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An Act To Clarify Prevailing Wage Rates on State Projects Using Federal Funds

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

Sec. 1. 26 MRSA §1314, as amended by PL 1997, c. 757, §11, is further amended to read:

§ 1314.Exceptions

Whenever a public works construction is built in whole or in part by federal funds and is under the jurisdiction of the Davis-Bacon or other Federal Act that requires the Secretary of Labor to establish the minimum wage and benefits and those minimum wages and benefits are established by the Secretary of Labor, sections 1304 to 1313 do not apply, unless application of those sections would result in higher total wages under the contract.

This section does not apply to public works construction funded with funds for low-income public housing under the United States Housing Act of 1937, as amended, 42 United States Code, Section 1437, et seq., if the application of the wage and benefits rate required by this section is expressly preempted under 24 Code of Federal Regulations, Section 965.101.

SUMMARY

This bill provides that for public works construction contracts that involve funding from the Federal Government the prevailing wage requirements in state law apply unless the prevailing wage requirements that would otherwise apply under the federal Davis-Bacon Act would result in higher total wages under the contract. An exception is provided for funds received under the United States Housing Act of 1937 if the application of a state prevailing wage is expressly preempted by federal law.