

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.O.F.S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

L.D. 1650

Date: 4-7-08

(Filing No. S-571)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1650, Bill, "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

Amend the amendment by inserting after section 6 the following:

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

§1055. Coexistence

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Buffer zone" means an area located between an organic crop production operation or portion of an organic crop production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of an organic crop production operation.

B. "Organic crop production" means a crop production system that is managed in accordance with the United States Department of Agriculture, National Organic Program to respond to site-specific conditions by integrating cultural, biological and mechanical practices that foster cycling of resources, promote ecological balance and conserve biodiversity.

C. "Organic system plan" means a plan of management of an organic crop production operation that has been agreed to by the producer and a certifying agent. "Organic system plan" includes a written plan concerning all aspects of agricultural production or handling described in the standards recommended by the United States Department of Agriculture, National Organic Standards Board.

D. "Producer" means a person who engages in the business of growing or producing organic food, fiber, feed and other agricultural-based consumer products as evidenced by a certificate of commercial agricultural production issued by the State Tax Assessor pursuant to Title 36, section 2013.

SENATE AMENDMENT

1 2. Organic system plan; requirement. A producer that is engaged in organic crop
2 production shall file an organic system plan within 30 days of planting. The plan must
3 include:

4 A. Evidence that sufficient buffer zones have been incorporated into the operation to
5 ensure the integrity of the organic crop operation; and

6 B. Information regarding whether the crop is open-pollinating, the amount of pollen
7 likely produced, the distance the pollen moves and any information available on the
8 dominant wind direction in the area.

9 3. Notification of likelihood of cross-pollination. The producer must notify the
10 commissioner if there is a likelihood of cross-pollination from genetically engineered
11 crops.

12 4. Investigation; report. Upon review of the organic system plan filed pursuant to
13 subsection 2, the commissioner may:

14 A. Initiate an investigation of the organic crop production operation if the
15 commissioner finds that the organic system plan does not provide evidence of sound
16 measures to ensure the integrity of the organic crop operation, including buffer zones,
17 or include steps to prevent commingling with unapproved nonorganic materials or
18 conventional crops; and

19 B. Report inadequate buffer zones to the United States Department of Agriculture,
20 National Organic Program.

21 5. Recommendations. If the commissioner finds that a farmer using genetically
22 engineered plant parts, seeds or plants is not adhering to the best management practices
23 adopted pursuant to section 1054, or that the organic system plan filed by a producer does
24 not ensure the integrity of the organic crop operation, the commissioner shall recommend
25 the use of best management practices to the farmer and the producer.

26 **Sec. 8. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

29 **Division of Animal Health and Industry 0394**

30 Initiative: Provides an appropriation for a half-time position and related administrative
31 costs to review organic system plans and follow up on plans that appear to be deficient.

32	GENERAL FUND	2007-08	2008-09
33	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
34	Personal Services	\$0	\$25,290
35	All Other	\$0	\$5,907
36			
37	GENERAL FUND TOTAL	\$0	\$31,197
38			

1
2
3
4
5
6
7
8
9
10
11
12
13
14

SUMMARY

This amendment requires all producers engaged in organic crop production to file an organic system plan within 30 days of planting. The plan must include evidence that sufficient buffer zones are incorporated into the operation to ensure the integrity of the organic crop operation. If the Commissioner of Agriculture, Food and Rural Resources finds that an organic system plan does not provide evidence of sound measures to ensure the integrity of the organic crop operation, the commissioner is authorized to report inadequate buffer zones to the United States Department of Agriculture, National Organic Program. If the commissioner finds that a farmer using genetically engineered plant parts, seeds or plants is not adhering to the use of best management practices or that the organic system plan filed by a producer does not ensure the integrity of the organic crop operation, the commissioner is directed to recommend best management practices to both the farmer and the producer. This amendment also adds an appropriations and allocations section to the amendment.

15
16

FISCAL NOTE REQUIRED
(See attached)

17
18
19

SPONSORED BY: Roger L Sherman
(Senator SHERMAN)
COUNTY: Aroostook



123rd MAINE LEGISLATURE

LD 1650

LR 1873(06)

An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Sherman of Aroostook

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$31,197	\$42,727	\$44,818
Appropriations/Allocations				
General Fund	\$0	\$31,197	\$42,727	\$44,818

Fiscal Detail and Notes

Provides a General Fund appropriation to the Department of Agriculture, Food and Rural Resources of \$31,197 in fiscal year 2008-09 for a half-time position and related administrative costs to review organic system plans submitted by producers and follow-up on plans that appear to be deficient.