



126th MAINE LEGISLATURE

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Legislative Document

No. 1069

H.P. 762

House of Representatives, March 19, 2013

An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DeCHANT of Bath.
Cosponsored by Senator PATRICK of Oxford and
Representatives: BERRY of Bowdoinham, CAMPBELL of Newfield, FREY of Bangor,
GILBERT of Jay, Senator: JACKSON of Aroostook.

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.