

MAINE STATE LEGISLATURE

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L.D. 2370

(Filing No. H-583)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "*A*" to H.P. 1727, L.D. 2370,
Bill, "AN ACT to Establish Guidelines for Genetic
Engineering Experimentation."

Amend the bill by striking out everything after
the title and inserting in its place the following:

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

Whereas, the duties assigned to the Commission on
Biotechnology and Genetic Engineering are complex; and

Whereas, the Joint Standing Committee on
Agriculture desires to agree on a work plan with this
commission during the First Regular Session of the
114th Legislature; and

Whereas, this commission must be appointed and
confirmed before it can start its work; and

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

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

3 Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(22-A)
4 is enacted to read:

5 (22-A) Environment Commission on Expenses 7 MRSA
6 Biotechnology Only §231
7 and Genetic
8 Engineering

9 Sec. 2. 7 MRSA c. 8-C is enacted to read:

10 CHAPTER 8-C

11 COMMISSION ON BIOTECHNOLOGY AND

12 GENETIC ENGINEERING

13 §231. Commission established; membership; compensation

14 1. Members; terms. The Commission on
15 Biotechnology and Genetic Engineering, as established
16 in Title 5, section 12004, subsection 10, shall be
17 composed of 9 members appointed by the Governor,
18 subject to approval by the joint standing committee of
19 the Legislature having jurisdiction over agriculture
20 and confirmation by the Legislature. To provide the
21 knowledge and experience necessary for carrying out
22 the duties of the commission, one person shall be
23 appointed who has practical experience and knowledge
24 in agricultural procedures, one who has practical
25 experience and knowledge in environmental and
26 conservation issues, a health care professional, a
27 representative from the forest products industry, the
28 Director of the Maine Agricultural Experiment Station,
29 a representative from the marine fisheries industry, a
30 person appointed to represent the general public, one
31 practicing scientist who shall be a representative of
32 industry and one practicing scientist who shall be a
33 representative of the academic community. The terms
34 shall be for 4 years, except that, of the initial
35 appointees, 3 shall serve 4-year terms, 2 shall serve
36 3-year terms, 2 shall serve 2-year terms and 2 shall
37 serve a one-year term. Any vacancy shall be filled by

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1 an appointment for the remainder of the unexpired term.

2 2. Organization of the commission. The
3 commission shall elect its own chairman and such other
4 officers as it determines necessary from among the
5 membership. The commission shall meet at the call of
6 the chairman or at the request of any 3 members. Five
7 members shall constitute a quorum and any action shall
8 require the affirmative vote of the greater of either
9 a majority of those present and voting or at least 3
10 members. The chairman and the other officers shall
11 serve in such capacities for a period of one year
12 following their elections.

13 3. Compensation of the commission. Each public
14 member shall be compensated according to the
15 provisions of Title 5, chapter 379.

16 4. Staff. During the fiscal year 1988-89 staff
17 shall be provided from existing department personnel.
18 Staff needs after that period shall be requested
19 through a work plan submitted to the joint standing
20 committee of the Legislature having jurisdiction over
21 agriculture.

22 §232. Definitions

23 As used in this chapter, unless the context
24 otherwise indicates, the following terms have the
25 following meanings.

26 1. Biotechnology. "Biotechnology" means the
27 application of biological systems and organisms to
28 technical and industrial processes, including genetic
29 engineering and the use of micro-organisms to produce
30 or enhance goods and services.

31 2. Genetic engineering. "Genetic engineering"
32 means the technology of the manipulation or alteration
33 of an organism's genetic material; including
34 recombinant deoxyribonucleic acid, or DNA, research;
35 recombinant ribonucleic acid, or RNA, research and
36 cell fusion, but not including medical uses of this
37 technology.

38 §233. Powers and duties

1 The commission shall serve as a resource and
2 repository for expertise and information on
3 biotechnology and genetic engineering that may be
4 utilized by appropriate state agencies, and, in
5 addition, shall have the following nonexclusive powers
6 and duties:

7 1. Research. To conduct and encourage research
8 designed to further new and more extensive uses of the
9 resources of the State, and to promote and encourage
10 the advancement of biotechnological and genetic
11 research;

12 2. Federal regulations and state rules. To
13 evaluate and determine the adequacy of federal
14 regulations and state rules affecting biotechnology
15 and genetic engineering;

16 3. Policies. To formulate and coordinate state
17 policies affecting the biotechnology and genetic
18 engineering industries;

19 4. Liaison. To serve as liaison between the
20 State and federal agencies on matters affecting the
21 biotechnology and genetic engineering industries;

22 5. Risks. To assess potential risks to the
23 public, including moral, ethical and social, and to
24 the environment created by those industries;

25 6. Release of by-products. To study, analyze and
26 review federal and state laws governing the release of
27 any by-products of these industries into the
28 environment, as to their adequacy in safeguarding the
29 public health, safety and welfare and, specifically,
30 whether the relevant laws will prevent releases that
31 will have any substantially deleterious effect on the
32 population or environment of this State;

33 7. Establish standards. To establish standards
34 for the issuance and renewal of permits for the
35 release into the environment of these by-products; and

36 8. Rules. To adopt rules pursuant to the Maine
37 Administrative Procedure Act, Title 5, chapter 375,

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1 and take such other actions as it determines
2 appropriate to carry out the purposes of this chapter.

3 §234. Confidential information

4 All information submitted to and received by the
5 commission pertaining to any ongoing experiment shall
6 be confidential unless the commission determines that
7 there is a compelling reason to make the information
8 public. The commission shall notify the person
9 providing the information, who may request a hearing
10 conducted in accordance with the Maine Administrative
11 Procedure Act, Title 5, chapter 379. If no request is
12 made within 7 days of notification, the information
13 may be made public.

14 §235. Enforcement

15 This chapter and the rules promulgated under it
16 shall be enforced by such personnel of the department
17 as the commission may designate.

18 §236. Penalties

19 Any person who violates any provision of this
20 chapter or any order, rule, decision or permit issued
21 by the commission shall be punished by a fine of not
22 more than \$2,500 for the first offense, and not less
23 than \$2,500 for each subsequent offense. Each day
24 that a person so operates shall be considered a
25 separate offense.

26 Sec. 3. Appointment; convening of commission.
27 Appointment of the members of the commission shall be
28 made by May 15, 1988. The Governor shall call the
29 commission together for its first meeting no later
30 than July 1, 1988.

31 Sec. 4. Work plan. By January 15, 1989, the
32 commission shall issue a plan to the Joint Standing
33 Committee on Agriculture in which a work plan, time
34 schedule, and staffing and budget requirements for
35 performing the duties outlined in the Maine Revised
36 Statutes, Title 7, section 233 are provided.

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1 January 15, 1989;

2 5. Sets back the date for the performance of the
3 commission's duties until April 15, 1989, and makes
4 permanent staffing contingent on receipt of the
5 recommendations of this report; and

6 6. Adds an appropriation for commission meetings.

7 5234032888

Reported by the Committee on Agriculture
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