

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2034

H.P. 1531

House of Representatives, December 26, 2001

An Act to Provide Fairness in State Bid Criteria.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CARR of Lincoln.

Under suspension of the rules, cosponsored by President Pro Tem MICHAUD of Penobscot and Representatives: BERRY of Livermore, COLWELL of Gardiner, GOODWIN of Pembroke, LaVERDIERE of Wilton, MAYO of Bath, McGLOCKLIN of Embden, SHERMAN of Hodgdon, STANLEY of Medway, TREADWELL of Carmel, Senators: DAVIS of Piscataquis, KILKELLY of Lincoln.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 26 MRSA §1301**, as amended by PL 1995, c. 524, §2, is
repealed and the following enacted in its place:

6 **§1301. Local residents preferred**

8 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
10 following meanings.

12 **A. "In-state bidder" means a bidder:**

14 (1) Whose principal place of business or a branch of
the bidder's principal place of business is located in
16 this State; and

18 (2) With at least 75% of its employees performing the
conditions of a contract being state residents.

20 **2. Preference; exceptions.** The State, a county, city or
town, and every charitable or educational institution that is
22 supported in whole or in part by aid granted by the State or by
any municipality shall, in the awarding of a contract for
24 constructing, altering, repairing, furnishing or equipping its
buildings or public works, give preference to an in-state bidder,
26 provided the bid submitted by the in-state bidder is no more than
10% over a bid submitted by a bidder from outside the State.
28 This section does not apply to construction or repairs amounting
to less than \$1,000 or to emergency work or state road work. The
preference in this section applies to contracts involving funds
30 obtained from the Federal Government unless expressly prohibited
by the laws of the United States or regulations adopted pursuant
32 to those laws.

34 **3. Contract for public improvement.** Any contract for
public improvement that is awarded by the State or any department
36 or agency of the State is subject to the competitive bidding
process established under Title 5, chapter 155, subchapter I-A.
38

40 **SUMMARY**

42 This bill gives preference in the award of construction and
44 public works contracts by the State and its political
subdivisions to in-state bidders, provided their bids are no more
46 than 10% over bids submitted by out-of-state bidders. The bill
defines "in-state bidder" as a bidder whose principal place of
48 business or a branch of the bidder's principal place of business
is located in this State and with at least 75% of its employees
50 performing the conditions of a contract being state residents.