

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

Senator **SULLIVAN** of York requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine
H.P. 491 L.D. 708
(C "A" H-386)

Tabled - June 3, 2009, by Senator **BRYANT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 3, 2009, **PASSED TO BE ENACTED**.)

Senator **BRYANT** of Oxford requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is a bill that I was a little bit late one morning and it got past us and into Second Reading and moved on and has come back. I did want to, so for the record, put a few thought processes into the moratorium on genetically engineered products. What this bill attempts to do is put a three-year moratorium on any R & D or any new advances. When you do that you have a number of things that happen. One message is, in fact, that all your R & D money that you're spending, all the new products and all the new thinking and the technology, doesn't come your way. So that's the main reason why I opposed this in committee and continue to oppose it. If we're going to spend lots of money trying to do an R & D, if we're going to spend lots of money trying to get some of the best thinkers here and create new products, and then put a moratorium on it is not the way to go. The feds have rules. We could put some other rules around it if people were uncomfortable about how far we could go with it. To put a moratorium on it, I think hurts the state of Maine. So I oppose the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I urge you to support Enactment of this bill. This is a 10 to 3 bipartisan report from the Agriculture, Conservation and Forestry Committee. This is a three-year moratorium on the open air production of genetically engineered pharmaceutical crops in Maine. This still allows research to be done in a green house type of setting. The reason that 10 members of the committee voted to have a three-year moratorium on this bill was because we read the newly released report from the Office of Inspector General that said that our open air regulatory framework for these types of products was totally

inadequate for preventing contamination of non-GMO crops. They're looking at reforming the federal regulations on this product now. We felt that it was best to be cautious here and to wait on the open air production until the federal government, hopefully, comes up with some better rules to protect crops that are non-GMO from being contaminated. Now way back in the 1980s and 1990s, this state was very cautious about how we handled the whole synthetic growth hormone issue in milk. It served our industry well. In fact that's spread now to be nationwide. I'd urge you to support the pending motion. Let's be cautious about this. This still does allow work to be done in a greenhouse type of setting. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I happen to agree with the Senator. I originally voted for this. If you see the report, I'm on the Majority Report. At the time I was running back and forth, no excuse, I was running back and forth between there and Utilities. I thought we had discussed a six-month moratorium. Somehow that turned into a three and that's as I say, my bad, if you will. You have a handout on your desks, and I'm sure gone away a lot of the stuff we get on our desks. It talks about Massachusetts' billion dollar industry, ten-year biotech development program. If we put it through a proposed three-year moratorium, we're putting us 13 years behind the rest of the world. They talk about what's taking place in Great Britain, a \$12 billion industry looking out to be a \$350 billion. It isn't like this hasn't been done in the world, and is not being done. In the United States, there's pharmaceutical industry and value-added protein, Iowa State University with corn, Kentucky bio-processing with tobacco. Whether you like that one or not, there's a virus involved. The University of Minnesota with corn, rice and safflower, Purdue University, the University of Washington, Iowa State University again on maize, Washington State University with barley, field peas, rice, and on and on and on. So it's not like this is something new and we're going down a pathway that's not been well-worn in other states. I would oppose Enactment and hope to kill this thing, frankly.

On motion by Senator **NUTTING** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Improve the Maine Clean Election Act
S.P. 445 L.D. 1197
(S "A" S-246 to C "A" S-214)

Tabled - June 3, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENT "A" (S-246)** thereto.)

(In House, June 3, 2009, **PASSED TO BE ENACTED.**)

On motion by Senator **SULLIVAN** of York, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENT "A" (S-246)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-214) as Amended by Senate Amendment "A" (S-246) thereto.

On further motion by same Senator, Senate Amendment "B" (S-291) to Committee Amendment "A" (S-214) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, this is a very simple motion and it will take me two sentences. When we changed the qualifying date for Clean Elections, we chose April 20th as a set date. Unfortunately, as ironic as it is, April 20th is scheduled to be a shutdown day, so we have changed the amendment to April 20th or the next business day to take care of that. That's all this amendment does. Thank you.

On motion by same Senator, Senate Amendment "B" (S-291) to Committee Amendment "A" (S-214) **ADOPTED.**

Committee Amendment "A" (S-214) as Amended by Senate Amendments "A" (S-246) and "B" (S-291) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENTS "A" (S-246) AND "B" (S-291) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law"

S.P. 532 L.D. 1447
(C "A" S-202)

In Senate, May 27, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202) AS AMENDED BY HOUSE AMENDMENT "A" (H-521)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GERZOFSKY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

**House
Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)

H.P. 974 L.D. 1395

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496).**

Signed:

Senator:
BRANNIGAN of Cumberland

Representatives:
PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-497).**

Signed:

Senators:
MARRACHÉ of Kennebec
MILLS of Somerset