

# MAINE STATE LEGISLATURE

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Report C

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "C" to H.P. 827, L.D. 1202, Bill, "An Act To Establish a Farmer's Rights in an Investigation of Intellectual Property Theft of Genetically Engineered Material"

Amend the bill in section 2 in §1055 by striking out all of subsection 1 (page 1, lines 19 to 38 and page 2, lines 1 to 5 in L.D.) and inserting the following:

1. Investigating violations of technology use agreements; rights of farmers. A manufacturer or manufacturer's agent may enter real property owned or occupied by a farmer to acquire samples of a crop grown on the farmer's property from the genetically engineered plant part, seed or plant subject to a technology use agreement only if the manufacturer or manufacturer's agent:

A. Gives written notice of the manufacturer's intent to enter the property to the farmer and the commissioner and includes a copy of the court order. The notice must be given no later than 5 business days before the day the manufacturer or manufacturer's agent enters the property. The notice must include the following information:

(1) The proposed date and time of the entry upon the property;

(2) The purpose for the entry upon the property;

(3) The rights provided to a farmer in paragraphs B and C; and

(4) The identity of a manufacturer's agent if the agent is to enter the property;

B. Permits the farmer, the commissioner or an agent of the farmer or commissioner to accompany the manufacturer or manufacturer's agent while samples are taken;

C. Permits the farmer, the commissioner or an agent of the farmer or commissioner to take matching samples or receive split samples of any samples taken by the manufacturer or manufacturer's agent. The farmer may waive this right with a certified letter to the commissioner and the manufacturer or manufacturer's agent; and

COMMITTEE AMENDMENT

1 D. Provides reasonable cooperation to the farmer, the commissioner or an agent of  
2 the farmer or commissioner during the course of activities described in this  
3 subsection.'

4 Amend the bill in section 2 in §1055 in subsection 2 in the first line (page 2, line 6 in  
5 L.D.) by inserting after the following: "agreement" the following: 'entered into after  
6 October 1, 2009'

7 Amend the bill by striking out all of section 3 (page 2, lines 15 to 40 and page 3, lines  
8 1 to 16 in L.D.) and inserting the following:

9 **'Sec. 3. Adoption of rules to maintain the integrity of crops.** The  
10 Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules  
11 as required under the Maine Revised Statutes, Title 7, section 1054 and submit the rules  
12 to the Executive Director of the Legislative Council no later than December 15, 2009 for  
13 review as major substantive rules in accordance with Title 5, chapter 375, subchapter  
14 2-A. The rules must require a person growing a genetically engineered crop to select  
15 fields and cultivate the crop in a manner that maintains the integrity of all crops and  
16 minimizes potential conflicts between farmers.'

17 **SUMMARY**

18 This amendment is a minority report of the committee. It removes the language that  
19 requires a manufacturer of genetically engineered plants to have a court order before  
20 enter property owned by a farmer under a technology use agreement to acquire samples  
21 of crops that are the subject of that agreement. It removes the requirement that a  
22 manufacturer pay costs incurred by the Department of Agriculture, Food and Rural  
23 Resources while investigating an alleged violation of a technology use agreement and  
24 clarifies that the provisions regarding actions alleging a violation of a technology use  
25 agreement apply only to technology use agreements entered into after October 1, 2009. It  
26 removes provisions pertaining to liability from cross contamination. The amendment also  
27 directs the Commissioner of Agriculture, Food and Rural Resources to provisionally  
28 adopt major substantive rules requiring a person planning to grow a genetically  
29 engineered crop to select fields and cultivate the crop in a manner that maintains the  
30 integrity of all crops and minimizes potential conflicts between farmers and submit the  
31 rules to the Executive Director of the Legislative Council by no later than December 15,  
32 2009 for review in accordance with the Maine Revised Statutes, Title 5, chapter 375,  
33 subchapter 2-A.

34 **FISCAL NOTE REQUIRED**

35 (See attached)



# 124th MAINE LEGISLATURE

LD 1202

LR 931(04)

## An Act To Establish a Farmer's Rights in an Investigation of Intellectual Property Theft of Genetically Engineered Material

Fiscal Note for Bill as Amended by Committee Amendment "C"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

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### Fiscal Note

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

#### Correctional and Judicial Impact Statements

Increases the number of civil suits.

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 associated with rule making can be absorbed within existing budgeted resources.