



Associated Builders  
and Contractors, Inc.

## Maine Chapter

### Associated Builders and Contractors of Maine

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January 27, 2006

Honorable Elizabeth M. Schneider, Chair  
Honorable Christopher R. Barstow, Chair  
Joint Standing Committee on State and Local Government  
100 State House Station  
Augusta, ME 04333-0100

Dear Senator Schneider and Representative Barstow,

Please accept this letter as testimony from the members of Associated Builders and Contractors of Maine in opposition to LD 1769, An Act to Strengthen the State Purchasing Code of Conduct Laws.

ABC is a national association representing more than 23,000 merit shop construction and construction-related firms in 79 chapters across the United States. The Maine Chapter represents 170 such companies, their employees and their families across the state. ABC is the only national association devoted exclusively to the merit shop philosophy, which aims to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry for all qualified contractors. ABC is committed to free enterprise, and open and fair competition.

It is because of that commitment to free enterprise that we testify in opposition to this bill. Though, in its current form, it is not intended to impact our industry, portions of this legislation are very familiar to us. In past sessions, trade unions have attempted to set themselves up as the wage-and-hour-violation police on projects awarded to open shop contractors, seeking access to our jobsites so they can "investigate", at will.

In the 119<sup>th</sup>, it was LD 1018 – requiring construction contractors to make their payroll records available to the public to "ensure compliance."

In the 120<sup>th</sup> they took a more direct route with LD 1205 – seeking to "authorize a representative of a construction labor union to inspect a work site and records to investigate complaints of possible violations of wage and hour, safety or other labor laws."

In the 121<sup>st</sup> they wanted us to open our books to "any aggrieved party or resident of this State" in LD 361.

Last year they took a new tack with LD 1050. Claiming the Department of Labor was unable to investigate and enforce all the wage and hour infractions they imagine are happening, the unions figured the Attorney General's office would prove a more fruitful way for them to gain access to our personnel records. Investigation of a "possible violation" would have to be conducted by the AG, not only on the contractor, but on all of their employees and subcontractors, too.

ABC has consistently opposed these attempts by unions to set themselves up as the arbiters of fair labor practices. We submit that the legislation before you today is more of the same - digging for dirt to legitimize union smear campaigns against non-union contractors.


In Maine's construction industry, 96.9% of our workers choose not to belong to a union. We have high wages and one of the highest rates of offering insurance of any industry in Maine. That success has made us a target of those who would try to prop themselves up by bringing their competitors down.

We sympathize with members of the garment industry that are facing the unions' latest scheme - independent monitors and independent fact finding consortiums. Their industry, like ours, espouses ethical and responsible codes of conduct and should not be subjected to the type of anti-business tactics this bill would allow.

Additionally, we believe this bill is an abrogation of the administration's responsibility to ensure fairness and equity, while maintaining authority over the investigative process.

Thank you for your consideration of our position. I hope to attend your work session on this bill, and would be pleased to answer any questions you may have at that time.

Sincerely,



Kathleen M. Newman  
President

cc: Members, Joint Standing Committee on State and Local Government