

MAINE STATE LEGISLATURE

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(AFTER DEADLINE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2370

H.P. 1727 House of Representatives, February 26, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Senator CLARK of Cumberland and
Representative PINES of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Establish Guidelines for Genetic
2 Engineering Experimentation.
3

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

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

8 (22-A) Environment Commission Expenses 7 MRSA

1 Biotechnology Only §231
2 and Genetic
3 Engineering

4 Sec. 2. 7 MRSA Pt. 1, c. 8-C is enacted to
5 read:

6 CHAPTER 8-C

7 COMMISSION ON BIOTECHNOLOGY AND

8 GENETIC ENGINEERING

9 §231. Commission established; membership; compensation

10 1. Members; terms. The Commission on
11 Biotechnology and Genetic Engineering, as established
12 in Title 5, section 12004, subsection 10, shall be
13 composed of 7 members appointed by the Governor,
14 subject to approval by the joint standing committee of
15 the Legislature having jurisdiction over agriculture
16 and confirmation by the Legislature. To provide the
17 knowledge and experience necessary for carrying out
18 the duties of the commission, one person shall be
19 appointed who has practical experience and knowledge
20 in agricultural procedures, one who has practical
21 experience and knowledge in environmental and
22 conservation issues, a health care professional, a
23 representative from the forest products industry, the
24 Director of the Maine Agricultural Experiment Station,
25 a representative from the marine fisheries industry
26 and a person appointed to represent the general
27 public. The terms shall be for 4 years, except that
28 of the initial appointees, 2 shall serve 4-year terms,
29 2 shall serve 3-year terms, 2 shall serve 2-year terms
30 and one shall serve a one-year term. Any vacancy
31 shall be filled by an appointment for the remainder of
32 the unexpired term.

33 2. Organization of the commission. The
34 commission shall elect its own chairman and such other
35 officers as it determines necessary from among the
36 membership. The commission shall meet at the call of
37 the chairman or at the request of any 3 members. Four

1 members shall constitute a quorum and any action shall
2 require the affirmative vote of the greater of either
3 a majority of those present and voting or at least 2
4 members. The chairman and the other officers shall
5 serve in such capacities for a period of one year
6 following their elections.

7 3. Compensation of the commission. Each
8 public member shall be compensated according to the
9 provisions of Title 5, chapter 379.

10 4. Director. The commissioner shall appoint
11 a director with the approval of the commission. The
12 director shall be the principal administrative,
13 operational and executive employee of the commission.
14 The director shall attend and participate in all
15 meetings of the commission but may not vote. The
16 director, with the approval of the commissioner and
17 the commission, may hire whatever competent
18 professional personnel and other staff are necessary.
19 All employees of the commission shall be subject to
20 Title 5, Part 2. The director may obtain office
21 space, goods and services as required.

22 5. Staff. The commission may establish
23 standards for the delegation of its authority to the
24 director and staff. Any person aggrieved by a
25 decision of the director and staff has a right to a
26 review of the decision by the commission. The
27 commissioner shall provide the commission with
28 administrative services of the department, including
29 assistance in the preparation of the commission's
30 budget, and may require the commission to reimburse
31 the department for these services.

32 §232. Definitions

33 As used in this chapter, unless the context
34 otherwise indicates, the following terms have the
35 following meanings.

36 1. Biotechnology. "Biotechnology" means the
37 application of biological systems and organisms to
38 technical and industrial processes, including genetic

1 engineering and the use of microorganisms to produce
2 or enhance goods and services.

3 2. Genetic engineering. "Genetic
4 engineering" means the technology of the manipulation
5 or alteration of an organism's genetic material;
6 including recombinant deoxyribonucleic acid, or DNA,
7 research; recombinant ribonucleic acid, or RNA,
8 research and cell fusion, but not including medical
9 uses of this technology.

10 §233. Powers and duties

11 The commission shall serve as a resource and
12 repository for expertise and information on
13 biotechnology and genetic engineering that may be
14 utilized by appropriate state agencies, and, in
15 addition, shall have the following nonexclusive powers
16 and duties:

17 1. Research. To conduct and encourage
18 research designed to further new and more extensive
19 uses of the resources of the State, and to promote and
20 encourage the advancement of biotechnological and
21 genetic research;

22 2. Federal and state regulations. To
23 evaluate and determine the adequacy of federal and
24 state regulations affecting biotechnology and genetic
25 engineering;

26 3. Policies. To formulate and coordinate
27 state policies affecting the biotechnology and genetic
28 engineering industries;

29 4. Liaison. To serve as liaison between the
30 State and federal agencies on matters affecting the
31 biotechnology and genetic engineering industries;

32 5. Risks. To assess potential risks to the
33 public and the environment created by these
34 industries, while keeping governmental interference
35 with the progress of these industries at a minimum;

1 6. Release of by-products. To study, analyze
2 and review federal and state laws governing the
3 release of any by-products of these industries into
4 the environment, as to their adequacy in safeguarding
5 the public health, safety and welfare and,
6 specifically, whether the relevant laws will prevent
7 releases that will have any substantially deleterious
8 effect on the population or environment of this State;

9 7. Establish standards. To establish
10 standards for the issuance and renewal of permits for
11 the release into the environment of these by-products;
12 and

13 8. Rules. To adopt rules pursuant to the
14 Maine Administrative Procedure Act, Title 5, chapter
15 375 and take such other actions as it determines
16 appropriate to carry out the purposes of this chapter.

17 §234. Confidential information

18 All information submitted to and received by
19 the commission pertaining to any ongoing experiment
20 shall be confidential unless the commission determines
21 that there is a compelling reason to make the
22 information public. The commission shall notify the
23 person providing the information, who may request a
24 hearing conducted in accordance with the Maine
25 Administrative Procedure Act, Title 5, chapter 379.
26 If no request is made within 7 days of notification,
27 the information may be made public.

28 §235. Enforcement

29 This chapter and the rules promulgated under
30 it shall be enforced by such personnel of the
31 department as the commission may designate.

32 §236. Penalties

33 Any person who violates any provision of this
34 chapter or any order, rule, decision or permit issued
35 by the commission shall be punished by a fine of not

1 more than \$2,500 for the first offense, and not less
2 than \$2,500 for each subsequent offense. Each day
3 that a person so operates shall be considered a
4 separate offense.

5 STATEMENT OF FACT

6 The purpose of this bill is to address the
7 legitimate concerns of the public about the release of
8 microorganisms into the environment as a result of
9 increased use of biotechnology in agricultural and
10 other industries. The Commission on Biotechnology and
11 Genetic Engineering, established by this bill, would
12 be charged with addressing this concern while at the
13 same time providing an atmosphere which promotes this
14 fast growing field of research.

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