

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 504

H. P. 983

House of Representatives, Feb. 11, 1931.

Referred to Committee on Labor and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hussey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT Relating to Preferences to Maine Contractors.

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

Section 1. Highway commission may prefer Maine contractors in certain cases. Section eleven of chapter twenty-eight of the revised statutes is hereby amended by inserting in the twenty-third line of said section after the word "bidder" the following words: ', except that in case the lowest bid is made by a contractor whose principal place of business is not located in this state, and a contractor whose principal place of business is located within this state has bid within five per cent of the low bid, the commission may award the contract to the Maine contractor,' so that said section as amended shall read as follows:

'Sec. 11. Commission may let contracts for construction; procedure. The commission shall have full power in the letting of all contracts for the construction of all state and state aid highways except as elsewhere herein otherwise provided. The commission shall make all surveys, plans, estimates, specifications, and contracts for all proposed work, and shall, except as otherwise provided in this chapter, advertise for bids for the same in two or more public newspapers printed wholly or in part in the state, also in one public newspaper printed wholly or in part in the county where the proposed work is to

be done, if any such newspaper is so printed in such county; such advertisement shall state the place where the bidders may examine the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a certified check or surety bond, payable to the treasurer of state, for ten per cent of the amount of his bid as a guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks or surety bonds shall be returned to the respective unsuccessful bidders. The check or bond of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory to the commission for the due execution of such work. All bids so submitted shall be publicly opened, read, and posted at the time and place stated in such advertisement. The commission shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder, except that in case the lowest bid is made by a contractor whose principal place of business is not located in this state, and a contractor whose principal place of business is located within this state has bid within five per cent of the low bid, the commission may award the contract to the Maine contractor. Any town may submit bids for state and state aid highway construction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. If all bids for work under this chapter are rejected, or if no bids are received, the commission may perform said work by any method which the governor and council approve. The commission may, however, with the approval of the governor and council, let contracts for state highway construction, or do the same, for and in behalf of the state without advertising for bids, if the same shall be for the best interests of the state. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts, and for the protection of the state and town from all liability arising from damage or injury to persons or property. The commission after making surveys, plans, and estimates for proposed construction of state aid highways in a town may, when

deemed by said commission advisable, make contracts with such town according to said survey and specifications and upon terms satisfactory to and under control of the commission without advertising said contract for bids.'

Sec. 2. Preference to Maine contractors. Chapter two of the revised statutes is hereby amended by adding after section thirty-three of said chapter a new section to be numbered thirty-three A, and to read as follows:

'Sec. 33A. Preference may be given to Maine contractors. The trustees, commissioners or other persons in charge of construction of buildings at the expense of the state shall give a preference to a contractor, whose principal place of business is located in this state, who otherwise fully qualifies for the work, but whose bid is not more than five per cent higher than that of a contractor whose principal place of business is located outside of the state.'