**MAPA-3** revised 8-2019

**Notice of Agency Rulemaking Proposal**

AGENCY: 12-170 Department of Labor, Bureau of Labor Standards

CHAPTER NUMBER AND TITLE: Chapter 13, Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

TYPE OF RULE *(check one)*: x Routine Technical  Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: The purpose of this chapter is to implement changes made by statute P.L. 2023, Ch. 333, modernize the process by which Prevailing Rates are calculated, and restructure the rules to be more accessible and reader friendly.

Date, time and location of PUBLIC HEARING *(if any)*:

Wednesday, July 16, 2025, at 2:30 p.m. at the Department of Labor, Bureau of Labor Standards SafetyWorks! Training Institute, 45 Commerce Drive, Augusta, Maine 04330

COMMENT DEADLINE: August 1, 2025

CONTACT PERSON FOR THIS FILING *(include name, mailing address, telephone, fax, TTY, email)*:

J. Kate Burkhart, Director

Bureau of Labor Standards

Department of Labor

54 State House Station

Augusta, Maine 04333-0054

207-623-7912

Kate.Burkhart@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: N/A

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §42

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: N/A

AGENCY WEBSITE: http://www.maine.gov/labor/rulemaking

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kate.Burkhart@maine.gov

*\* Check one of the following two boxes.*

*□ The summary provided above is for publication in both the newspaper and website notices.*

*X The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT DATE:

(*authorized signature)*

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FUND** | **AGENCY** | **ORG** | **APP** | **OBJ** | **PROGRAM** | **FUNDING**  **Profile JVC** | **FUND**  **Pri JVC** | **FUND**  **Line JVC** |
| 010 | 12a | S510 | 031 | 4946 |  |  |  |  |

**MAPA-3** revised 2-2016: additional summary information for web

**Notice of Agency Rulemaking Proposal**

**Additional Information for the Web** *(if any)*

**DETAILED SUMMARY:**

The purpose of this chapter is to implement changes made by statute P.L. 2023, Ch. 333, modernize the process by which Prevailing Rates are calculated, and restructure the rules to be more accessible and reader friendly. The changes relating to P.L. 2023, Ch. 333 allow for the introduction of a third data source for the Bureau to consider when calculating Prevailing Rates. Specific procedures for this change are found in Section 7.

Additional non-statutory changes update how the Bureau calculates Prevailing Rates. First, the median wage rate and median benefit rate are changed from being calculated separately to be calculated simultaneously as a joined pair of data points. Second, the definition of what a local area is for a given county is changed from a variable designation based on annual survey results to being assigned based on regions independent of the survey process.

The chapter is also being rewritten to use simpler language and a clearer structure. All but two definitions (“Appropriate Circumstances” and “Days”) and references to three specific calculation procedures are carried over to the new chapter’s layout. A supplemental crosswalk shows where each part of the prior version of the chapter exists in the new format.

New sections are added to the chapter. Section 3 describes the survey process laid out in subsequent sections. Section 4 describes the general survey procedure which applies to every survey the Bureau performs, and Section 5 explains specialized survey procedures relevant to individual surveys. Section 6 adds clarity for how survey respondents must report data to the Bureau to be considered in compliance with the statute.

Rule-Making Fact Sheet

*(5 MRSA §8057-A)*

AGENCY: 12-170 Department of Labor, Bureau of Labor Standards

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

J. Kate Burkhart, Director

Bureau of Labor Standards

Department of Labor

54 State House Station

Augusta, Maine 04333-0054

207-623-7912

Kate.Burkhart@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 13, Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

STATUTORY AUTHORITY: 26 M.R.S. §42

DATE, TIME AND PLACE OF PUBLIC HEARING:

Wednesday, July 16, 2025, at 2:30 p.m. at the Department of Labor, Bureau of Labor Standards SafetyWorks! Training Institute, 45 Commerce Drive, Augusta, Maine 04330

COMMENT DEADLINE: August 1, 2025

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

The Department of Labor, Bureau of Labor Standards, is responsible for drafting rules and changes for Title 26 Chapter 15. The changes to the rules are to implement changes made by statute P.L. 2023, Ch. 333, modernize the process by which Prevailing Rates are calculated, and restructure the rules to be more accessible and reader friendly.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? X YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

The purpose of this chapter is to implement changes made by statute P.L. 2023, Ch. 333, modernize the process by which Prevailing Rates are calculated, and restructure the rules to be more accessible and reader friendly. The proposed changes will simplify the survey process and clarify how the prevailing wage is set based on the survey data received.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

Staff experience and expertise, advice from the construction industry ad hoc advisory board, inputfrom stakeholders, and interested parties.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)] None.

|  |
| --- |
| ***FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:***  ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  [*see* §8057-A(2)(A)]      INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]        BENEFITS OF THE RULE: [*see* §8057-A(2)(C)] |

*Note: If necessary, additional pages may be use*