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THE MAINE SENATE
131st Legislature

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Testimony in Support of LD 1983
An Act to Establish the Maine Buy American and Build Maine Act

Presented to the Joint Standing Committee on State and Local Government

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Senator Nangle, Representative Stover and esteemed members of the Joint Standing Committee on State and Local Government, my name is Troy Jackson. I have the honor of serving as President of the Maine Senate and proudly represent the good people of Aroostook County. I am here today to present LD 1983, "*An Act to Establish the Maine Buy American and Build Maine Act.*"

This bill puts forth a policy that I have put forth before, one supported by former legislatures, and one I believe is the best policy for our State and our constituents. The policy is based on the premise that Maine workers and businesses deserve to have the first opportunity to benefit from the economic activity of this state.

Maine spends hundreds of millions of dollars on procurements and contracts year after year. Maine taxpayers support this work. That is the reason I think it is only fair to make sure those very taxpayers get the benefits they pay for. Unfortunately, many of these contracts go to workers and businesses from out-of-state, while qualified workers and businesses who are paying for these services are left out. LD 1983 will give support to these Mainers, while honoring those workers who live in proximity to the state.

As you know, there are already well-established "Build America, Buy America" provisions at the federal level.¹ This bill reinforces those laws, which honor the quality of American workers and goods. Within LD 1983, you will find similar language to support U.S. manufacturing needed to build infrastructure and public works here in Maine. According to the Alliance for American Manufacturing, ten states already have similar domestic preferences in statute, while 19 other states have introduced or passed legislation in one house of their legislature.² I believe this policy should be adopted at the state level for works that use Maine taxpayer dollars.

This bill also makes sure that Maine workers and businesses get a fair shot at contracts to improve infrastructure within our state. It simply states that if two bids for procurements or public improvements

¹<https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-america-act-federal-financial-assistance/>

² <https://www.americanmanufacturing.org/> (Illinois, Indiana, Maryland, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania and Texas have preferences in statute.)
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are substantially similar, that in-state contractors get the nod. It further enhances the policy by encouraging registered apprenticeship programs as outlined in Maine statute.³

It is critically important to support not only our in-state contractors, but our workers. Yet, strict in-state hiring is often frowned upon. That is the reason this bill requires that at least 75% of employees for public improvement construction projects live in the local labor market. This is supported by the Bipartisan Infrastructure Law passed by the U.S. Congress.⁴ Section 25019 of the bill authorizes the use of local, geographic, or economic hiring preferences for construction labor in most of the projects funded by the U.S. Department of Transportation.⁵ You will note the bill defines a “local labor market” as a Maine labor market, referencing the U.S. Code,⁶ and includes those labor markets within seventy-five miles of the Maine border. It also includes organizations that have hiring halls within the labor market area.

Although I did not agree, the Maine Department of Transportation testified that previous iterations of this bill were prohibited by the Federal Highway Administration. They can no longer make that claim. In fact the federal government encourages local hiring, whether geographical or economically structured because they act as important recruitment tools. This includes incorporating workers that are in registered apprenticeship programs.

As I mentioned before, the legislature has supported this policy in the past. They did so because it is good public policy. I ask you to support it once again with the changes that make sure it adheres to federal standards. The state has many protective laws and regulations. So the time has come for us to protect our taxpayers by putting forth a cohesive policy that supports American manufacturers and local workers. That is where Maine taxpayers would like to invest their well-earned dollars. Mainers work hard, take pride in their work, and get the job done. Please support LD 1983 and prove to our constituents that we have their backs.

Thank you for your time and consideration. I am happy to answer any questions you may have.

³ <https://legislature.maine.gov/statutes/26/title26sec3201.html>

⁴ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>

⁵ [https://www.fhwa.dot.gov/construction/hiringpreferences/qanda060822/#:~:text=Section%2025019\(a\)%20authorizes%20the,local%20or%20other%20geographic%20area.](https://www.fhwa.dot.gov/construction/hiringpreferences/qanda060822/#:~:text=Section%2025019(a)%20authorizes%20the,local%20or%20other%20geographic%20area.)

⁶ <https://www.govinfo.gov/content/pkg/USCODE-2011-title29/html/USCODE-2011-title29.htm>