

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 804

S.P. 312

In Senate, March 3, 2009

An Act To Ensure the Integrity of Organic Agricultural Crops

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative CRAY of Palmyra and
Senator: BRYANT of Oxford, Representatives: GIFFORD of Lincoln, PERCY of Phippsburg,
SAVIELLO of Wilton, SMITH of Monmouth, THIBODEAU of Winterport.

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

2 Sec. 1. 7 MRSA §1055 is enacted to read:

3 §1055. Coexistence

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

6 A. "Buffer zone" means an area located between an organic crop production
7 operation or portion of an organic crop production operation and an adjacent land
8 area that is not maintained under organic management.

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

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

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

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

26 A. Evidence that buffer zones have been incorporated into the organic crop operation
27 to ensure the integrity of the operation. A buffer zone must be sufficient in size or
28 other features to prevent unintended contact by prohibited substances applied to
29 adjacent land areas with an area that is part of an organic crop production operation;
30 and

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

34 3. Notification of likelihood of cross-pollination. The producer must notify the
35 commissioner if there is a likelihood of cross-pollination from genetically engineered
36 crops.

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

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

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

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

13 **SUMMARY**

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