

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1257

H.P. 876

House of Representatives, March 31, 2009

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

Reference to the Committee on Business, Research and Economic Development suggested
and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator BRYANT of Oxford and
Representatives: FLETCHER of Winslow, MARTIN of Eagle Lake, ROTUNDO of Lewiston,
SMITH of Monmouth, Senators: BARTLETT of Cumberland, JACKSON of Aroostook,
RAYE of Washington, SHERMAN of Aroostook.

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

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

3 **§13. Legislative approval of trade agreements**

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

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

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

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

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

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

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

36 **SUMMARY**

37 The purpose of this bill is to prohibit any official of the State, including the Governor,
38 from binding the State to a trade agreement to which the State is invited to be a party by

1 the United States Government without the express consent of the Legislature through the
2 enactment of a law authorizing an official of the State to enter into that trade agreement.