

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1678

S.P. 584

March 22, 2007

**An Act To Implement the Recommendations of the Working Group
on the State Purchasing Code of Conduct Laws**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative BURNS of Berwick and Senator: STRIMLING of
Cumberland, Representative: PINGREE of North Haven.

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

2 **Sec. 1. 5 MRSA §1825-B, sub-§12** is enacted to read:

3 12. Vendor's fee. A supplier of apparel, footwear or textiles with a winning bid
4 under this section must pay a fee in an amount equal to 1% of the bid to the State
5 Purchasing Agent. The State Purchasing Agent shall apply the fee under this subsection
6 to the costs of implementing and administering the state purchasing code of conduct
7 under section 1825-L, including developing a consortium to monitor and investigate
8 alleged violations of the code of conduct. The State Purchasing Agent shall adopt major
9 substantive rules under chapter 375, subchapter 2-A to carry out the purposes of this
10 subsection.

11 **Sec. 2. 5 MRSA §1825-S, sub-§1, ¶A**, as enacted by PL 2005, c. 554, Pt. A, §6,
12 is amended to read:

13 A. Requesting that each party found not to be in compliance with the code of
14 conduct provide continued access to independent monitors, if available;

15 **Sec. 3. 5 MRSA §1825-T** is enacted to read:

16 **§1825-T. Citizens' Code of Conduct Working Group**

17 The Citizens' Code of Conduct Working Group, as established in section 12004-I,
18 subsection 29-D and referred to in this section as "the group," advises the State
19 Purchasing Agent on matters related to this chapter.

20 1. Membership; terms; meetings; removal. The group consists of 9 members. Of
21 the 9 members, 7 must be members appointed by the Governor, including one member
22 representing an organization that represents uniform-wearing public employees, one
23 member who is an expert in global economics and supply chains, one member who is an
24 expert in business practices and economic development and 4 members who are
25 advocates for labor rights and just working conditions in the apparel, footwear and textile
26 industry and are based in the State. In addition to the members appointed by the
27 Governor, one member must be the Commissioner of Administrative and Financial
28 Services or the commissioner's designee and one member must be the State Purchasing
29 Agent or the State Purchasing Agent's designee.

30 The Commissioner of Administrative and Financial Services or the commissioner's
31 designee shall convene the first meeting of the group. The members shall elect a chair
32 from the membership by majority vote of the membership at the first meeting of the
33 group. The chair serves for the duration of that member's term unless a majority of the
34 membership elects another chair. At the end of the chair's term as member, the
35 membership shall elect a succeeding chair by majority vote of the membership. Members
36 serve for a term of 2 years. The group shall meet at least annually to conduct business
37 and to elect officers. A quorum consists of at least 5 members. The affirmative vote of a
38 majority of the members present is necessary to decide any business brought before the
39 group.

40 A member may be removed by the Governor for:

- 1 A. Failure to attend group meetings;
2 B. Ceasing to represent the interests delineated in this subsection;
3 C. Moving out of the State; or
4 D. Cause, as determined by the Commissioner of Administrative and Financial
5 Services.
- 6 **2. Duties of group. The group shall:**
- 7 A. Assist the State Purchasing Agent in matters relevant to developing a consortium
8 to monitor and investigate alleged violations of the code of conduct;
- 9 B. Assist the State Purchasing Agent and the liaison to the monitoring consortium
10 under section 1825-B, subsection 12 in implementing, administering and enforcing
11 the code of conduct;
- 12 C. Assist the State Purchasing Agent and the liaison to the monitoring consortium
13 under section 1825-B, subsection 12 with educational outreach to state employees
14 and vendors so that the code of conduct can be implemented effectively;
- 15 D. Investigate how the code of conduct may be applied to all purchases of items
16 covered by the code within the open market purchasing limit applicable to state
17 agencies; and
- 18 E. Recommend legislative or rule changes to the code of conduct.

19 **Sec. 4. 5 MRSA §12004-I, sub-§29-D** is enacted to read:

20 **29-D.**

21 <u>Finance</u>	<u>Citizens' Code of</u>	<u>Not authorized</u>	<u>5 MRSA 1825-T</u>
22	<u>Conduct Working</u>		
23	<u>Group</u>		

24 **SUMMARY**

25 This bill:

- 26 1. Charges a vendor's fee of 1% of the amount of a winning bid by a supplier of
27 apparel, footwear or textiles to the State to pay for the administration and implementation
28 of the state purchasing code of conduct, including allowing the State Purchasing Agent to
29 develop a consortium to monitor and investigate alleged violations of the code of
30 conduct;
- 31 2. Amends the laws regarding the state purchasing code of conduct to allow a party
32 found not to be in compliance with the code of conduct to provide continued access to
33 independent monitors; and
- 34 3. Creates the Citizens' Code of Conduct Working Group, with 7 members appointed
35 by the Governor and the State Purchasing Agent and Commissioner of Administrative
36 and Financial Service as ex officio members, to advise the State Purchasing Agent on

1 matters related to the state purchasing code of conduct and to help implement a
2 monitoring consortium for the code of conduct.