

## §1304. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 463, §1 (RPR).]

**1. Board.** "Board" means the Minimum Wage Rate on Construction Projects Board as constituted in sections 1304 to 1313.  
[PL 1967, c. 403 (RPR).]

**1-A. Assisted project.** "Assisted project" means a construction project for which requests for bids or proposals are initiated on or after January 1, 2023, including requests for bids or proposals that supplement a process started on or before that date:

A. With a nameplate capacity of 2 megawatts or more that involves a renewable energy project or a project for the production of energy, including all phases of site preparation, construction, retrofitting and demolition work; and [PL 2021, c. 705, §2 (NEW).]

B. For which the State or an agency of the State provides certifications that entitle the generator to renewable energy credits or provides other economic assistance, including, but not limited to, payments pursuant to power purchase agreements, rebates, grants, loans, commitments of funds or other assistance. [PL 2021, c. 705, §2 (NEW).]

"Assisted project" does not include a project for which the Public Utilities Commission approved a term sheet or contract or otherwise provided project-specific authorization or approval pursuant to Title 35-A on or before June 29, 2021 or a project that is participating in net energy billing and that meets the requirements of Title 35-A, section 3209-A, subsection 7 or Title 35-A, section 3209-B.  
[PL 2021, c. 705, §2 (NEW).]

**2. Construction.** "Construction" means any construction, reconstruction, demolition, improvement, enlargement, painting, decorating or repair of any public works let to contract. The term "construction" shall not be construed to include engineering or architectural services, temporary or emergency repairs or any contract of less than \$10,000.  
[PL 1967, c. 403 (RPR).]

**3. Construction industry.** "Construction industry" means that industry which is composed of employees and employers engaged in construction, demolition, repair or moving of buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports and all other structures or works whether private or public on which construction work, as defined in subsection 2, is performed.  
[PL 1967, c. 403 (RPR).]

**3-A. Craft worker.** "Craft worker" means a person who is engaged in a construction trade that is eligible for coverage under a wage determination under this chapter.  
[PL 2021, c. 465, §1 (NEW).]

**4. Employee.** "Employee" shall not include such persons as are employed or hired by the public authority on a regular or temporary basis or engaged in making temporary or emergency repairs.  
[PL 1967, c. 403 (RPR).]

**5. Fair minimum wage and benefits.** "Fair minimum wage and benefits" means the prevailing wage and benefits as determined by the Director of the Bureau of Labor Standards according to section 1306.  
[PL 1997, c. 757, §2 (AMD).]

**5-A. Interested party.** "Interested party" means a bidder, contractor or subcontractor for a public works contract covered by this chapter.  
[PL 2011, c. 463, §2 (NEW).]

**6. Locality.** "Locality" means where the construction is to be performed and the adjacent areas from which labor would be recruited for work on the project, and, in appropriate circumstances, it may be deemed to include the entire State.  
[PL 1967, c. 403 (RPR).]

**7. Public authority.** "Public authority" means the Maine Turnpike Authority or any officer, board, commission or agency of the State that is authorized by law to enter into contracts for the construction of public works and is supported in whole or in part by public funds of the State. Sections 1304 to 1313 apply to expenditures made in whole or in part from public funds.  
[PL 1997, c. 743, §2 (AMD).]

**8. Public works.** "Public works" includes public schools and all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports and all other structures upon which construction is funded in whole or in part by state funds and for which the contract amounts to \$50,000 or more.  
[PL 2019, c. 473, §1 (AMD).]

**9. Prevailing wage and benefits.** "Prevailing wage and benefits" means the hourly wage and benefits paid to the median number of workers employed in a trade or occupation on the 2nd and 3rd week in September.  
[PL 1997, c. 757, §3 (AMD).]

**9-A. Renewable energy project.** "Renewable energy project" means a project to construct a source of electrical generation that relies on one or more of the following:

- A. Fuel cells; [PL 2021, c. 705, §3 (NEW).]
- B. Tidal power; [PL 2021, c. 705, §3 (NEW).]
- C. Solar arrays and installations; [PL 2021, c. 705, §3 (NEW).]
- D. Wind power installations; [PL 2021, c. 705, §3 (NEW).]
- E. Geothermal installations; [PL 2021, c. 705, §3 (NEW).]
- F. Hydroelectric generators; [PL 2021, c. 705, §3 (NEW).]
- G. Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or [PL 2021, c. 705, §3 (NEW).]
- H. Generators fueled by municipal solid waste in conjunction with recycling. [PL 2021, c. 705, §3 (NEW).]

[PL 2021, c. 705, §3 (NEW).]

**10. Trade.** "Trade" means a construction work activity engaged in by a craft worker.  
[PL 2021, c. 465, §2 (NEW).]

## SECTION HISTORY

PL 1965, c. 406, §2 (NEW). PL 1967, c. 403 (RPR). PL 1971, c. 620, §13 (AMD). PL 1975, c. 59, §3 (AMD). RR 1995, c. 2, §65 (COR). PL 1997, c. 743, §2 (AMD). PL 1997, c. 757, §§2,3 (AMD). PL 2003, c. 197, §1 (AMD). PL 2009, c. 453, §1 (AMD). PL 2011, c. 463, §§1, 2 (AMD). PL 2019, c. 473, §1 (AMD). PL 2021, c. 465, §§1, 2 (AMD). PL 2021, c. 705, §§2, 3 (AMD).

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