

SENATE No. 305

[Senate, No. 305. — Moved (Miles) as a substitute for the Senate Report of the committee on Public Service, “reference to next annual session”, on the petition of Charles G. Miles (accompanied by bill, Senate, No. 154).]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act preferring in Employment on Certain Public Works, by the Commonwealth or Any Political Sub-division thereof, Persons Forty Years of Age or over.

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

1 Chapter one hundred and forty-nine of the General
2 Laws is hereby amended by striking out section
3 twenty-six, as appearing in the Tercentenary edition,
4 and inserting in place thereof the following: —

5 *Section 26.* In the employment of mechanics,
6 teamsters and laborers in the construction, addition
7 to and alteration of public works by the common-
8 wealth, or by a county, town or district, or by persons
9 contracting therewith for such construction, addition
10 to and alteration of public works, preference shall
11 first be given to citizens of the commonwealth who
12 have served in the army or navy of the United States
13 in time of war and have been honorably discharged
14 therefrom or released from active duty therein, and
15 who are qualified to perform the work to which the

16 employment relates; and secondly, to citizens of the
17 commonwealth generally, and, if they cannot be
18 obtained in sufficient numbers, then to citizens of the
19 United States; and, subject to the preference re-
20 quirements hereinbefore set forth, in employment of
21 a non-manual character to persons forty years of age
22 or older; and every contract for such work shall
23 contain a provision to the effect that in employment
24 thereunder of a non-manual character on public
25 works referred to in, and subject to, this section
26 preference shall be given to persons forty years of
27 age or older, if they are qualified to perform the work
28 to which the employment relates and if their status,
29 civil or otherwise, is in conformity with the preference
30 requirements set forth in said section. The wages for
31 a day's work paid to mechanics and teamsters em-
32 ployed in the construction, addition to or alteration
33 of public works as aforesaid shall be not less than the
34 customary and prevailing rate of wages for a day's
35 work in the same trade or occupation in the locality
36 where such public works are under construction or
37 being added to or altered; provided, that no town
38 in the construction, addition to or alteration of public
39 works shall be required to give preference to veterans,
40 not residents of such town, over citizens thereof.
41 This section shall also apply to regular employees of
42 the commonwealth or of a county, town or district
43 when such employees are employed in the construc-
44 tion, addition to and alteration of public works for
45 which special appropriations are provided. Any per-
46 son or contractor who knowingly and wilfully violates
47 this section shall be punished by a fine of not more
48 than one hundred dollars.