

**Citizen Trade Policy Commission**  
**Friday July 18, 2008**  
**Transportation Committee Room, Augusta**  
10:00 A.M. Commission Business Meeting

**Meeting Summary**

**Members present:** Sen. Margaret Rotundo, Senate Chair, Rep. John Patrick, House Chair, Rep. Sharon Treat, Rep. Jeffery Gifford, Elsie Flemings, Malcolm Burson, Cynthia Phinney, Linda Pistner, Jane Aiudi, John Palmer, Leslie Manning, Sarah Bigney, John Palmer and Peter Connell.

**Staff present:** Natalie Haynes, Legislative Analyst

**1. Commission introductions**

**2. Staffing update:** Sen. Rotundo provided a staffing update detailing the current status of staffing for the commission, including the recent update that Judy Gopaul has accepted a position with the Department of Labor and the chairs intend to meet with the OPLA Director to discuss future staffing plans.

**3. Commission discussion regarding the Vermont resolution:**

Rep. Treat discussed her plans to attend the upcoming NCSL meeting on trade and distributed to members a copy of the Vermont resolution entitled “China’s Challenge to State Law-Making Authority,” which was introduced by Senator Ginny Lyons of Vermont on July 11, 2008 before the NCSL Labor & Economic Development Committee. After some discussion, the commission voted unanimously to endorse this resolution and requested that a summary of the vote be drafted by staff in time for Rep. Treat to present at the NCSL meeting.

**4. Conference call with Congressional staff members:**

Commission held a conference call with Congressional staff members (Dylan Williams - Sen. Snowe’s office; Kim Glas – Rep. Michaud’s office; and Alison Walsh – Rep. Allen’s office). Dylan provided an update on the Senate perspective regarding the status of the discussions on the trade adjustment assistance program and informed members that issues of trade enforcement may come up in these discussions, as well as the Columbia Free Trade Agreement. Dylan stated that Sen. Snowe has voted for some free trade agreements and opposed others, always looking at the impact on Maine. Kim stated that House leadership is assuring members that the Columbia Free Trade Agreement will not be debated or acted on in the House this year. Kim offered to provide members with information on Rep. Michaud’s proposed legislation on the trade act. There was some discussion on the trade enforcement bill, and Alison stated that any bill should have a ramp up in staffing for the USTR to deal with the numerous trade agreements. Dylan briefly identified Sen. Snowe’s bill (S-460) as a way to give appellate authority to the US Court of International Trade to ensure that claims for violations of agreements are brought by USTR. Both Alison and Kim noted support for the Trade Act, and Dylan stated that Sen. Snowe supports much of it, but other pieces

she needs more input from the Maine business community to determine its potential impact. Kim stated her office's desire to develop a new model for enforcements and trade agreements, but with the presidential election it was unclear if the model would be changed at all, or to what degree it would be changed. Kim stated that consultation with the states to ensure state sovereignty was strongly supported.

#### **5. Conference call with Peter Riggs (Forum on Democracy and Trade).**

Peter reviewed the July 15<sup>th</sup> GATS conference call, which he stated was convened due to the Doha Round, mostly regarding trade logistics. The working party on domestic regulation is not a prominent enough piece to stop the consensus. Proposed trade measure is the most important thing that could impact the states' regulatory authority. The national delegation is already reading this material and Maine's letter was widely circulated in Geneva. There were 3 recommended actions made to the Forum: (1) Bob wants to work with the AG and Commission to draft policy focused papers; (2) work regionally; and (3) when states engage in WTO issues, make sure national organizations, like NCSL and NAAG hear about it. Three recommendations were made to the Forum: (1) put together a trade 101 power point presentation for use at hearings, etc.; (2) prepare one page summaries for their website; and (3) help with editorial boards, and get news stories on the commission generated. Peter stated that at next week's NCSL meeting there would be 8 different resolutions to be considered by the Labor Committee, including the one from Sen. Lyons.

Peter discussed the regional meeting to be held on September 19<sup>th</sup> in Manchester at 9:30 in the morning. Discussion will include problems with state/federal dialogue, pointing out what states want to do differently. Also, they will share and compare commission educational materials and trade slideshows, as well as have a discussion on congressional strategy. There was general discussion on the regional meeting and carpooling options. Peter stated that the Forum has set aside rooms for Thursday and Friday.

#### **6. Update from Rep. Burns:**

Rep. Burns provided a brief update on Kennebunk/Nestle water issue and two constituents were present to provide testimony on the issue. Rep. Burns informed the members that the Superintendent of the Water District indefinitely postponed the motion to enter into a contract with Nestle, but stated that residents remain very concerned about future attempts by international corporations to enter into a contract with the Water District and the potential for international laws to supersede local control and state laws.

#### **7. Update from Linda Pistner:**

Linda provided a brief summary of the application to Maine of the new transparency obligations proposed by the Chairman's fourth draft of proposed disciplines under GATS. She stated that the Maine APA standardizes the due process requirements in state and federal law to make it easier for agencies to apply the law. She explained that agencies have the authority to fill in the gaps to the extent necessary and proper to fulfill the statutory requirements, and courts give deference to their decisions, unless inconsistent with their statutory authority, because agencies are responsible for applying and enforcing the law. She further explained that GATS is largely consistent, or substantially similar with the APA, however the transparency proposal requires all rules to be posted in detail. This could be problematic since agencies have a course of dealing, which is not necessarily written down; publication of technical standards, the use of experts to apply regulations, or criteria for assessment of qualifications, which often involves accepting best professional judgment, are examples of where the state may have difficulty meeting the "detailed information"

requirements. Linda stated that agency standards are similar from state to state, and there could likely be agreement on how these areas may be of common concern among the states. Linda offered to continue her analysis on this issue.

#### **8. Planning discussion:**

The Commission agreed to postpone the “work shop”, which was tentatively scheduled for Friday, September 26<sup>th</sup> until January 2009. Members agreed that the planning session would be most effective if it was postponed until after any new appointments are made. Members agreed to decide the date for the January workshop at the next meeting.

#### **9. Public hearing in Bangor:**

Members agreed that the next meeting would be a public hearing on October 9<sup>th</sup> from 6 to 9pm at Husson College and that it would be a public hearing as well as a trade forum for congressional and state candidates, as well as presidential candidates (their surrogates). The trade forum would allow for public testimony, a time for candidates to speak on the issues, as well as time for questions from the audience. Staff was directed to invite candidates to the meeting.

#### **10. Commission’s Assessment:**

General discussion on the assessment and members agreed to think of ideas as to how to move forward with the assessment at the next meeting.

#### **11. Next meeting date:**

Members agreed that there would be no meetings in August or September and the next meeting would be held on October 9<sup>th</sup>. The public hearing in October will be held in lieu of the commission’s regular October meeting. Sen. Rotundo, Leslie and Sarah would be involved in distributing the proposal for the next meeting.