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No. 954

S.P. 300

In Senate, March 8, 2011

An Act To Promote Rural Job Creation and Workforce Development

Reference to the Committee on State and Local Government suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Senators: ALFOND of Cumberland, JACKSON of Aroostook, PATRICK of
Oxford, Representative: DRISCOLL of Westbrook.

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

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

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

16 **Sec. 3. 5 MRSA §1825-B, sub-§9,** as amended by PL 1997, c. 263, §2, is further
17 amended to read:

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

26 **Sec. 4. 26 MRSA §1301,** as amended by PL 1995, c. 524, §2, is repealed and the
27 following enacted in its place:

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

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

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

37 **2. Commit to coordination with workforce development programs.** Require
38 successful bidders on contracts over \$100,000 to commit to coordination with workforce

1 development programs in the region where the work will be performed, including but not
2 limited to apprenticeship programs and programs that primarily serve low-income
3 residents or people with disabilities; and

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

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

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

14 **Sec. 5. 26 MRSA §1303**, as amended by PL 1997, c. 757, §1, is further amended
15 to read:

16 **§1303. Public works; minimum wage and benefits**

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

32 **SUMMARY**

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

1 The bill also requires state public works programs to give hiring preference to residents of
2 the county where the work is being performed.