

MAINE STATE LEGISLATURE

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Date: 3/27/08 Report A

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

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 bill by striking out all of section 1 and inserting the following:

'Sec. 1. 7 MRSA §1051, sub-§2, as enacted by PL 2001, c. 330, §1, is amended to read:

2. Genetically engineered. "Genetically engineered" means altered by human manipulation at the molecular or cellular level by processes, including recombinant deoxyribonucleic acid and ribonucleic acid techniques, cell fusion, microencapsulation, macroencapsulation and introduction of foreign genes the application of in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid and direct injection of nucleic acid into cells or organelles, or the fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombinant barriers and that are not techniques used in traditional breeding and selection. "Genetically engineered" does not include products altered exclusively by breeding, conjugation, fermentation, hybridization, in vitro fertilization or tissue culture.'

Amend the bill by striking out all of sections 4 to 8 and inserting the following:

'Sec. 4. 7 MRSA §1051, sub-§5 is enacted to read:

5. Technology use agreement. "Technology use agreement" means an agreement between a manufacturer and a farmer that controls the right to plant a given genetically engineered plant part, seed or plant on a specific area of land for a certain period of time.

Sec. 5. 7 MRSA §1053 is enacted to read:

§1053. De minimus possession and venue

1. De minimus possession. If a genetically engineered product in which a manufacturer has rights is possessed by a farmer or found on the property owned or occupied by the farmer and the presence of the product is either de minimus or not

COMMITTEE AMENDMENT

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1 intended by the farmer, the farmer is not liable for breach of a seed contract nor for any
2 damages claimed by the manufacturer.

3 2. Venue. An infringement case brought against a grower who does not have a
4 current technology use agreement with a manufacturer must be brought in a venue where
5 the farmer resides or where the disputed crop was grown.

6 **Sec. 6. 7 MRSA §1054** is enacted to read:

7 **§1054. Rulemaking**

8 The commissioner shall adopt rules to establish best management practices to
9 maintain the integrity of crops and minimize potential conflict between farmers. Rules
10 adopted under this section are major substantive rules as defined in Title 5, chapter 375,
11 subchapter 2-A.'

12 **SUMMARY**

13 This amendment is the majority report of the Joint Standing Committee on
14 Agriculture, Conservation and Forestry. The amendment makes the following changes to
15 the bill.

16 1. It amends the statutory definition of "genetically engineered."

17 2. It removes language that authorizes the inclusion in technology use agreements of
18 restrictions on the use of proprietary traits in the creation of new varieties and permission
19 to check for violations of the agreement.

20 3. It strikes provisions regarding the process by which a manufacturer may
21 investigate a violation of a technology use agreement and strikes language regarding
22 liability resulting from cross-contamination.

23 4. It provides protection for de minimus or unintended possession of a genetically
24 engineered product.

25 5. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt
26 major substantive rules that establish best management practices to maintain the integrity
27 of crops.

FISCAL NOTE REQUIRED
(See attached)



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LD 1650

LR 1873(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court sytem.
The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources can be absorbed within existing budgeted resources.