

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1691

S.P. 649

In Senate, January 11, 1996

**An Act to Amend the Law Allowing the Growth and Sale of Cultivated
Ginseng in Maine.**

(EMERGENCY)

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CASSIDY of Washington.
Cosponsored by Representative KILKELLY of Wiscasset and
Senators: LORD of York, PARADIS of Aroostook, Representatives: DEXTER of Kingfield,
HEESCHEN of Wilton, KNEELAND of Easton, SPEAR of Nobleboro.

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

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6 **Whereas,** ginseng is a high-value crop that is in demand in
other countries; and

8 **Whereas,** ginseng is considered to be a threatened species by
the United States Fish and Wildlife Service; and

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12 **Whereas,** the Department of Agriculture, Food and Rural
Resources must certify that ginseng offered for sale from Maine
is cultivated, thereby protecting the wild ginseng population in
the State; and

16 **Whereas,** producers of ginseng must turn over confidential
business information to the Department of Agriculture, Food and
Rural Resources as a requirement of its certification program,
which may endanger the security of their plantings; and

20 **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,

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

28 **Sec. 1. 7 MRSA §2225,** as enacted by PL 1993, c. 548, §1, is
amended to read:

32 **§2225. Rules**

34 The department may adopt rules necessary to implement this
chapter. Notwithstanding Title 1, chapter 13, records pertaining
36 to the location of ginseng plantings required by the department
are confidential and not available for inspection. The
38 confidential status terminates when the records are subpoenaed as
evidence in any proceeding to enforce a provision of this
40 chapter, or in any prosecution for a criminal violation. A
grower may authorize in writing the disclosure of records
42 pertaining to locations of ginseng plantings.

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

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STATEMENT OF FACT

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Ginseng is considered to be a threatened species by the United States Fish and Wildlife Service. In order for ginseng to be offered for sale from the State, the Department of Agriculture, Food and Rural Resources must certify that such ginseng is not collected from the wild. As part of this certification process, department staff inspects prospective ginseng planting locations to ensure that no wild ginseng is present. To facilitate this inspection, the Department of Agriculture, Food and Rural Resources requires that maps of prospective ginseng locations submitted prior to planting. Such maps are currently public records. Since ginseng is a high-value crop which takes several years to bring to harvestable maturity, and since it is often planted in remote locations that can not be protected by the producer, theft of mature ginseng is a distinct possibility. This bill provides the Department of Agriculture, Food and Rural Resources with the authority to maintain maps and locations of ginseng plantings in the State as confidential business information, thereby protecting the investment of ginseng producers.