124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document **No. 708**

H.P. 491 House of Representatives, February 24, 2009

An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PRATT of Eddington.
Cosponsored by Representatives: BERRY of Bowdoinham, BOLAND of Sanford, CONNOR of Kennebunk, McCABE of Skowhegan, PIOTTI of Unity, SMITH of Monmouth.

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

Sec. 1. 7 MRSA §1051, sub-§4-A is enacted to read:

4-A. Pharmaceutical or industrial crop. "Pharmaceutical or industrial crop" means a plant that has been genetically engineered to produce a medical or industrial product, including a human or veterinary drug, a biologic, industrial or research chemical, enzymes, vaccines, human antibodies and human blood proteins.

Sec. 2. 7 MRSA §1055 is enacted to read:

§1055. Restrictions on the production of pharmaceutical or industrial crops

1. Prohibition on open-air production. Except as provided in subsection 2, a person may not grow any pharmaceutical or industrial crop that requires a field test permit from the United States Department of Agriculture, Animal and Plant Health Inspection Service under 7 Code of Federal Regulations, Part 340.

2. Containment required. A person may grow a pharmaceutical or industrial crop as long as:

A. The production is done in a state or federally licensed medical research institution or laboratory;

B. All production activities are conducted under secure, enclosed indoor laboratory conditions to prevent the release of genetically engineered material and cross pollination with nongenetically engineered crops; and

C. A permit required by the United States Department of Agriculture for production of the pharmaceutical or industrial crop has been received and is valid.

3. Monitoring of federal regulations. The commissioner shall monitor federal regulation of pharmaceutical or industrial crops. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters any change in federal regulation that allows the production of pharmaceutical and industrial crops without a permit.

SUMMARY

This bill defines "pharmaceutical or industrial crop" and restricts production to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. It requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops.