



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1658

S.P. 535

In Senate, April 30, 2019

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

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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

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

4 **§1314. Exceptions**

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

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

16 **SUMMARY**

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