

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

Amend the amendment by inserting after section 6 the following:

‘**Sec. 7. 7 MRSA §1055** is enacted to read:

§ 1055. Coexistence

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

A. "Buffer zone" means an area located between an organic crop production operation or portion of an organic crop production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of an organic crop production operation.

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

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

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

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

A. Evidence that sufficient buffer zones have been incorporated into the operation to ensure the integrity of the organic crop operation; and

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

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

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

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

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

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

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Animal Health and Industry 0394

Initiative: Provides an appropriation for a half-time position and related administrative costs to review organic system plans and follow up on plans that appear to be deficient.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$25,290
All Other	\$0	\$5,907
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$31,197

SUMMARY

This amendment requires all producers engaged in organic crop production to file an organic system plan within 30 days of planting. The plan must include evidence that sufficient buffer zones are incorporated into the operation to ensure the integrity of the organic crop operation. If the Commissioner of Agriculture, Food and Rural Resources finds that an organic system plan does not provide evidence of sound measures to ensure the integrity of the organic crop operation, the commissioner is authorized to report inadequate buffer zones to the United States Department of Agriculture, National Organic Program. If the commissioner finds that a farmer using genetically engineered plant parts, seeds or plants is not

adhering to the use of best management practices or that the organic system plan filed by a producer does not ensure the integrity of the organic crop operation, the commissioner is directed to recommend best management practices to both the farmer and the producer. This amendment also adds an appropriations and allocations section to the amendment.

FISCAL NOTE REQUIRED
(See attached)