

# MAINE STATE LEGISLATURE

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April 11, 1928

To Clyde H. Smith, Chairman, State Highway Commission  
Re: Employee Preference to Residents of State.

I am in receipt of your letter relative to employment of residents of this state. The point that you are making as I see it is that you want to insist that State of Maine people be given a preference not only in the matter of bids for contracts, which is customary under Section 36 of Chapter 49 of the Revised Statutes, but also preference in regard to the employees of the contractor. The only method I can suggest is that you have the contracts you make for road construction provide for just the point you are raising, so that the contractors will feel bound to employ residents of this state instead of citizens of other states. I would suggest that provision be drafted for contracts you make in the future which will provide that the contractor shall employ citizens of Maine whenever it shall be possible for him to do so, it being, of course, understood that if a Maine man is not qualified, or if it is going to be much more expensive for the contractor to employ people residing here, he should not be obliged to do so.

Enclosed I am sending you a tentative suggestion for contract provision for your consideration.

Raymond Fellows  
Attorney General

FORM

It being understood and agreed between the parties hereto that the contractor shall employ residents of the State of Maine for his agents, foremen, servants, employees and laborers in the performance of this contract in preference to workmen who are not residents of this state, provided that it is possible under all the existing circumstances to secure a sufficient number of residents of this state qualified for the purposes at the same rates of pay as demanded by non-residents. It being one of the conditions of this contract, that if said contractor without just cause refuses to give preference to Maine residents it shall be considered an absolute breach of this contract, and the Commission shall have the right to enter and otherwise carry out the terms of the contract as may seem to the best advantage of the state.