

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 527

S. P. 420

In Senate, Feb. 12, 1931.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

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

AN ACT Regulating Labor and Bids on State Construction.

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

Section 1. Preference to Maine Labor. All persons employed to aid in the construction or reconstruction of any highway, road, or building, the expense of which is to be born in whole or in part by the state of Maine, shall be a citizen of the state of Maine, and show to the employer his poll-tax bill or receipt to prove his status, or in the case of tax exempt veterans or minors, by a written statement from the clerk of the municipality of his residence. Foremen and technical experts may be exempted from the provisions of this section by written permission of the commissioner of labor on application by the employer.

Sec. 2. Preference to veterans. Preference shall first be given, in employment on public works, to citizens of this state who served in the army and navy of the United States in time of war and have been honorably discharged therefrom or released from active duty therein and who are qualified to perform the work to which the employment relates.

Sec. 3. Wages and hours of work regulated. The wages and hours of labor for work done on state construction, reconstruction or state aid projects shall not be less than the

customary and prevailing rate of wages and hours of work in the same trade or occupation in the locality where such public aid works are constructed.

Sec. 4. Padrone system forbidden. Every employee in public work shall lodge, board, and trade where and with whom he elects ; and no person or his agent or employee under contract with the state, a county, city or town or with a department, board, commission, or officer acting therefor, for the doing of public work shall directly or indirectly require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place or with a particular person. This section shall be made a part of the contract for such employment.

Sec. 5. Pre-bid qualifications. Section eleven of chapter twenty-eight of the revised statutes is hereby amended by inserting in the nineteenth line of said section after the word "work" the following words: 'Each bidder must also accompany his bid with a sworn statement setting forth what equipment he may have to carry out the contract, and the extent of his financial responsibility, and ability to perform the work.'; and 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 person, firm, or corporation not resident in this state, and a Maine bidder has bid within five per cent of that bid, the commission may award the contract to the Maine bidder.'; 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. Each bidder must also accompany his bid with a sworn statement setting forth what equipment he may have to carry out the contract, and the extent of his financial responsibility, and ability to perform the 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 person, firm, or corporation not resident in this state, and a Maine bidder has bid within five per cent of that bid, the commission may award the contract to the Maine bidder. 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. 6. 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 may 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.'

Sec. 7. Section sixty-four of chapter twenty-eight of the Revised Statutes is hereby amended by adding after the word "bids" in line thirty-four of said section the following: 'provided, however, that the engineer's estimate of the total cost of such bridge shall not exceed five thousand dollars,' so that said section shall read as follows:

'Sec. 64. Duties of commission; plans and specifications; requisition of amounts due from town and county; advertising; bidding; bonds; money, how raised. 1915, c. 319, § 3. 1917, c. 304, § 3. 1919, cc. 162, 243, § 2. 1921, c. 50, § 2. 1923, c. 193, § 3. The state highway commission shall prepare all engineering plans and specifications for materials, construction, and workmanship which it considers necessary for the complete construction of the bridge structure, approaches, and for maintenance of traffic, and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section sixty-three, and except as otherwise provided in this section, advertise for bids for the construction of the bridge 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 in which 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 or obtain 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, payable to the treasurer of state, or a surety bond, 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 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. Any town may submit bids for bridge 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 the provisions of sections sixty-two to seventy-four inclusive 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, provide for the construction of the bridge by contract or on a day labor basis, without advertising for bids, provided, however, that the engineer's estimate of the total cost of such bridge shall not exceed five thousand dollars. 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. These bonds shall protect fully the state, county, and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such

sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section fifty-six of chapter thirteen, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than five years. That portion of said assessment which is for building or rebuilding said bridge as aforesaid, shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section fifty-seven of chapter thirteen.

The county commissioners and municipal officers of cities heretofore referred to are hereby authorized and required to raise by taxation or by borrowing or otherwise, such reasonable sums as may be necessary to carry out the provisions of sections sixty-two to seventy-four, and the municipal officers of towns, when authorized by a vote at a legal town meeting, are also required to raise by taxation or by borrowing or otherwise, such like sums as may be necessary to carry out the provisions of said sections. Any loan so made by the county commissioners or municipal officers shall be a legal debt of the county or town whose credit is pledged under this law. All loans made by the county commissioners under this law are excepted from the provisions of the laws of the state limiting the borrowing capacity of counties. Provided, however, that all loans made by the county commissioners and municipal officers under this law shall mature in not more than twenty years, and not less than one-twentieth of any loan so made shall be raised by taxation and applied in payment of the loan each year after the loan is made.'