

26 January 2006

Senator Elizabeth M. Schneider, Chair
Committee on State and Local Government
100 State House Station
Augusta, ME 04333-0100

Senator Schneider and members of the committee:

I offer this testimony in support of LD 1769, An Act to Strengthen Maine's Purchasing Code of Conduct. The new statute has been carefully crafted by the Division of Purchases and reflects the experience gained by the State and by organizations represented in the Maine Clean Clothes Alliance in enforcing ethical purchasing policies.

As the chair of the University of Maine at Farmington's Purchasing Policy Practices Committee and its representative to the Maine Clean Clothes Alliance, I have been involved in crafting and implementing ethical purchasing codes over the last six years. The states, municipalities, and universities who have adopted these codes have taken a clear stand against using taxpayers' or students' money to support the exploitation of workers. Maine was a leader in these initiatives: Bangor was the first city in North America to adopt a clean clothes resolution; the University of Maine at Farmington "went clean" in 2000, the first institution of higher education in the state to do so; and the State of Maine adopted its first-in-the-nation ethical purchasing code in 2002.

If a code of conduct is to be anything more than symbolic, however, it must have clear and effective procedures for enforcement, including mechanisms for investigating and adjudicating complaints and sanctions for noncompliance. At UMF, we have struggled over what to do about vendors who have signed on to our ethical purchasing policy but nonetheless sell us items we have reason to suspect were made in sweatshops. We do not have the means to investigate the working conditions in manufacturing facilities; in some circumstances, neither do the vendors. We struggle over how to answer students buying t-shirts for Spring Fling when they ask us, "Is Fruit of the Loom clean?" The State of Maine had similar problems last year when a complaint was lodged against Gildan, alleging abuses in one of its manufacturing facilities. The Division of Purchases lacked the means to investigate the complaint and the authority to cease to do business with Gildan should it refuse to correct proven violations of the purchasing code.

LD 1789 gives substance to Maine's Purchasing Code of Conduct by delineating a complaints procedure that makes it possible for workers or third party representatives to make use of the law. It defines and allows for independent monitoring and adds sanctions against non-compliant companies. It also establishes a working group to investigate the creation and funding of an independent investigative consortium in collaboration with other local and state governments. Not coincidentally, a consortium of universities with ethical purchasing policies have joined efforts to explore the feasibility of a Designated Supplier Program, which would require university licensees to manufacture a certain percentage of the goods they produce for members of the consortium in facilities deemed "clean" by an independent monitoring organization. One can imagine a few years down the road a consortium of states, municipalities, and universities with enough economic clout to create incentives for businesses to sustain—or regain—their fair labor practices. The turning of the tide against sweatshops will begin with initiatives like those set out in LD 1789.

I thank the committee for its support of the legislation that created Maine's ethical purchasing code and urge you to take the next step by supporting LD 1789. This is not a partisan issue. Rewarding ethical business practices and discouraging the kind of worker exploitation that has

resulted in the loss of tens of thousands of manufacturing jobs in Maine makes good law and good sense. It is a step toward creating the kind of world we want to live in.

Lee Sharkey, Chair
Purchasing Practices Policy Committee
University of Maine at Farmington