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By Mr. Harmon, a petition of the Mass. State Labor Council, AFL-CIO, by James A. Broyer, director, for legislation to clarify prevailing wages. Commerce and Labor.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

### AN ACT TO CLARIFY PREVAILING WAGES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The last sentence of Section 26 of Chapter 149  
2 of the General Laws is hereby amended by adding the follow-  
3 ing words after the words "pension plans" in said sentence: —  
4 "apprentice training plans, training funds, vacation plans,  
5 holiday plans or programs."

1 SECTION 2. The last three sentences of section 27 of Chap-  
2 ter 149 of the General Laws are deleted and the following  
3 three sentences are inserted in place thereof: — "Th afore-  
4 said rates of wages in the schedule of wages rates shall in-  
5 clude payments by employers to health and welfare plans,  
6 pension plans, apprentice training plans, training funds, va-  
7 cation plans, holiday plans or programs and supplementary  
8 unemployment benefit plans as provided in the previous sec-  
9 tion, and such payments shall be considered as payments to  
10 persons under this section performing work as herein pro-  
11 vided. Any employer engaged in the construction of such  
12 works who does not make payments to a health and welfare  
13 plan, a pension plan, apprentice training plans, training funds,  
14 vacation plans, holiday plans or programs and supplementary  
15 unemployment benefit plans, where such payments are in-  
16 cluded in said rates of wages, shall pay the amount of said  
17 payments directly to each employee engaged in said con-  
18 struction. Whoever shall pay less than said rate or rates of  
19 wages, including payments to health and welfare funds, pen-

20 sion funds, apprentice training plans, training funds, vacation  
21 plans, holiday plans or programs and supplementary unem-  
22 ployment benefit plans, or the equivalent payment in wages,  
23 on said works to any person performing work within classi-  
24 fication as determined by the commissioner, and whoever, for  
25 himself, or as representative, agent or officer of another, shall  
26 take or receive for his own use or the use of any other person,  
27 as a rebate, refund or gratuity, or in any other guise, any part  
28 or portion of the wages, including payments to health and  
29 welfare funds, pension funds, apprentice training plans, train-  
30 ing funds, vacation plans, holiday plans or programs and sup-  
31 plementary unemployment benefit plans, or the equivalent pay-  
32 ments in wages, paid to any such person for work done or  
33 service rendered on said public works, shall be punished by a  
34 fine of not less than one hundred nor more than five hundred  
dollars."