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LD 1411 An Act To Establish the Maine Buy American and Build Maine Act

LD 1411's intent is good but I have a few questions, which to me are confusing and some are in regard to the language in Section 1. "...that the State or any of its agencies hold in fee involving a total cost in excess of \$100,000.....":

1. Am I right by thinking that, "Out of State Contractors" can bid on any contract costing less than \$100,000 without being subject to the "substantially similar" clause in paragraph 2049, Preference for in-state Contractors
2. Under Chapter 168, paragraph 2047.6. Public Agency, LD 14112 does not apply to county, municipality, or school administrative unit. However, under Chapter 168, paragraph 2047.7. Public building or public works, schools are included.
3. Am I right by thinking if, the municipality issues a contract in excess of \$100,000 to maintain or construct a new school facility, LD 1411 does not apply? Does that hold true if the municipality receives funds from the State for that maintenance or that new facility in excess of \$100,000?
4. Am I right by thinking if, the State is buying 20 manufactured goods costing say \$1,000 each for a total of \$20,000, the requirements of LD 1411 do not apply because the total is less than \$100,000?
5. However, under Chapter 168, section 2048, paragraph 3. Exceptions, subparagraph D., the way I read this is that even though the \$100,000 is set in Section 1 of LD 1411, the public agency must apply for a waiver for those twenty \$1,000 items from the Governor or the Governor's designee for a waiver this purchase and to complicate it more, subparagraph D is saying the department will establish rules for "minimum project cost" even though LD 1411 sets the cost at \$100,000.
6. What happens going forward when new technology is required and that technology and expertise can only be supplied by contractors from out of State?
7. Under Chapter 168, section 2048 subparagraph 3.C, "unreasonable amount" is to be defined in section 2050; therefore, to be more consistent. in section 2049, subparagraph 1,2, and 3 the words "substantially similar" and "substantially higher" should also be referenced to section 2050 where they can be defined.
8. In the Summary, the "over \$100,000 should be included in the first paragraph and reference to the \$500 in the second paragraph should be made clear if this only applies to those projects over the \$100,000.

I hope my references to the the chapters, sections, paragraphs and subparagraphs in my above comments help you in understanding my concerns.

Sincerely

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