



**Testimony regarding LD-1280, "An Act To Establish the
Maine Buy American and Build Maine Act" (April 1, 2019)**

Senator Claxton, Representative Martin and respective members of the Joint Standing Committee on State and Local Government, my name is Tim C. Walton, I am a resident of Livermore and I am here today on behalf of Associated Builders and Contractors of Maine (ABC Maine) in opposition to LD-1280, "An Act To Establish the Maine Buy American and Build Maine Act"

ABC Maine is a statewide construction trade association representing merit shop construction and construction related firms throughout the state with a mission to develop a more skilled and safer workforce and advocate for the construction industry on matters of public policy believed to have industry-wide impact.

First, let me say we sincerely appreciate President Jackson's interest in promoting Maine workers and American produced products and materials. Having had the privilege of working with him for a number of years on public policy matters, we can attest first hand this bill truly reflects his passion for our great State and Nation and more importantly, the women and men in the workforce. That said, respectively, we do have concerns (and questions) regarding some of the provisions in this bill. As follows:

As currently written, it would appear the language conflicts with Federal policy regarding the competitive bidding process that could jeopardize millions of Federal dollars from coming into the state. Of particular concern to us would be the detrimental impact to our State's agencies. For example, as written, this bill would significantly and adversely impact MDOT's annual work plan, as it's our understanding that the department utilizes federal funds on nearly 200 projects annually. We do understand there are discussions underway to attempt to mitigate that problem, but absent of a concrete solution, this provision remains a concern to us, as many of our members work on a variety of State funded projects.

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The provision that would require supplies/materials be purchased only from American produced sources could add significant costs to any given project, which would have to be passed from the contractor onto the owner (the State), which would ultimately be passed onto the taxpayer. This would also likely mean less projects would be constructed, leaving our infrastructure at risk of accelerated and perpetually increased decline. No doubt an unintended consequence.

The bill also leaves us with questions. For example, who would be charged with administering this program, and more importantly perhaps, enforcing it. Also, the in-state contractor requirements, although at first glance appear to be fairly comprehensive, leave some interpretation that may need further explanation.

Lastly, regarding the “waiver” provision, we believe that by offering a waiver option up front, suggests that Maine might not be ready to engage the concept this bill aims to supply. If its already pre-determined that the executive heads of our public agencies will need to appeal to the Governor to grant a waiver in order to move forward with a respective project, then perhaps this issue needs more time to have the impact its goal seeks.

Thank you in advance for your consideration of our position.