

Citizen Trade Policy Commission
July 24, 2009
Transportation Committee Room, Augusta
10:00 A.M.

Meeting Summary

Members present: Sen. Troy Jackson, Rep. Margaret Rotundo, Sen. Roger Sherman, Sen. Gerzofsky, Rep. Jeffery Gifford, Jane Aiudi, Cynthia Phinney, Leslie Manning, Linda Pistner, Carla Dickstein, Joseph Woodbury, Michael Herz, Malcolm Burson and Sarah Bigney.

Water Resource Planning Committee members present: Bob Marvinney, Andrew Fisk, Jeff McNelly, Andy Tolman, Marcia Spencer-Famous, Barry Sanford, Greg Sweetser and John Harker

Office of the Attorney General: Attorney General Janet Mills, Linda Pistner

Forum on Democracy and Trade: William Waren

Staff present: Curtis Bentley, Legislative Analyst

1. Introductions

2. Discussion of work plan:

- o Collaborative effort by all parties involved to conduct the study required pursuant to the Resolve 2009, chapter 132 (Review of International Trade Agreements and the Management of Groundwater Resources);
- o Quick briefing on the history of the Water Resources Planning Committee and their current projects;
- o Water Resources Planning Committee members pointed out 4 main questions on this issue for future discussion: (1) is there enough groundwater?; (2) is it properly regulated?; (3) property law questions regarding private vs. public ownership; and (4) how is it impacted by trade agreements?
- o For the public hearing, have an outline of the current groundwater regulation and have a brief session on groundwater resources in Maine; the public hearing on this issue should be part of the Commission's regularly scheduled public hearing.
- o The Attorney General would like to come up with a useful document about how trade laws impact water resources and how to view groundwater issues in light of trade agreements.
- o Discussion of the June 26th draft outline:
 - i. Background: suggestion that a brief overview be done of the nature of groundwater in Maine and include areas that have already been identified as potential concerns for groundwater;
 - ii. Existing trade agreements- no comments;
 - iii. Current negotiations and trade agreements: this is a big issue in other states but this study may be the first concentrated look at groundwater and trade;

- iv. Action states may take to enhance their ability to avoid a challenge in this area: need to do much more research to see if there are things that can be done at the State level, including the use of waivers.

3. Scheduling:

- o Water Resources Planning Committee (“WRPC”) is not planning to have outside meetings but will consider Commission meetings to be joint meetings with the WRPC on this issue.
- o Leslie Manning provided information that the DOL has someone available to help the Commission and for scheduling public hearings;
- o Southern Maine has had a number of groundwater issues and it may be good to schedule a few meetings before the public hearing- the week of October 12th in southern Maine (look at Tue/Wed/Thur of that week);
- o The format of the public hearing: should begin with a briefing on groundwater laws and statutes in order to keep the hearing focused (possible 1 hour information session before it is opened up for public comment); staff to work with Judy to find a location and date during the week of Oct. 12th;
- o Next meeting – have background presented by WRPC and Commission:
- o Who is responsible for what regarding the report: The WRPC will draft the background section; AG will draft domestic/common law content; WRPC will provide current groundwater withdrawal regulations; Forum will provide content on trade agreements and how apply to Maine.
- o Forum could give a preliminary update during the Commission’s August meeting (28th) and will come back in September with the preliminary report of legal research;
- o Suggested that while this group is conducting this study it should keep in mind wind power and energy corridors as well – identify issues and how these issues may apply to LNG facilities;
- o Suggested by Commission member that transparency and natural resources may be an issue that could be focused on as part of the Commission’s work over the next year;
- o Forum will provide legal background and analysis, but the groups involved will need to make the policy discussions and conclusions for the report;
- o Sarah and Leslie offered to compile a list of experts and reports in this field;
- o Agreement to invite a representative from Nestle to future meetings – pointed out that Nestle is represented on the WRPC.

4. Funding

- o Commission does not have resources for this work, but can fund the public hearing;
- o The Forum has received a grant to conduct some of this work on water issues nationwide, not just in Maine;
- o Need to put together a document that makes clear what the Forum is doing for the group and that it is nonpartisan in nature. Include sources of funding (the Forum and the Attorney General’s Office will work on a first draft and then provide a draft for members to review).

5. Assessment:

- \$10,000 for the assessment by the Forum, with work being done for the groundwater study – suggested taking a look at the lessons of the last two years and how can move forward –how to get better consultation with federal government etc.;
- Staff- draft a contract with the Forum;
- Motion: To hire the Forum to perform the work for the Commission’s assessment and to incorporate work on the groundwater study (vote: 10-0);
- August 28th meeting to continue work on groundwater study.