



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1381

S.P. 488

In Senate, April 9, 2013

### **An Act To Promote Rural Job Creation and Workforce Development**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Senators: President ALFOND of Cumberland, GERZOFSKY of Cumberland,  
GOODALL of Sagadahoc, PATRICK of Oxford, SHERMAN of Aroostook, Representative:  
STANLEY of Medway.

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

2 **Sec. 1. 5 MRSA §1825-A, sub-§§2-A and 2-B** are enacted to read:

3 **2-A. Bidder providing in-state employment.** "Bidder providing in-state  
4 employment" means a person or group of persons whose bid proposal ensures that at least  
5 80% of the workers executing the proposal will be resident individuals, as that term is  
6 defined in Title 36, section 5102, subsection 5.

7 **2-B. Bidder strengthening the local workforce.** "Bidder strengthening the local  
8 workforce" means a person or group of persons whose bid proposal commits to  
9 coordination with workforce development programs in the region where the work will be  
10 performed, including but not limited to apprenticeship programs and programs that  
11 primarily serve low-income residents or people with disabilities, and commits to filling at  
12 least 20% of jobs created with individuals who have been unemployed for longer than 6  
13 months, are clients of the Department of Labor's career center or have family income  
14 equal to or below 200% of the federal nonfarm income official poverty line.

15 **Sec. 2. 5 MRSA §1825-B, sub-§9,** as amended by PL 1997, c. 263, §2, is further  
16 amended to read:

17 **9. Determination of best-value bidder.** In determining the best-value bidder, the  
18 Director of the Bureau of General Services or any department or agency of the State shall,  
19 for the purpose of awarding a contract, add a percent increase on the bid of a nonresident  
20 bidder equal to the percent, if any, of the preference given to that bidder in the state in  
21 which the bidder resides, unless that bidder is also a bidder providing in-state  
22 employment. In determining the best-value bidder, the director or any department or  
23 agency also shall subtract 10% from the bid of a bidder providing in-state employment  
24 and subtract 5% from the bid of a bidder strengthening the local workforce.

25 **Sec. 3. 26 MRSA §1301,** as amended by PL 1995, c. 524, §2, is repealed and the  
26 following enacted in its place:

27 **§1301. Local residents preferred; coordination with workforce development**  
28 **programs; exception**

29 The State, counties, cities and towns, and every charitable or educational institution  
30 that is supported in whole or in part by aid granted by the State or by any municipality  
31 shall, in the awarding of contracts for constructing, altering, repairing, furnishing or  
32 equipping its buildings or public works:

33 **1. Preference to resident of State.** Give preference to workers and bidders who are  
34 residents of this State, as long as the bids submitted by such resident bidders are equally  
35 favorable with bids submitted by contractors from outside the State;

36 **2. Commit to coordination with workforce development programs.** Require  
37 successful bidders on contracts over \$100,000 to commit to coordination with workforce  
38 development programs in the region where the work will be performed, including but not

1 limited to apprenticeship programs and programs that primarily serve low-income  
2 residents or people with disabilities; and

3 **3. Fill 20% of jobs with certain individuals.** Require successful bidders on  
4 contracts over \$100,000 to make best efforts to fill at least 20% of jobs created with  
5 individuals who have been unemployed for longer than 6 months, are clients of the  
6 Department of Labor's career center or have family income equal to or below 200% of the  
7 federal nonfarm income official poverty line.

8 This section does not apply to construction or repairs amounting to less than \$1,000,  
9 emergency work or state road work.

10 Any contract for public improvement that is awarded by the State or any department  
11 or agency of the State is subject to the competitive bidding process established under  
12 Title 5, chapter 155, subchapter 1-A.

13 **Sec. 4. 26 MRSA §1303**, as amended by PL 1997, c. 757, §1, is further amended  
14 to read:

15 **§1303. Public works; minimum wage and benefits**

16 In the employment of laborers in the construction of public works, including state  
17 highways, by the State or by persons contracting for the construction, preference must  
18 first be given to citizens of the State who reside in the county where the work is to be  
19 performed and who are qualified to perform the work to which the employment relates.  
20 If such laborers can not be obtained in sufficient numbers, preference is next given to  
21 citizens of the State who are qualified to perform the work to which the employment  
22 relates and, if they can not be obtained in sufficient numbers, then to citizens of the  
23 United States. Every contract for public works construction must contain a provision for  
24 employing citizens of this State or the United States. The hourly wage and benefit rate  
25 paid to laborers employed in the construction of public works, including state highways,  
26 may not be less than the fair minimum rate as determined in accordance with section  
27 1308. Any contractor who knowingly and willfully violates this section is subject to a  
28 fine of not less than \$250 per employee violation. Each day that any contractor employs  
29 a laborer at less than the wage and benefit minimum stipulated in this section constitutes  
30 a separate violation of this section.

31 **SUMMARY**

32 This bill gives a preference in state contracting to bidders who primarily employ  
33 residents of the State and to bidders who coordinate with regional workforce development  
34 programs and who fill at least 20% of positions on the project with low-income or  
35 long-term unemployed people. The bill requires that successful bidders on public  
36 building or public works contracts with the State, counties, cities and towns and every  
37 charitable or educational institution that is supported in whole or in part by aid granted by  
38 the State or by a municipality commit to coordinate with regional workforce development  
39 programs and make best efforts to hire low-income and long-term unemployed people.  
40 The bill also requires state public works programs to give hiring preference to residents of  
41 the county where the work is being performed.