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An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §13 is enacted to read:

§ 13. Legislative approval of trade agreements

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A.

B. "Trade agreement" means an agreement reached between the United States Government and any other country, countries or other international political entity or entities that proposes to regulate trade, procurement, services or investment among the parties to the agreement and to which the State, at the request of the United States Government, is a party. "Trade agreement" includes, but is not limited to, the North American Free Trade Agreement, agreements with the World Trade Organization and the free trade area of the Americas and requests for binding agreement received from the United States Trade Representative.

2. State official prohibited from binding the State. In order to ensure control by the Legislature over decisions involving binding the State to certain trade agreements, an official of the State, including the Governor, is prohibited from binding the State, or giving consent to the Federal Government to bind the State, to a trade agreement except as provided in this section.

3. Receipt of request for trade agreement. When a communication from the United States Trade Representative concerning a trade agreement is received by the State, the Governor shall submit a copy of the communication and the proposed trade agreement, or relevant provisions of the trade agreement, to the chairs of the commission, the President of the Senate, the Speaker of the House of Representatives and the joint standing committees of the Legislature having jurisdiction over state and local government matters and business, research and economic development matters.

4. Review by commission. The commission shall review and analyze the trade agreement and issue a report on the potential impact on the State of agreeing to be bound by the trade agreement, including implementing legislation, to the Legislature and the Governor.

5. Legislative approval of trade agreement required. Unless the Legislature by proper enactment of a law authorizes the Governor or another official of the State to enter into the specific proposed trade agreement, the State may not be bound by that trade agreement.

SUMMARY

The purpose of this bill is to prohibit any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement.