

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 915 - L.D. 1419

**An Act to Inform Fair Minimum Rates of Wages and Benefits in Bids for
Public Contracts Using State and Federal Data**

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

Sec. 1. 26 MRSA §1308, sub-§1, as repealed and replaced by PL 2019, c. 545, §1, is amended to read:

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; and

C. Collect a 3rd set of data for the job classification under the federal Davis-Bacon Act.

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~~ highest wage and benefits information of the ~~2~~ 3 data sets collected pursuant to paragraphs A ~~and~~ B and C 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.