LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
2008

health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-A, Article 5, Part 8 or Title 22, chapter ~~710~~ 710-B if such information is provided in accordance with professional standards applicable to organ donation.

Sec. 8. 29-A MRSA §1402-A, sub-§5, as enacted by PL 2003, c. 394, §4 and affected by §6, is amended to read:

5. Effect. An expression of willingness to make an anatomical gift under this section has the same effect as a designation under Title 18-A, Article 5, Part 8 or Title 22, chapter ~~710~~ 710-B. Revocation or suspension of the right to drive under this chapter does not affect the expressed willingness of a person to make an anatomical gift under this section.

Sec. 9. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 22, chapter 710 and those sections that amend Title 29-A, section 1402-A take effect January 1, 2009.

See title page for effective date, unless otherwise indicated.

CHAPTER 602

H.P. 1159 - L.D. 1650

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

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

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.~~

Sec. 2. 7 MRSA §1051, sub-§3, as enacted by PL 2001, c. 330, §1, is amended to read:

3. Seed dealer. "Seed dealer" means a person who cleans, processes, sells or offers for sale ~~seeds~~ a genetically engineered plant part, seed or plant in ~~this~~ the State.

Sec. 3. 7 MRSA §1051, sub-§4 is enacted to read:

4. Manufacturer. "Manufacturer" means a person that produces or commercializes a genetically engineered plant part, seed or plant, not including a farm operation for the purposes of Title 17, section 2805.

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

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

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

§1054. Rulemaking

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

See title page for effective date.