In determining the prevailing rates, 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 of up to ~~\$50~~\$250 against any person who fails to provide the information as requested.

SUMMARY

This bill directs the Department of Labor, Bureau of Labor Standards, when determining prevailing hourly wages and benefits, to collect one set of data through conducting a survey of wages and benefits and a 2nd set of data through certified payroll submissions on state construction projects during 2 weeks in July of each year and to use the higher wage and benefit information of the 2 data sets to determine the prevailing hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for failing to provide requested information to the bureau.