

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

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

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

The Commissioner of Administrative and Financial Services or the commissioner's designee shall convene the first meeting of the group. The members shall elect a chair from the membership by majority vote of the membership at the first meeting of the group. The chair serves for the duration of that member's term unless a majority of the membership elects another chair. At the end of the chair's term as member, the membership shall elect a succeeding chair by majority vote of the membership. Members serve for a

term of 2 years. The group shall meet at least annually to conduct business and to elect officers. A quorum consists of at least 5 members. The affirmative vote of a majority of the members present is necessary to decide any business brought before the group.

A member may be removed by the Governor for:

- A. Failure to attend group meetings;
- B. Ceasing to represent the interests delineated in this subsection;
- C. Moving out of the State; or
- D. Cause, as determined by the Commissioner of Administrative and Financial Services.

2. Duties of group. The group shall:

- A. Assist the State Purchasing Agent in matters relevant to developing a consortium to monitor and investigate alleged violations of the code of conduct;
- B. Assist the State Purchasing Agent and the liaison to the monitoring consortium under section 1825-B, subsection 12 in implementing, administering and enforcing the code of conduct;
- C. Assist the State Purchasing Agent and the liaison to the monitoring consortium under section 1825-B, subsection 12 with educational outreach to state employees and vendors so that the code of conduct can be implemented effectively;
- D. Investigate how the code of conduct may be applied to all purchases of items covered by the code within the open market purchasing limit applicable to state agencies; and
- E. Recommend legislative or rule changes to the code of conduct.

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

29-D.

Finance

Not
authorized

5 MRSA 1825-
I

Citizens' Code
of Conduct Working
Group

SUMMARY

This bill:

1. Charges a vendor's fee of 1% of the amount of a winning bid by a supplier of apparel, footwear or textiles to the State to pay for the administration and implementation of the state purchasing code

of conduct, including allowing the State Purchasing Agent to develop a consortium to monitor and investigate alleged violations of the code of conduct;

2. Amends the laws regarding the state purchasing code of conduct to allow a party found not to be in compliance with the code of conduct to provide continued access to independent monitors; and

3. Creates the Citizens' Code of Conduct Working Group, with 7 members appointed by the Governor and the State Purchasing Agent and Commissioner of Administrative and Financial Service as ex officio members, to advise the State Purchasing Agent on matters related to the state purchasing code of conduct and to help implement a monitoring consortium for the code of conduct.