



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 248

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H.P. 180

House of Representatives, February 3, 2015

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

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DeCHANT of Bath.  
Cosponsored by Senator PATRICK of Oxford, Senator DUTREMBLE of York and  
Representatives: EVANGELOS of Friendship, GILBERT of Jay, MASTRACCIO of Sanford,  
Senator: LIBBY of Androscoggin.

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

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

4 **§1303. Public works; minimum wage and benefits**

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

20 **SUMMARY**

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