

Citizen Trade Policy Commission

Friday November 19, 2010, 9:00 A.M.
State House, Transportation Committee Room (Rm 126) Augusta

MEETING SUMMARY

Members present: Sen. Sherman, Rep. Rotundo, Rep. Treat, Rep. Gifford, Linda Pistner, Michael Roland, Wade Merritt, Carla Dickstein, Sarah Bigney, Cynthia Phinney, Paul Volckhausen, Michael Herz, John Patrick and John Palmer.

Forum on Democracy and Trade – Dana Eidsness. Ms. Eidsness updated the commission on recent developments regarding the proposed Trans-Pacific Partnership (TPP) specifically, how tobacco will be treated in the proposed TPP. Phil Morris International is working to have the TPP follow the current U.S. model for trade agreements that treats tobacco trade like any other sector. The Forum is concerned that this could strengthen the tobacco industries' ability to challenge the strongest regulations on tobacco such as the Federal Food and Drug Administration's newly proposed labeling regulations, that serve as models for implementing the WHO Framework Convention on Tobacco Control. Ms. Eidsness suggested the commission send a letter to USTR opposing the inclusion of investor-state provisions in an investment chapter in the TPP and request that tobacco be specifically carved out of the TPP and any future trade agreement. The commission voted 12-0 to send such a letter to USTR.

Nominations for IGPAC, Ms. Eidsness informed the commission that the Vermont trade commission is planning to submit three names to USTR for consideration in IGPAC but did not know if N.H., Washington or Massachusetts would submit names. Rep. Rotundo asked commission members if there was anyone else from the commission they would like to have considered for membership on IGPAC. There were no more names suggested. At a prior meeting, the commission nominated Rep. Treat for consideration by USTR to become an IGPAC member. During the October 15, 2010 meeting, commission member John Palmer suggested the nomination of Sarah Bigney but she declined.

Sarah Bigney – report on federal/state consultation model. Ms. Bigney provided the commission with a draft position/working paper on state-federal consultation as a starting point for discussion by the commission. Commission members carefully considered the document and discussed possible amendments to the draft including the possibility of turning it into a Resolution for consideration by the full Legislature. Rep. Rotundo asked Ms. Bigney to e-mail the document to all commission members for further refinement and consideration before the next meeting. The commission will continue to work on the document at its next meeting.

Rep. Rotundo – possible groundwater legislation. Based on the recommendations of the 2010 report, *The Potential Impact of International Trade Agreements on Ground Water Withdrawal Regulations*, the commission considered the possibility of submitting legislation to the 125th Legislature. In particular, the commission discussed the feasibility of legislation that would require a foreign corporation to contractually waive its ability to seek remedial action through an international tribunal. Concerns were raised about the message such legislation might send to foreign investors/businesses and discussion ensued about limiting such a waiver to procurement

contracts. Robert Marvinney, Maine State Geologist, was present for the discussion. The commission directed staff, in consultation with the Attorney General, to draft language for consideration at the next meeting that would require procurement contracts with the state to include a provision that would waive the ability of a party to the contract to seek remedial action in a foreign forum. The commission directed that the draft language should only apply to procurement.

Education outreach. The commission discussed how to approach joint standing committees of the legislature regarding the opportunity to provide information about international trade agreements. Rep. Rotundo is talking to leadership about possible options and suggested that OPLA would be a good resource for informing joint standing committees about the possible impacts of international trade agreements on bills before the committees. The commission asked the Forum on Democracy and Trade to look into creating a document that could be used for such purposes.

Public hearing. The commission agreed to have the Calais public hearing in April because of weather concerns. The commission will try to identify a specific hearing date at the next meeting.

Agenda items for the next meeting. The agenda for the next meeting will include items designated for further discussion during this meeting.

Adjournment: The meeting adjourned at 11:20AM.