Amend the bill by striking out all of section 1 and inserting the following:

'**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.~~'

Amend the bill by striking out all of sections 4 to 8 and inserting the following:

'**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.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment makes the following changes to the bill.

1. It amends the statutory definition of "genetically engineered."

2. It removes language that authorizes the inclusion in technology use agreements of restrictions on the use of proprietary traits in the creation of new varieties and permission to check for violations of the agreement.

3. It strikes provisions regarding the process by which a manufacturer may investigate a violation of a technology use agreement and strikes language regarding liability resulting from cross-contamination.

4. It provides protection for de minimus or unintended possession of a genetically engineered product.

5. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.