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Lock Kiermaier

STATE OF MAINE

Citizen Trade Policy Commission

October 29, 2014

The Honorable Paul R. LePage
Office of the Governor
#1 State House Station
Augusta, ME 04333-0001

Re: Questions emanating from:
2014 TRADE POLICY ASSESSMENT
Prepared for the Maine Citizen Trade Policy Commission
Maine Agriculture and Food Systems in the
Transatlantic Trade and Investment Partnership
by Karen Hansen-Kuhn, Institute for Agriculture and Trade Policy and
John Piotti, Maine Farmland Trust
July 2014
<http://maine.gov/legis/opla/2014%20Final%20Assessment.pdf>.

Dear Governor LePage:

As you know, the Maine Citizen Trade Policy Commission (CTPC or Commission) is established in Maine State Law "...to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements."

In seeking to fulfill its statutory mandate, the Commission voted unanimously during its meeting of October 7, 2014 to submit this letter to you requesting certain information about the topic of procurement as it relates to the Transatlantic Trade and Investment Partnership (TTIP) which is currently being negotiated between the United States and member nations of the European Union. This request emanates from the 2014 Assessment that the CTPC commissioned earlier this year; we have previously provided your office with a copy of the Assessment which can also be viewed in its entirety at the CTPC website which is referenced at the beginning of this letter.

Our request for information is based on one of the suggestions raised by the authors of the 2014 Assessment. This suggestion pertaining to procurement is conveniently summarized in the Executive Summary on page 1 of that document. To paraphrase that suggestion:

Can you please provide us with information on any meetings or other communications that your office has had with EU or U.S. officials on potential procurement commitments under the trade agreement (TTIP), both in terms of possible risks to local foods programs and more generally to clarify the process of agreeing to those commitments at the state, county or city level?

Citizen Trade Policy Commission
c/o Office of Policy & Legal Analysis
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670

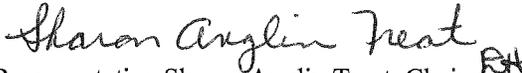
As background, Commission members are concerned about the degree to which the TTIP may compromise or threaten the existence and effectiveness of state or locally authorized food procurement programs, which are quite important to the continued vitality of local agriculture within the State of Maine. Some months ago, it came to the attention of Commission members that EU officials, or representatives of EU member countries, may be directly contacting states seeking commitments to be bound by the procurement provisions in TTIP before these provisions have even been decided upon or made public. If this activity is in fact taking place, it would be highly inappropriate; such requests should come from our own federal government after informing the Intergovernmental Policy Advisory Committee (IGPAC), which advises the U.S. Trade Representative on issues affecting state governments.

As you know, Maine law (10 MRSA §13) requires that if the U.S. government provides the State with the opportunity to consent to or reject binding the State to a trade agreement, or a provision within a trade agreement, then an official of the State, including but not limited to the Governor, may only bind the State or give consent to the U.S. government to bind the State after consultation with the CTPC and with the Legislature's approval. In addition, Maine has specific procurement administrative rules for certain goods.

We appreciate your consideration of this request, which is intended to help the Commission carry out its advisory responsibilities on trade policy. We welcome any questions that you may have about this request and we look forward to hearing from you.

Sincerely,


Senator Troy Jackson, Chair


Representative Sharon Anglin Treat, Chair

cc:

Senator Susan Collins

Senator Angus King

Representative Michael Michaud

Representative Chellie Pingree

Senator Eloise Vitelli, Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Representative James Dill, Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

John Butera, Senior Economic Advisor, Governor's Office