

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

**‘Sec. 3. Adoption of rules to maintain the integrity of crops.** The Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules as required under the Maine Revised Statutes, Title 7, section 1054 and submit the rules to the Executive Director of the Legislative

Council no later than December 15, 2009 for review as major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A. The rules must require a person growing a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers.'

## **SUMMARY**

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

**FISCAL NOTE REQUIRED**  
**(See attached)**