

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

information from one health care practitioner or facility to another health care practitioner or facility for the purposes of patient diagnosis, treatment and care through an electronic health information exchange.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2009.

CHAPTER 388

H.P. 491 - L.D. 708

**An Act To Create a
Moratorium on the Open-air
Production of Genetically
Engineered Pharmaceutical
Crops in Maine**

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

Sec. 1. 7 MRSA §1051, sub-§4-A is enacted to read:

4-A. Pharmaceutical or industrial crop. "Pharmaceutical or industrial crop" means a plant that has been genetically engineered to produce a medical or industrial product, including a human or veterinary drug, a biologic, industrial or research chemical, enzymes, vaccines, human antibodies and human blood proteins.

Sec. 2. 7 MRSA §1055 is enacted to read:

§1055. Restrictions on the production of pharmaceutical or industrial crops

1. Prohibition on open-air production. Except as provided in subsection 2, a person may not grow any pharmaceutical or industrial crop that requires a field test permit from the United States Department of Agriculture, Animal and Plant Health Inspection Service under 7 Code of Federal Regulations, Part 340.

2. Containment required. A person may grow a pharmaceutical or industrial crop as long as:

A. The production is done in a state or federally licensed medical research institution or laboratory;

B. All production activities are conducted under secure, enclosed indoor laboratory conditions to prevent the release of genetically engineered material and cross pollination with nongenetically engineered crops; and

C. A permit required by the United States Department of Agriculture for production of the pharmaceutical or industrial crop has been received and is valid.

3. Monitoring of federal regulations. The commissioner shall monitor federal regulation of pharmaceutical or industrial crops. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters any change in federal regulation that allows the production of pharmaceutical and industrial crops without a permit.

4. Repeal. This section is repealed July 1, 2012.

See title page for effective date.

CHAPTER 389

H.P. 244 - L.D. 308

**An Act To Clarify Standards
by Which All-terrain Vehicles
May Be Stopped**

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

Sec. 1. 12 MRSA §10353, sub-§2, ¶G, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

G. ~~Stop~~ If the warden has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop and examine any all-terrain vehicle to ascertain whether it is being operated in compliance with chapter 939 or any other provision of this Part regulating ATVs, demand and inspect the operator's certificate of registration and, when appropriate, demand and inspect evidence that the operator has satisfactorily completed a training course as required by section 13152. Other law enforcement officers are subject to the provisions of this paragraph;

See title page for effective date.

CHAPTER 390

H.P. 199 - L.D. 253

**An Act To Amend the Laws
Governing Alien Big Game
and Turkey Hunters and
Nonresident Hunters**

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

Sec. 1. 12 MRSA §11226, as reallocated by PL 2007, c. 695, Pt. A, §16, is repealed.

Sec. 2. 12 MRSA §11226-A is enacted to read: