

# MAINE STATE LEGISLATURE

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L.D. 1411

Date: 6/9/21

(Filing No. S- 234)

**MAJORITY**

**STATE AND LOCAL GOVERNMENT**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 461, L.D. 1411, "An Act To Establish the Maine Buy American and Build Maine Act"

Amend the bill in section 5 in c. 168 in §2047 in subsection 4 in paragraph A in the first line (page 3, line 19 in L.D.) by striking out the following: "\$500" and inserting the following: '\$5,000 per item or per purchase order'

Amend the bill in section 5 in c. 168 in §2049 by striking out all of subsections 2 and 3 (page 5, lines 22 to 35 in L.D.) and inserting the following:

**2. Public improvements.** If, pursuant to section 1743-A, an in-state contractor submits a bid for a public improvement that is substantially similar to but substantially higher than other submitted bids, the public agency shall give the bid from the in-state contractor a preference of 10% applied in a manner determined by the department in rules adopted pursuant to section 2050. If more than one in-state contractor submits a bid that is substantially similar to but substantially higher than other submitted bids, the public agency shall give each in-state contractor a preference of 10% applied in a manner determined by the department in rules adopted pursuant to section 2050.

**3. Procurements.** If, pursuant to section 1825-B, an in-state contractor submits a bid that is substantially similar to but substantially higher than other submitted bids, the public agency shall give the bid from the in-state contractor a preference of 10% applied in a manner determined by the department in rules adopted pursuant to section 2050. If more than one in-state contractor submits a bid that is substantially similar to but substantially higher than other submitted bids, the public agency shall give each in-state contractor a preference of 10% applied in a manner determined by the department in rules adopted pursuant to section 2050.'

Amend the bill by inserting after section 5 the following:

**'Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**COMMITTEE AMENDMENT**

ROS

COMMITTEE AMENDMENT "A" to S.P. 461, L.D. 1411 (S-234)

1 **Bureau of General Services - Capital Construction and Improvement Reserve Fund**  
2 **0883**

3 Initiative: Establishes 2 Planning and Research Associate I positions to conduct research  
4 on which products are manufactured in the United States and required to be used on certain  
5 construction projects.

6	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
7	POSITIONS - LEGISLATIVE COUNT	2.000	2.000
8	Personal Services	\$123,234	\$127,177
9			
10	GENERAL FUND TOTAL	<u>\$123,234</u>	<u>\$127,177</u>

11 **Bureau of General Services - Capital Construction and Improvement Reserve Fund**  
12 **0883**

13 Initiative: Establishes 2 Procurement Analyst I positions to review all contracts and to  
14 implement and enforce the waiver process.

15	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
16	POSITIONS - LEGISLATIVE COUNT	2.000	2.000
17	Personal Services	\$129,550	\$133,696
18			
19	GENERAL FUND TOTAL	<u>\$129,550</u>	<u>\$133,696</u>

20  
21 **ADMINISTRATIVE AND FINANCIAL**  
22 **SERVICES, DEPARTMENT OF**  
23 **DEPARTMENT TOTALS**

24		<b>2021-22</b>	<b>2022-23</b>
25	<b>GENERAL FUND</b>	<b>\$252,784</b>	<b>\$260,873</b>
26			
27	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$252,784</b></u>	<u><b>\$260,873</b></u>

28  
29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
30 number to read consecutively.

31 **SUMMARY**

32 This amendment, which is the majority report of the committee, raises the dollar value  
33 of a manufactured good to \$5,000 per item or per purchase order. It removes the  
34 opportunity for in-state contractors to submit a matching bid price and replaces it with a  
35 10% preference applied in a manner consistent with rules adopted by the Department of  
36 Administrative and Financial Services. The amendment also adds an appropriations and  
37 allocations section.

38 **FISCAL NOTE REQUIRED**

39 (See attached)



Approved: 06/06/21 *MBC*

# 130th MAINE LEGISLATURE

LD 1411

LR 241(02)

## An Act To Establish the Maine Buy American and Build Maine Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-234)  
Committee: State and Local Government  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$252,784	\$260,873	\$269,221	\$277,836
<b>Appropriations/Allocations</b>				
General Fund	\$252,784	\$260,873	\$269,221	\$277,836

#### Fiscal Detail and Notes

Requiring all procurement bids and subsequent contracts to contain a provision that the manufactured goods be manufactured in the United States could increase costs to all state agencies and public higher educational institutions if contracted goods are less expensive than those manufactured in the United States and a waiver is not granted. This provision does not apply to the Department of Transportation's construction contracts. The Department of Administrative and Financial Services (DAFS) has indicated it will require additional positions to research which products are manufactured in the United States, to review all contracts and to implement and enforce the waiver process. The bill includes General Fund appropriations of \$252,784 in fiscal year 2021-22 and \$260,873 in fiscal year 2022-23 for 2 Planning and Research Associate I positions and 2 Procurement Analyst I positions.