

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 952, L.D. 1266, Bill, "An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 7 MRSA c. 103, sub-c. XI-A is enacted to read:

SUBCHAPTER XI-A

GENETICALLY ENGINEERED PLANTS AND SEEDS

§1051. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cross-contamination. "Cross-contamination" means the unintentional transfer and incorporation of genetic material between a genetically engineered crop, by cross-pollination or other means, and a nongenetically engineered crop or a wild plant population.

2. Genetically engineered. "Genetically engineered" means altered by human manipulation at the molecular or cellular level by processes, including recombinant deoxyribonucleic acid and

2 ribonucleic acid techniques, cell fusion, microencapsulation,
3 macroencapsulation and introduction of foreign genes.
4 "Genetically engineered" does not include products altered
5 exclusively by breeding, conjugation, fermentation,
6 hybridization, in vitro fertilization or tissue culture.

7 3. Seed dealer. "Seed dealer" means a person who cleans,
8 processes, sells or offers for sale seeds in this State.

10 **§1052. Responsibilities of manufacturer**

12 A manufacturer of genetically engineered plants, planting
13 stock or seeds that present a risk of cross-contamination and are
14 sold or distributed in this State is subject to the provisions of
15 this subchapter.

16
17 1. Instructions. The manufacturer or seed dealer of the
18 genetically engineered plants, plant parts or seeds shall provide
19 written instructions to all growers on how to plant the plant
20 parts, seeds or plants and how to grow and harvest the crop to
21 minimize potential cross-contamination. These instructions must
22 be at least as inclusive as guidelines issued by the United
23 States Department of Agriculture relative to the establishment of
24 buffer zones between genetically engineered plants and wild or
25 cultivated plants subject to the risk of cross-contamination.
26 The manufacturer or seed dealer shall file a copy of these
27 instructions with the commissioner at least 20 days in advance of
28 any sale of the genetically engineered plants, plant parts or
29 seeds in this State.

30
31 2. Record keeping. The manufacturer or seed dealer shall
32 identify and maintain, for at least 2 years after the date of
33 sale, a list of the names and addresses of all growers of its
34 genetically engineered plants, plant parts or seeds in this
35 State. The list is not a public record as defined in Title 1,
36 section 402, subsection 3. A manufacturer or seed dealer shall
37 permit the commissioner to inspect the list when requested to
38 facilitate an investigation into a claim of cross-contamination.
39 A manufacturer or seed dealer is not required to keep records on
40 seeds sold at the retail level in packets weighing less than one
41 pound.

42
43 A manufacturer of genetically engineered seeds is not required to
44 keep records under this subsection when the required records are
45 being kept by a seed dealer.

46
47 3. Violation; penalty. Failure to comply with this
48 subchapter is a civil violation for which a penalty of not more
49 than \$1,500 may be adjudged. In accordance with Title 5, chapter
50 375, the commissioner may suspend or revoke a license issued

under section 1044-A if the holder of the license fails to comply with this subchapter.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Agriculture, Food and Rural Resources will incur some minor additional costs to administer certain filing requirements. These costs can be absorbed within the department's existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the bill. It enacts a definition for "seed dealer." It requires a manufacturer of genetically engineered plants, planting stock or seeds to provide growers with instructions on how to plant, cultivate and harvest the product to avoid contaminating plants of nongenetically engineered origin. It requires the manufacturer or seed dealer to keep records including the names and addresses of persons growing its genetically engineered products in Maine for at least 2 years after the date of sale. Records do not need to be kept on seed products of less than one pound sold at the retail level. It enacts a penalty for failure to comply with these provisions. It also adds a fiscal note to the bill.