



**Testimony of Tim C. Walton in Opposition to
LD-1633, An Act To Require Comprehensive
Responsible Contracting Practices for Public
Construction Projects (May 5, 2021)**

Good afternoon, Senator Hickman, Representative Sylvester and respective members of the Joint Standing Committee on Labor and Housing. My name is Tim C. Walton, I am a resident of Livermore and the President of Walton External Affairs, as External Affairs firm based in Augusta, Maine. I am supplying testimony today on behalf of multiple clients, CIANBRO; Maine Aggregate Association; Coutts; and ACE Painting in opposition to LD-1633.

I am very proud to say that I have served as an advocate to Maine's construction industry in one capacity or another for over twenty years.

In that time, I have seen a number of public policy changes initiated in Augusta aimed at impacting the industry, some having positive impacts and others not so much. That said, I cannot point to another that has resurfaced as many times as this one. Every time its reintroduced it's worded slightly different and the way its package and manner in which its promoted changes a bit, but, the intended outcome always seems to the same; to promote organized labor over merit construction.

Early in my career, I had the good fortune of meeting a noted union advocate while learning my way around the statehouse. Because of the issues I represent, I spent a lot of my time in the Labor Committee.

As such, I got to know this person pretty well, listening to his testimony (as he did mine) and watching him work the halls like the seasoned professional he was.

We became friendly adversaries if you will and in short time, I came to admire and respect him, not necessarily for the causes he represented, as we were typically on opposite sides of the issues, but more, for “how” he represented his causes. He was a fierce and passionate advocate. A true statehouse warrior.

I recall one conversation I had with him vividly. We were outside the Labor Committee room waiting for our bill to come up. Although I can’t recall the topic, as many years have passed and I can’t seem to pull it up in my memory, I will never forget what he said. He pulled out a piece of paper, crumpled and a bit faded, and said, “I’ve stopped drafting new testimony for this bill. It comes up every session. Now I just amend the opening from session to session and then go with what I wrote the first time around”. Now whether he actually did that or not, or whether that piece of paper was indeed his testimony from years past or a grocery list, I will never know for sure. It was the sentiment that stuck with me and that over the years has rung so true on certain legislation.

As I was drafting testimony for today’s hearing, I thought of my old friend and reflected on his words that day. In honor of him, the following was testimony I delivered to this committee on May 8, 2019, the last time a similar bill was heard. I believe it is still relevant today (*see below in italics*).

*Regarding **Apprenticeship Requirements**: If this bill became law today, I would venture to say that few, if any, open-shop/non-union Maine contractors would be able to comply with the apprenticeship requirements. Most all of the Maine contractors that would bid and perform work on the publicly funded projects of the scope and size this bill seeks to address do train their respective workforces and yes, some choose to utilize the apprenticeship training model.*

That said, the apprenticeship model isn’t the only method of training, nor, by any means, should it be considered the industry standard.

Some companies engage structured, intense in-house training programs, while others have success with on-the-job, mentoring type programs or hire from Career and Technical Education (CTE) schools and yet others use a combination of methods.

With regards to training and education, we strongly believe a one-size fits all approach is never the answer. The apprenticeship training model works well for some companies, and of course organized labor, but conversely, it doesn't make the right fit for all. I don't believe there is any proof, or any unbiased hard data to support the notion that an apprenticeship trained workforce delivers a better end product.

*Regarding **PLA's**: In my twenty plus years of representing and promoting the merit shop construction industry, my experience has led me to know that PLAs are really nothing more than discriminatory gimmicks to artificially create a monopoly for unionized contractors and union trade workers on taxpayer-funded construction jobsites by discouraging competition from quality contractors and local construction professionals not affiliated with unions.*

Union membership in 2018 for the U.S. private construction workforce was 12.8%, here in Maine, it was 7.9%. Does the State of Maine really want to be in the business of excluding over 90% of its construction workforce simply because they "choose" not to belong to a union? I can't imagine we would.

In fact, it seems very odd, given all the quality and magnificent public projects that have been constructed throughout Maine over the years, in "large" part historically by non-union contractors, that Maine would entertain a legislative proposal that would encourage prohibiting that same good, quality workforce from performing work on State funded construction projects in the future.

Insulting the "majority" of Maine's hard working construction workers by passing a law requiring them to become unionized in order to work on projects paid for with their own tax dollars, simply to create exclusive market share for organized labor, doesn't seem to fit the character of our great state or its public policy arena, a character founded on choice, individual liberty and freedom.

In closing, I'll offer a question to the proponents of this bill: how could a Maine contractor be considered a "Responsible Contractor" today, and in some cases for decades prior, by State agencies that prequalify and subsequently hire them to perform construction services, but, then a mere ninety days after Legislative adjournment they magically become "Irresponsible Contractors" by letter of the law, having changed nothing with regards to how they operate their companies or perform work? One might suggest this bill is a perfect example of a solution in search of a problem.

This bill was not good for Maine when it was originally submitted, its wasn't good for Maine last session and its not good for Maine now. I urge you to vote Ought-Not-To-Pass on LD-1633.

Thank you for your time and consideration of our position on this matter.

CIANBRO is a 100% employee-owned construction and construction services firm headquartered in Pittsfield, Maine, routinely operating in over forty States, employing nearly 4,200 team members; over 1,300 of which are Maine residents.

Maine Aggregate Association is a statewide, non-profit, member-based organization representing businesses and individuals involved with the gravel and rock industries. Established in 1994, MAA has become an effective and respected voice for the industry. MAA membership includes gravel pit owners, quarry operators, aggregate processors and truckers as well as equipment dealers, banks, insurance agencies and consulting firms that serve the aggregate industry.

Coutts, founded in 1963, celebrating over half a century of providing electrical construction/maintenance services to utilities, municipalities, cooperatives and the private sector throughout the Northeast.