

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

S.P. 499 - L.D. 1564

An Act To Authorize Project Labor Agreements for Public Works Projects

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

Sec. 1. 26 MRSA §1316, as enacted by PL 2011, c. 463, §3, is repealed.

Sec. 2. 26 MRSA c. 43 is enacted to read:

CHAPTER 43

PROJECT LABOR AGREEMENTS

§3501. Project labor agreements for public works projects

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public authority" has the same meaning as in section 1304, subsection 7.

B. "Public works" has the same meaning as in section 1304, subsection 8.

2. Public authority may require project labor agreement. Notwithstanding any other provision of law regarding procurement of goods or services, a public authority may require a project labor agreement for any public works project when that public authority has determined, on a project-by-project basis and acting within its discretion, that it is in the public's interest to require such an agreement. In making such a determination, the public authority shall consider the effects a project labor agreement may have on:

A. The efficiency, cost and direct and indirect economic benefits to the public authority;

B. The availability of a skilled workforce to complete the public works project;

C. The prevention of construction delays;

D. The safety and quality of the public works project;

E. The advancement of minority-owned businesses and women-owned businesses; and

F. Employment opportunities for the community.

3. Requirements. A project labor agreement required by a public authority pursuant to this section must:

A. Set forth mutually binding procedures for resolving disputes that can be implemented without delay;

B. Include guarantees against a strike, lockout or other concerted action aimed at slowing or stopping the progress of the public works project;

C. Ensure a reliable source of skilled and experienced labor;

D. Include goals for the number of apprentices and for a percentage of work to be performed by minorities, women and veterans;

E. Provide for the invitation of all contractors to bid on the public works project without regard to whether the employees of any such contractor are members of a labor organization;

F. Permit the selection of the lowest responsible qualified bidder without regard to labor organization affiliation; and

G. Bind all contractors and subcontractors to the terms of the agreement.

A project labor agreement required by a public authority pursuant to this section may not require compulsory labor organization membership of employees working on the public works project.

4. Bidder that does not agree to abide by conditions. A bidder for a public works project that does not agree to abide by the conditions of the project labor agreement or a requirement to negotiate a project labor agreement may not be regarded as a responsible qualified bidder for the project.