

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 26 MRSA §1308, sub-§1, as amended by PL 1997, c. 757, §7, is repealed and the following enacted in its place: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

Regulation and Enforcement 0159

Initiative: Provides funds for one-half of 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.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$21,966	\$36,575
All Other	\$3,166	\$3,500
GENERAL FUND TOTAL	\$25,132	\$40,075

Safety Education and Training Programs 0161

Initiative: Allocates funds for one-half of 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	0.500	0.500
Personal Services	\$21,966	\$36,575
All Other	\$5,319	\$6,667
OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,285	\$43,242

LABOR, DEPARTMENT OF	2019-20	2020-21
DEPARTMENT TOTALS		
GENERAL FUND	\$25,132	\$40,075
OTHER SPECIAL REVENUE FUNDS	\$27,285	\$43,242
DEPARTMENT TOTAL - ALL FUNDS	\$52,417	\$83,317

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

Like the bill, this amendment requires 2 data sets to be reported to the Department of Labor, Bureau of Labor Standards in order to determine the hourly prevailing wage and benefits rate paid in the construction industry but clarifies that the 2nd set of data, the certified payroll submissions on state construction of public works, is to come from reporting by state agencies that contract for the construction of public works. It also requires that all data must be submitted to the bureau by the 2nd week in October. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses, as in the bill, to \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for any subsequent offense. Lastly, it adds an appropriations and allocations section to fund a position in the department necessary for the administration of requirements of the bill, as amended.

FISCAL NOTE REQUIRED
(See attached)