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LABOR AND HOUSING

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STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 430, L.D. 1386, Bill, "An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects"

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'Sec. 1. 26 MRSA §1308, sub-§1, as amended by PL 1997, c. 757, §7, is repealed and the following enacted in its place: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

COMMITTEE AMENDMENT

1 wages, made to or on behalf of the employee. If a defined contribution amount is not
 2 established, the most accurate estimated value of contributions must be included.

3 **Sec. 2. 26 MRSA §1308, sub-§1-A**, as enacted by PL 1999, c. 181, §2, is
 4 amended to read:

5 **1-A. Surveys.** The director may require any person to provide information on the
 6 wages and benefits provided to that person's employees and such other information as is
 7 needed to determine the prevailing wage and benefits. The director may assess a
 8 ~~forfeiture~~ fine of up to \$50 \$250 for the first offense, \$500 for a 2nd offense and \$1,000
 9 for any subsequent offense against any person who fails to provide the information as
 10 requested.

11 **Sec. 3. Appropriations and allocations.** The following appropriations and
 12 allocations are made.

13 **LABOR, DEPARTMENT OF**

14 **Regulation and Enforcement 0159**

15 Initiative: Provides funds for one-half of the cost of one Statistician II position and related
 16 All Other costs for data collection and analysis necessary to determine the prevailing
 17 hourly wage and benefits rate paid in the construction industry in the State.

18	GENERAL FUND	2019-20	2020-21
19	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
20	Personal Services	\$21,966	\$36,575
21	All Other	\$3,166	\$3,500
22			
23	GENERAL FUND TOTAL	\$25,132	\$40,075

24 **Safety Education and Training Programs 0161**

25 Initiative: Allocates funds for one-half of the cost of one Statistician II position and
 26 related All Other costs for data collection and analysis necessary to determine the
 27 prevailing hourly wage and benefits rate paid in the construction industry in the State.

28	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
29	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
30	Personal Services	\$21,966	\$36,575
31	All Other	\$5,319	\$6,667
32			
33	OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,285	\$43,242

34	LABOR, DEPARTMENT OF		
35	DEPARTMENT TOTALS	2019-20	2020-21
36			

1	GENERAL FUND	\$25,132	\$40,075
2	OTHER SPECIAL REVENUE FUNDS	\$27,285	\$43,242
3			
4	DEPARTMENT TOTAL - ALL FUNDS	\$52,417	\$83,317
5			

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

8 **SUMMARY**

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

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**