

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1815

H.P. 1337

House of Representatives, December 22, 2003

### **An Act To Establish the Maine Jobs, Trade and Democracy Act**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: PATRICK of Rumford, SHERMAN of Hodgdon, SMITH of Van Buren,  
TREADWELL of Carmel, Senators: President DAGGETT of Kennebec, DAVIS of  
Piscataquis, ROTUNDO of Androscoggin, YOUNGBLOOD of Penobscot.

2           **Emergency preamble. Whereas,** Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           **Whereas,** international trade is an important part of Maine's  
6 economy, with imports and exports comprising a significant  
portion of Maine's gross state product; and

8           **Whereas,** current and future international trade agreements  
10 have significant implications for the future of Maine's economy;  
and

12           **Whereas,** Maine has lost the 3rd highest percentage of jobs  
14 in the Nation, with numerous businesses closing due to  
globalization, and trade agreements are intended to liberalize  
16 markets even further; and

18           **Whereas,** international trade agreements have implications  
for Maine laws governing agriculture; public services, including  
20 health care and education; environmental and public health  
regulation; economic subsidies; procurement; economic and working  
22 conditions; and municipal laws; and

24           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
26 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
28 safety; now, therefore,

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

32           **Sec. 1. 5 MRSA §12004-I, sub-§79-A** is enacted to read:

34           **79-A.**           Citizen Trade Legislative 10 MRSA  
Trade                   Policy           Per Diem           §11  
36                           Commission           and Expenses  
38   for Legislators/  
   Expenses Only  
40   for Other  
   Members

42           **Sec. 2. 10 MRSA c. 1-A** is enacted to read:

44   CHAPTER 1-A

46   INTERNATIONAL TRADE AND THE ECONOMY

48           §11. Maine Jobs, Trade and Democracy Act

2           1. Short title. This section may be known and cited as the  
Maine Jobs, Trade and Democracy Act.

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

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

10           B. "Trade agreement" means any agreement reached between  
the United States Government and any other country,  
countries or other international political entity or  
entities that proposes to regulate trade among the parties  
to the agreement. "Trade agreement" includes, but is not  
limited to, the North American Free Trade Agreement,  
agreements with the World Trade Organization and the  
proposed Free Trade Area of the Americas.

12           3. Purposes. The commission is established to assess and  
14           monitor the legal and economic impacts of trade agreements on  
16           state and local laws, working conditions and the business  
18           environment; to provide a mechanism for citizens and Legislators  
20           to voice their concerns and recommendations; and to make policy  
22           recommendations designed to protect Maine's jobs, business  
24           environment and laws from any negative impact of trade agreements.  
26           

28           4. Membership. The commission consists of the following 17  
members:

30           A. Three Senators representing at least 2 political  
32           parties, appointed by the President of the Senate;

34           B. Three members of the House of Representatives  
36           representing at least 2 political parties, appointed by the  
Speaker of the House;

38           C. The Attorney General or the Attorney General's designee;

40           D. Four members of the public, appointed by the Governor as  
42           follows:

44                   (1) A small business person;

46                   (2) A small farmer;

48                   (3) An academic or other professional with expertise  
in international trade; and

2                   (4) A representative of a Maine-based corporation that  
3                   is active in international trade;

4           E. Three members of the public appointed by the President  
5           of the Senate as follows:

6                   (1) A health care professional;

8                   (2) A person who is active in the religious community;  
9                   and

10                   (3) A representative of the Maine Municipal  
11                   Association or its successor organization; and

12           F. Three members of the public appointed by the Speaker of  
13           the House as follows:

14                   (1) A person who is active in the organized labor  
15                   community;

16                   (2) A member of a nonprofit human rights organization;  
17                   and

18                   (3) A member of a nonprofit environmental organization.

19           In making appointments of members of the public, the appointing  
20           authorities shall make every effort to appoint representatives  
21           generally recognized and organized constituencies of the interest  
22           groups mentioned in paragraphs D, E and F.

23           5. Terms; vacancies; limits. Except for Legislators and  
24           the Attorney General, who serve terms coincident with their  
25           elective terms, all members are appointed for 3-year terms. A  
26           vacancy must be filled by the same appointing authority that made  
27           the original appointment. Appointed members may not serve more  
28           than 2 terms. Members may continue to serve until their  
29           replacements are designated.

30           6. Chair; officers; rules. The commission shall appoint  
31           its own chair and other officers and make rules for orderly  
32           procedure.

33           7. Compensation. All members of the commission serve  
34           without additional compensation, but are entitled to receive the  
35           legislative per diem and expenses as defined in Title 3, section  
36           2 for their attendance to their duties under this chapter. After  
37           one year, the commission shall assess the needs for and  
38           qualifications of a staff person, for example, an executive  
39           director. If the commission determines that it requires such a  
40           person, it will request additional funds from the Legislature.

2           8. Staff. The Office of Policy and Legal Analysis shall  
provide the necessary staff support for the operation of the  
4           commission.

6           9. Powers and duties. The commission:

8           A. Shall meet at least twice annually;

10          B. Shall hear public testimony and recommendations from the  
12          people of Maine and qualified experts when appropriate at no  
14          fewer than 5 locations throughout the State in its first  
16          year and no fewer than 3 locations in subsequent years on  
18          the actual and potential social, environmental, economic and  
20          legal impacts of international trade agreements and  
22          negotiations on the State;

24          C. Shall conduct an annual assessment of the impacts of  
26          international trade agreements on Maine's state laws,  
28          municipal laws, working conditions and business environment;

30          D. Shall maintain active communications with and submit an  
32          annual report to the Governor, the Legislature, the Attorney  
34          General, municipalities, Maine's congressional delegation,  
36          the Maine International Trade Center, the Maine Municipal  
38          Association, the United States Trade Representative's  
40          Office, the National Conference of State Legislatures and  
42          the National Association of Attorneys General or the  
44          successor organization of any of these groups. The  
46          commission shall make the report easily accessible to the  
48          public by way of a publicly accessible site on the Internet  
50          maintained by the State. The report must contain  
information acquired pursuant to activities under paragraphs  
B and C;

52          E. Shall maintain active communications with any entity the  
54          commission determines appropriate regarding ongoing  
56          developments in international trade agreements and policy;

58          F. May draft and recommend legislation to the Legislature;

60          G. May recommend that the State support, or withhold its  
62          support from, future trade negotiations or agreements; and

64          H. May examine any aspects of international trade,  
66          international economic integration and trade agreements that  
68          the members of the commission consider appropriate.

70          10. Evaluation. By December 31, 2009, the commission shall  
conduct an evaluation of its activities and recommend to the

2     Legislature whether to continue, alter or cease its future  
3     activities.

4             **Sec. 3. Staggered terms.** Notwithstanding the Maine Revised  
5     Statutes, Title 10, section 11, subsection 5, the appointing  
6     authorities for the original appointments of public members of  
7     the Citizen Trade Policy Commission shall designate their first  
8     appointment for a one-year term, their 2nd appointment for a  
9     2-year term and any other appointments for a 3-year term. An  
10    initial term of one or 2 years may not be considered a full term  
11    for purposes of limiting the number of terms for which a member  
12    may serve.

13            **Emergency clause.** In view of the emergency cited in the  
14    preamble, this Act takes effect when approved.

15                                        **SUMMARY**

16            **20**            The purpose of this bill is to strengthen Maine's voice in  
17    the debate over future trade agreements and their effect on local  
18    democracy and the economy of Maine. It does so by creating the  
19    Citizen Trade Policy Commission, which will assess the legal and  
20    economic impact of trade agreements, hold public hearings  
21    throughout the State, interact with elected leaders in Maine and  
22    other states and make recommendations to the Legislature, the  
23    congressional delegation and the United States trade negotiators.