

MAINE STATE LEGISLATURE

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Date: 3/27/08 Report B

L.D. 1650
(Filing No. H-852)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" 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 §1052, sub-§2-A is enacted to read:

2-A. Reporting. A manufacturer selling genetically engineered plant parts, plants or seeds in the State shall annually report to the commissioner the total potential acreage at a given planting density of genetically modified crops that could be grown based on the amount of each genetically engineered product sold in the State. Individual manufacturer data received under this subsection is confidential and may not be made public. The

COMMITTEE AMENDMENT

1 commissioner shall make public aggregate data that does not reveal the sales activities of
2 an individual manufacturer.

3 **Sec. 6. 7 MRSA §1053** is enacted to read:

4 **§1053. De minimus possession and venue**

5 **1. De minimus possession.** If a genetically engineered product in which a
6 manufacturer has rights is possessed by a farmer or found on the property owned or
7 occupied by the farmer and the presence of the product is either de minimus or not
8 intended by the farmer, the farmer is not liable for breach of a seed contract nor for any
9 damages claimed by the manufacturer.

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

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

14 **§1054. Rulemaking**

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

19 **SUMMARY**

20 This amendment is a minority report of the Joint Standing Committee on Agriculture,
21 Conservation and Forestry. The amendment makes the following changes to the bill.

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

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

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

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

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

34 6. It requires a manufacturer to annually report to the Commissioner of Agriculture,
35 Food and Rural Resources an estimate of the potential acres of genetically engineered
36 crops that could be planted based on sales.

FISCAL NOTE REQUIRED
(See attached).



123rd MAINE LEGISLATURE

LD 1650

LR 1873(03)

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

Fiscal Note for Bill as Amended by Committee Amendment "B"
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 system.
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.