

Citizen Trade Policy Commission
Friday January 25, 2008
Room 206, Cross State Office Building

9:00 A.M. Commission Business Meeting

Meeting Summary

Members present: Sen. Margaret Rotundo, Senate Chair, Rep. John Patrick, House Chair, Sen. Kevin Raye, Sen. Bruce Bryant, , Rep. Jeffery Gifford, Elise Flemings, Michael Burson , John Palmer, Leslie Manning, Wade Merritt, Sarah Bigney, Malcolm Burson, Paul Volckhausen, Wade Merritt, and John Palmer

Guest Speakers: Peter Riggs, Forum on Democracy & Trade; and Kaye Wilkie, Chair, Intergovernmental Policy Advisory Committee, and as Director of International Policy, New York State, Department of Economic Development

Staff present: Curtis Bentley, Legislative Analyst and Judy Gopaul.

- I. Colombia Free Trade Agreement** – Peter Riggs discussed the politics, pros and cons of the Colombia FTA. (See Attachment). Mr. Riggs thought that the president would send the bill to Congress sometime in March, however, he felt that there was not much support for the agreement. Kay Wilkie gave a brief history of IGPAC, her role in the IGPAC. She also spoke about the Antigua internet-gambling case. Ms. Wilkie also gave her view on the agreement, that the majority of the provisions in the Colombia FTA were similar to NAFTA – not a fair agreement. She suggested that states should engage in the free trade policy process, think proactively about how states can build capacity to influence federal policy.
- II. Action to be taken:** The Commission agreed to delay their decision and vote on the Colombia FTA until they had an opportunity to hear testimony from Maine citizens at the public hearing on February 21st, 2008. It was agreed that the commission would meet after the public hearing to discuss and vote on what action should be taken – whether to send a letter with the commission’s and Maine citizen concerns to the Maine delegates and Governor Baldacci.
- III. Legislative Document 2096** – After discussion, the commission decided that it could not make a decision on the support the bill in its present form, further discussion was needed. The commission asked that Representative Patrick clarify that the bill was being introduced by him and not from the commission.
- IV. Subcommittees** – Time did not permit for a discussion on this matter.
- V. Public Hearing** - Confirmation on the February 21, 2008 public hearing. Venue would be South Portland Community Center, 21 Nelson Street, So. Portland, ME.

Commencing at 6:00 p.m. Invitations will be sent to the Maine Congressional delegation, Maine senate and house members, business owners, and experts in international trade, NAFTA and Latin American Trade and the media.

- VI. Next Meeting -** A request was made to hold future CTPC general meeting on the third Friday of every month. The meeting is to commence at 9:00 a.m. when the legislature is in session and at 10:00 a.m. when not in session.
- VII. Adjournment.** The commission adjourned its meeting at approximately 2:00PM.

Forum on Democracy & Trade: Pros and Cons of the Colombia FTA

Provision	Pros	Cons
Agriculture	The U.S. will achieve significant new market access for its exports due to a reduction in most tariffs. Colombia has some specialized product niches, such as in cut flowers, tropical and subtropical fruits, and some seafood and livestock products, and this will secure their access to the U.S. market, with benefits for Maine consumers.	The great majority of Colombian farmers are subsistence or near-subsistence levels, and may not be able to compete with the import of cheaper, and in many cases subsidized, U.S. grains and meats. The elimination of the agricultural price band will cause hardship for rural Colombians. This could lead to further impoverishment and possibly both outmigration and an increase in the production of narcotics--with indirect impacts on Maine.
Intellectual Property	High levels of intellectual property protection significantly help Maine industries abroad.	Intellectual property provisions on Pharmaceuticals go beyond what are required in the WTO, and may limit the access of Colombians to essential medicines. While the agreement doesn't impact Mainer's access to medicines, it's not 'fair' at a global level, where poorer countries have less purchasing power.
Services	The United States runs an international surplus in terms of service exports and it's the key area of our economy. Maine is seeking to expand its export of services, particularly in the financial and high-tech sectors.	The United States runs an international surplus in terms of service exports and it's the key area of our economy. Maine is seeking to expand its export of services, particularly in the financial and high-tech sectors.
Investments	U.S. investors, particularly in the extractive industry sectors, should have protections against expropriation, and a means to litigate their concerns outside of Colombia's overburdened judiciary.	Maine and the National Conference of State Legislatures are both 'on record' as opposing the extension of 'investor-state' dispute resolution to new Free Trade Agreements. Investment chapters in Free Trade Agreements have been used to bring claims against U.S. state and municipal actions, and these cases are very burdensome to defend against.
Labor	The Uribe government is doing whatever it can to address the problem of violence against trade unionists.	The Uribe government is NOT doing whatever it can, and anyway the effort will evaporate once the agreement is signed. The United States shouldn't sign an FTA with a country that has such an egregious labor and human rights record. There isn't enough in the agreement to compel serious changes.
The Global War on Terror Issues	Colombia has been a staunch ally in South America, during a turbulent time, and we should reward the Colombian government for its support, and acknowledge President Uribe's leadership.	It's never been made clear how the Free Trade Agreement relates to 'Plan Colombia' goals, particularly if the agriculture chapter may end up undermining anti-narcotic 'crop substitution' programs in the countryside.

Citizen Trade Policy Commission

Friday March 21, 2008

Room 206, Cross State Office Building

9:00 A.M. Commission Business Meeting

Meeting Summary

Members Present: Chair, Rep. John Patrick, House Chair, Sen. Kevin Raye, Sen. Bruce Bryant, Rep. Jeffery Gifford, Rep. Sharon Treat, Elise Flemings, Michael Burson, John Palmer, Wade Merritt, Sarah Bigney, Malcolm Burson, Linda Pistner, Paul Volckhausen, Wade Merritt, Peter Connell, and John Palmer.

Staff present: Curtis Bentley, Legislative Analyst and Judy Gopaul, Policy Assistant.

- I. Colombia Free Trade Agreement** – A letter was drafted for review and comments were obtained from the commission prior to this meeting. However, during the meeting some concerns were voiced regarding certain “inflammatory” words/phrases contained in the letter. Wade Merritt agreed to revise the letter; after which the letter would be sent to the commission members for final review and approval. Note: The approved letter was sent to the Maine Congressional delegation on March 24, 2008.
- II. Lead in Toys:** The Maryland bill was discussed regarding the lead in toys and consumer products from China. Sarah Bigney distributed additional information on this topic. Ms. Bigney wanted the commission to consider the effects on the workers who manufactured these products. The commission members were concerned about the implications that this type of action, by a foreign nation, would have on the ability of as a sovereign state to legislate the safety and protection of its citizens. Attached is a summary of the analysis by Forum on Democracy & Trade. The analysis focused on the Maryland bill because it is where the World Trade Organization’s (WTO) complaint was directed. Maine has introduced a similar bill (“lead in consumer products”) in legislative documents 2048 and 2218.
- III. Motion:** A motion was made by Rep. Sharon Treat for the commission to send a letter to U.S. Trade Representative (USTR) requesting information on: 1) what agency/entity within the U.S. federal government is responsible for notifying WTO member nations of state legislation; 2) how often or how routinely such notification occurs; 3) what mechanism or process is used to monitor state legislation; and 4) why the WTO was notified of impending state legislation. Note: The approved letter was sent on April 23, 2008, response from USTR is expected around the middle of May, 2008.

Senator Bryant seconded the motion. Vote: unanimous.

- IV. Legislative Document 2096** – The bill died. Rep. Patrick suggested that the bill, with amendments and a mechanism for including states rights in the state process, could be introduced again during the 2008-2009 legislative session.
- V. Public Hearing** – Testimonial summaries of the public hearing, held on February 21, 2008, in South Portland, were uploaded to the commission's website
- VI. Discussion:** Atlantica: The International Northeast Economic Region (AINER). Atlantica is the name given to a proposed "border-free" plan that would create an integrated cross-border economic region that encompasses (Newfoundland, P.E.I., Nova Scotia and New Brunswick), eastern Quebec, and the New England states of Maine, New Hampshire, Vermont, and of Northern New York. Atlantica is part of the Security and Prosperity Partnership of North America, which aims to create a common market to integrate the Canada's East Coast with the northeastern United States. Proponents say that "the removal of barriers and harmonization of regulations" will provide corporations with more privileges than those they already enjoy with NAFTA (the North American Free Trade Agreement). The plan would erase border restrictions and regulations and create a huge transportation corridor to send Asian goods and energy resources to the United States. Matt Schlobohm and Wade Merritt agreed to provide the commission with information on Atlantica and to suggest names of guest speakers (for and against) who would be willing to make a presentation to the commission. For more information about Atlantica can be found at <http://www.atlantica.org/>. See Also: <http://www.aims.ca/> for information on Atlantic Institute for Market Studies.
- VII. Next Meeting:** May 16th, 2008 scheduled for 10:00 a.m. The commission voted to postpone the April 18th, 2008 general meeting.
- VIII. Adjournment:** The commission adjourned its meeting at approximately 11.10 a.m.

Citizen Trade Policy Commission

Friday May 16th, 2008

Transportation Committee Room

10:00 A.M. Commission General Meeting

Meeting Summary

Members Present: Chair, Senator M. Rotundo, Rep. Sharon Treat, Elise Flemings, Rep. Jeffery A. Gifford, Jane Auidi, Sarah Bigney, Malcolm Burson, Linda Pistner, Paul Volckhausen, Carla Dickstein, Elsie Flemings, Cynthia Phinney, Linda Pistner, and Perry Newman.

Staff present: Curtis Bentley, Legislative Analyst and Judy Gopaul, Policy Assistant.

Guest Speakers: Representing USTR was Ms. Tiffany Moore, Assistant U.S. Trade Representative for Intergovernmental Affairs & Public Liaison. Representing the Forum on Trade and Democracy were Robin Lunge and William Warren.

UPDATES:

- I. United States Trade Representative** (via conference call) – Ms. Moore reported that forty percent of the U.S. economic growth came from exports and that the U.S. would continue its policy on increasing its exports and to advance the World Trade (WTO) Organization's Doha Development Agenda in the areas of agriculture, industries and services sectors. She also spoke of the U.S. commitment to the Colombia Free Trade Agreement and its continued negotiations and discussions with China on the trade issues relating to intellectual property, market access and auto parts. Ms. Moore stated that a response to the Commission's letter of April 23, 2008 requesting information on USTR/WTO notification protocol was forthcoming. On the issue of China's objection to the Maryland's "lead in children's toys" bill, Ms. Moore stated that USTR notified China about that bill by mistake, because of a glitch in their electronic database that monitors federal agency regulations (not federal and state legislation) and notifies foreign governments of pending federal regulations for transparency purposes. She didn't think that China would continue to pursue the matter and that even if China did its claims as stated in its letter were without merit. This electronic database is managed by the, National Institute of Standards and Technology (NIST), and is a non regulatory federal agency within the U.S. Department of Commerce. Ms. Moore stated that USTR has been working on rectifying this problem so that it never happens again. Ms. Moore stated that China's objection should have been made through WTO's customary channels and not made directly to Maryland. She asserted that Maryland's proposed law should not be impacted by trade agreements because it dealt with the protection of human

health and safety. Ms. Moore assured the commission that the USTR was committed to ensuring the safety of imported goods and its citizens, and that the administration's policy on domestic regulations and the sovereignty of the states to exercise its legislative powers has been consistent. Ms. Moore disagreed with the notion that state laws can be challenged under trade agreements and felt states could continue to regulate domestic matters as states have traditionally done.

- II. Forum on Trade and Democracy** – Robin Lunge and William Warren. Briefed the Commission on NCSL's continued debate on the Columbia FTA and stated that there is a major effort to get state support for the agreement. William Warren also briefed the Commission on the current activities regarding the regulation of lead in consumer products by states. He said that a challenge to these law may be based on grounds that they violate WTO agreements on technical barriers and that they are not the least restrictive way to prevent exposure to unsafe levels of lead in toy
- III. Representative Sharon Treat** – Representative Treat attended the National Conference of State Legislatures' 2008 Spring Forum in Washington, D.C. She Representative Treat reported that the Colombia Free Trade Agreement resolution on was voted down – seven (7) against, four (4) in favor and one (1) abstention. Representative Treat distributed copies of the commissions' letter objecting to the Colombia Free Trade Agreement and copies of the summary of the testimonials made at the February 21, 2008 CTPC public hearing in Portland, ME., to the twelve (12) legislative members and other NCSL conference attendees. Representative Treat commented that the Ambassador for Colombia and other White House officials were in attendance at this forum.
- IV. Update GATS letter to USTR** – Because the Chair of the Working Party of Domestic Regulations recently released a 4th draft of proposed rules, the Commission directed staff to update the Commission's 2006 letter to USTR regarding an earlier draft of the proposed disciplines to address ongoing concerns on the issues of transparency, state authority and other issues raised by the new draft. On the issue of transparency, Linda Pistner offered to look at Maine's Administrative Procedures Act (APA) to ascertain whether Maine meets the terms of the new proposed transparency obligations provided in the Chairman's fourth draft.
- V. Future direction of Commission** - Commission members agreed to set aside a meeting in the fall to talk exclusively about what is the most effective way for the Commission to continue its work. Members also agreed that a facilitator would ensure that the meeting is as productive as possible. Discussed scheduling the meeting for half a day in early September and directed staff to work with Commission members to find an appropriate date.
- VI. Maine's newly enacted law regarding lead in consumer products:** Specifically, An Act To Protect Children's Health and Environment from Toxic Chemicals in Toys and Children's Products Chapter (Public Law 2007) Sec. 1.38 MRSA §1609 et.seq., sub §10. Staff provided the Commission with an update on bills that were before the Second Regular Session of the 123rd Legislature that addressed lead in consumer products.

- VII. Guest Speaker for June 20th, 2008 Meeting:** On the recommendation of Perry Newman, the commission extended an invitation to Brian Crowley, Ph.D., the founding President of the Atlantic Institute for Market Studies (AIMS), to speak on the Atlantica “project.” AIMS is Atlantic Canada's public policy think tank.
- VIII. Public Hearing** – To be discussed at the next general meeting. Members were to provide possible dates (early in October) for the hearing. It was also suggested that invitations to attend this public hearing be extended to the Maine Congressional delegation.
- IX. Next Meeting:** June 20th, 2008 scheduled for 10:00 a.m. in the Transportation Committee Room, #126.
- X. Adjournment:** The commission adjourned its meeting at approximately 12.10 a.m.

Citizen Trade Policy Commission

Friday 20th June 2008, 10:00 A.M.
Transportation Committee Room, Augusta

Meeting Summary

Members Present: Rep. John Patrick, House Chair, Sen. Kevin Raye, Representative Sharon Treat, Elise Flemings, Michael Burson, Leslie Manning, John Palmer, Linda Pistner, Sarah Bigney, Paul Volckhausen, Perry Newman, and Matt Schlobohm.

Staff Present: Judy Gopaul

I Presentation by Guest Speakers:

A. Brian Crowley. Mr. Crowley is the founding President of the Atlantic Institute for Market Studies (AIMS), Atlantic Canada's public policy think tank. Dr. Crowley spoke about the concept of Atlantica and the economic benefits it would have for Maine. He stated that the key to diversifying the region's markets and promote economic growth is to improve the transportation infrastructure through southern New Brunswick and through Maine to the other New England states.

To read Dr. Crowley's presentation (and to view the slides) before the Citizen Trade Policy Commission on June 20th, 2008, please go to the following websites:

Blurb- <http://www.aims.ca/aimslibrary.asp?ft=3&id=2198>;

Talk- <http://www.aims.ca/library/AtlanticaAugusta.pdf>

Slide- <http://www.aims.ca/library/AtlanticaAugustaSlides.pdf>

B. Leo Broderick. Mr. Broderick is the Vice-Chair of Council of Canadians and is a community activist, past president of the PEI Teachers' Federation and former vice-president of the Canadian Teachers' Federation. Mr. Broderick emphasized that Scott Sinclair,* one of Canada's top trade analyst, opined in his analysis of Atlantica, that it would be implausible – “an unwise idea” and have serious detrimental effects on the environment and Atlantic Canada. Mr. Broderick added that the proposed transportation corridor would have little economic benefit outside of Halifax.

Mr. Broderick stated that Atlantica only attempts to create a super port in Halifax (Nova Scotia) as the major port of entry for imports from India and China. From there, imports would be transported to the heartland of the United States, with Maine being simply a pass-through. He stated that Atlantica is at the forefront of this endeavor, and that the Canadian government has appropriated \$2.1 billion (Cnd) for the gateway proposal. He also stated that a similar scheme, “Pacifica,” was also being promoted on the west coast (Canadian) ports. These ports were already making improvements to increase their capacity. Also, the expansion of the Panama Canal is already well underway. Mr. Broderick stated that a study conducted by CIBC World Market Inc. found that

globalization is in reverse because of high energy prices. The study also stated that there would be fewer and fewer container ships bringing goods from China and India, and there will be a resurgence of more factories along the American Mexico border. Atlantica is not a feasible project, and any the potential benefit may only be realised in Asia.

*Scott Sinclair's analysis, *Atlantica, Myths and Reality* can be found at:
http://www.policyalternatives.ca/documents/National_Office_Pubs/2007/Atlantica.pdf

II Set Dates for Regional and public meetings and commission workshop:

The commission members were given possible dates for the Regional Northeastern States Meeting – (September 11,12, 13, 18, 19, 20). The commission suggested that the next public hearing might be held between October 1- 15, 2008, so that the four congressional delegates could participate in a round table discussion. Staff is to inquire from the delegates whether they would be able to participate in such a forum and to provide the commission with dates that would be convenient to the delegates. Bangor has been suggested as a possible venue for the next public hearing. The commission was asked to submit possible dates in September for the commission discussion/workshop on the strategic direction of the commission.

III International Water Trade - Kennebunk/Nestle Agreement

William Warren, Georgetown University School of Law, provided the commission with an analysis of the issues. Mr. Warren discussed the Kennebunk Nestle proposed agreement and the implications of such an agreement on trade, in particular on whether the GATS agreement would have an impact on water policy generally. A transcript of Mr. Warren's discussion will be available on the CTPC website.

A copy of the Kennebunk/Nestle agreement was provided to the commission. For more information on water trade issues please visit: Forum on Democracy and Trade at: <http://www.forumdemocracy.net/article.php?list=type&type=120>

IV *Removing WTO Barriers to Our Climate Change Solutions* - Public Citizen's Global Trade Watch June 19th, 2008 tele-conference. During the tele-conference, Todd Tucker, Research Director, of Global Trade Watch, raised the question of how do WTO rules limit state and federal climate policy and what can be done about it. Tucker discussed state climate initiatives, possible WTO threats to these important innovations, and how state officials can safeguard their policy-making authority. He also stressed that states should collaborate and build consensus on climate control policies and protection and to continue to put pressure on the federal government to make the necessary changes. For more information on this topic please visit: <http://www.citizen.org/documents/PresidentialWTOreport.pdf>. The report is titled *Presidential Candidates' Key Proposals on Health Care and Climate Will Require WTO Modifications Overreach of WTO Highlighted by Potential Conflicts with Candidates' Non-Trade Proposals*.

V Other Comments:

1. The Commission's June 16 2006 GATS letter was updated and was sent out on June 2, 2008. A copy of this letter has been uploaded to the commission's website.
2. Linda Pistner will present her analysis to the commission on whether the Maine's Administrative Procedure Act meets the new transparency obligations proposed by the Chairman's fourth draft of proposed disciplines under GATS, at the July 18, 2008, CTPC meeting.

VI Invitation:

The commission was invited to participate in a conference call on GATS Domestic Regulations on July 15, 2008.

VII Next Meeting: Will be held on July 18, 2008 at 10:00 A.M. in the Transportation Committee Room #126.

VIII Audio Presentation Available: Audio file of Dr. Crowley's, Mr. Broderick's, and William Warrens' presentation will be available on the CTPC website.

IX Website Video Available : This meeting was video taped by Martha Spiess and is available at www.maineairtrade.org. The top line June 20 link is the William Warren phone assessment to the commission

X Adjournment: The commission adjourned the meeting at approximately 1:45 pm

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 15th 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 19th 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 26th 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 9th 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 9th. 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.

1 **CITIZEN TRADE POLICY COMMISSION MEETING**
2 **SUMMARY**
3 **November 20, 2008**

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7 **Attending:** Jane Aiudi; Sen. Bruce Bryant; Malcolm Burson; Carla Dickstein; Elsie
8 Flemings; John Palmer; Rep. John Patrick; Cynthia Phinney; Rep. Margaret Rotundo; Rep.
9 Sharon Treat; Paul Volckhausen; Sarah Bigney; Rep. Jeffrey Gifford;

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12 Meeting called to order at 10:05 a.m. in the Transportation Committee Room, Augusta, ME.

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14 Rep. Rotundo advised that she has to leave to attend Appropriation meeting and Rep. Patrick will
15 chair the meeting.

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17 Introductions were made. Malcolm Burson congratulated Elsie Flemings on her recent election.

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19 Discussion followed regarding the September 19th Regional meeting. Peter Riggs reviewed the
20 IGPAC letters drafted by Robin Lunge addressed to Kay Wilkie and Joe Hackney (copy
21 attached) regarding People's Republic of China's communications to Vermont and Maryland
22 about proposed legislation on lead in toys and electronic waste.

23
24 As there were not enough members present, the Commission would wait for Rep. Rotundo's
25 return from her meeting to hold a quorum vote. Rep. Patrick advised that he would have the
26 letters signed and sent as he did not believe the commission needed to vote on it since the policy
27 contained within the letter was already approved at an earlier meeting.

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29 Discussion also transpired regarding a letter to Ambassador Susan Schwab. Peter Riggs
30 commented on a couple of changes to the letter.

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32 The Commission's 2009 assessment agenda item was tabled for discussion at the next meeting.

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34 Rep Treat gave an update on the lack of support and information from federal counterparts and
35 NCSL.

36
37 Public Hearing – December 4th.

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39 Rep. Patrick asked members to let Linda know whether they can attend, car pool, etc. Hearing to
40 include possible radio ads, newspaper ads. Check to see if Cong. Michaud's office can give an
41 overview of the bill, possibly attend or have a staff member attend.

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43 Rep. Patrick will contact the house and senate majority offices to have a blurb sent to local reps
44 to see if they will attend.

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46 Commission Strategies for 2009

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48 Rep. Patrick advised that they will have to look at the house and senate chairs new roles.

49
50 Malcolm Bursom reminded members of a former discussion of holding a meeting at an outlying
51 facility to discuss the direction of the commission, structure, etc. Rep. Patrick agreed that this

52 was an excellent idea. Discussion followed on when such a meeting could be held, possibly
53 January sometime.

54
55 Rep. Treat discussed the northern Maine orientation for legislators and the possibility tagging
56 onto it since representatives will already be present. Lengthy discussion followed regarding
57 holding a meeting off site and not part of a regular meeting.

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59 Different dates were suggested but would not work due to conflicts. Suggestion made by Rep.
60 Patrick to fill vacancies and then hold an off site meeting.

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62 Membership Vacancies:

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64 Rep. Patrick asked for an updated membership list. Natalie Haynes offered to email the
65 membership list and vacancies. Appointments should be made as soon as possible.

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67 Subcommittee Structure:

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69 Tabled to January meeting.

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71 Dr. Weiss Sentiment:

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73 Suggestion made to have Dr. Weiss's daughter attend the public hearing and do it then.

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75 Rep. Rotundo returned. Vote was held on IGPAC letter. Rep. Patrick entered a motion for the
76 commission to accept. Seconded by Rep. Treat. Vote, unanimous.

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78 Letter to Ambassador Schwab to include a note of thanks. Motion made by Rep. Patrick to
79 accept. Sen. Bryant seconded. Vote, unanimous.

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81 Next Meeting:

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83 Rep. Patrick suggested holding meetings the third Friday of each month. Discussion followed of
84 conflicts of dates etc. It was determined to hold meetings the third Friday of each month unless
85 otherwise changed.

86
87 Meeting adjourned at 11:45.