

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1897

H.P. 1268

House of Representatives, May 5, 2025

An Act Regarding Sun-grown Cultivation in the Medical Use and Adult Use Cannabis Industries

Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative OSHER of Orono.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: BOYER of Poland, CHAPMAN of Auburn, DILL of Old Town, PLUECKER
of Warren, SUPICA of Bangor, WARREN of Scarborough, Senators: TALBOT ROSS of
Cumberland, TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 22 MRSA §2421-A, sub-§48-A** is enacted to read:

3 **48-A. Sun-grown cultivator.** "Sun-grown cultivator" means a caregiver who
4 cultivates cannabis plants in the flower stage without the use of artificial light.

5 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶B,** as amended by PL 2021, c. 662, §10 and
6 c. 669, §5, is further amended to read:

7 **B. Cultivate** For a caregiver registering based upon plant count or canopy at any given
8 time, cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and
9 unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to
10 1,000 square feet of immature plant canopy and unlimited seedlings or, for a sun-grown
11 cultivator registering based upon annual plant count or canopy, cultivate up to 150
12 mature cannabis plants annually, 300 immature cannabis plants annually and unlimited
13 seedlings or cultivate up to 2,500 square feet of mature plant canopy annually, up to
14 5,000 square feet of immature plant canopy annually and unlimited seedlings. A
15 caregiver may not cultivate immature plants by canopy if cultivating mature plants by
16 plant count and may not cultivate immature plants by plant count if cultivating mature
17 plants by canopy. A sun-grown cultivator may register to cultivate cannabis for
18 medical use on an annual plant count or annual canopy basis;

19 **Sec. 3. 22 MRSA §2423-A, sub-§3, ¶B,** as amended by PL 2023, c. 679, Pt. A,
20 §6, is further amended to read:

21 **B.** A caregiver cultivating cannabis plants for a patient's medical use ~~must~~ **shall** keep
22 all plants in a cultivation area unless the plants are being transported pursuant to
23 subsection 2, paragraph O. ~~The~~ **An indoor** cultivation area must be enclosed and
24 equipped with locks or other security devices that permit access only by a person
25 authorized to have access to the area under this chapter. **An outdoor** cultivation area
26 **must include reasonable precautions to prevent unauthorized access, such as a gated**
27 **driveway and no trespassing signage.**

28 (1) The caregiver shall ensure that the mature cannabis plants, immature cannabis
29 plants and seedlings cultivated by the caregiver are kept in separate cultivation
30 areas. The cultivation area for mature cannabis plants and the cultivation area for
31 immature cannabis plants and seedlings may be located on separate parcels or tracts
32 of land, whether the parcels or tracts of land are contiguous or noncontiguous, as
33 long as the caregiver discloses the locations of all cultivation areas to the
34 department. The caregiver may not maintain more than 2 cultivation areas. The
35 caregiver shall ensure that the cultivation area for mature cannabis plants and the
36 cultivation area for immature cannabis plants comply with the plant count or plant
37 canopy limitations of subsection 2, paragraph B.

38 (2) Access to cultivation areas is limited to the caregiver, except that ~~an elected~~
39 ~~official invited by the caregiver for the purpose of providing education to the~~
40 ~~elected official on cultivation by the caregiver,~~ emergency services personnel, an
41 assistant of a caregiver or a cannabis testing facility or a person who needs to gain
42 access to a cultivation area in order to perform repairs or maintenance or to do
43 construction may access a cultivation area to provide those professional services

1 while under the direct supervision of the caregiver or another person under the
2 direct supervision of the caregiver.

3 **Sec. 4. 22 MRSA §2425-A, sub-§5-A**, as enacted by PL 2021, c. 662, §26, is
4 amended to read:

5 **5-A. Issuance of single registry identification card to caregiver or dispensary**
6 **assistant.** The department shall issue a single registry identification card pursuant to this
7 section authorizing a person to be an assistant of one or more registered caregivers or
8 registered dispensaries and who satisfies all applicable requirements under this section for
9 issuance of a registry identification card. A single registry identification card issued to a
10 person in accordance with this subsection authorizes the person to assist one or more
11 registered caregivers or registered dispensaries in accordance with this chapter and may not
12 associate the person with or restrict the person to assisting a specific caregiver or
13 dispensary. An assistant of a registered caregiver may assist the caregiver for a 30-day
14 period after submitting an application for a registry identification card under subsection 3.

15 **Sec. 5. 22 MRSA §2425-A, sub-§10, ¶B**, as amended by PL 2021, c. 662, §28
16 and c. 669, §5, is further amended to read:

17 B. There is an annual registration fee for a caregiver who cultivates cannabis plants on
18 behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

19 (1) For a caregiver registering based upon plant count at any given time, the fee
20 may not be less than \$50 or more than \$240 for each group of up to 6 mature
21 cannabis plants cultivated by the caregiver. For a caregiver who is a sun-grown
22 cultivator registering based upon annual plant count, the fee may not be less than
23 \$50 or more than \$240 for each group of 30 mature cannabis plants with a
24 maximum of 150 mature cannabis plants to be cultivated annually. The caregiver
25 shall notify the department of the number of cannabis plants the caregiver
26 cultivates.

27 (2) For a caregiver registering based upon plant canopy at any given time, the fee
28 may not be less than \$50 or more than \$1,500 for a total mature plant canopy of
29 500 square feet or less. For a caregiver who is a sun-grown cultivator registering
30 based upon annual plant canopy, the fee may not be less than \$50 or more than
31 \$1,500 for a total mature canopy of 2,500 square feet or less annually.

32 **Sec. 6. 22 MRSA §2430-D**, as amended by PL 2023, c. 679, Pt. A, §§20 to 23, is
33 repealed.

34 **Sec. 7. 28-B MRSA §102-A, sub-§32-A** is enacted to read:

35 **32-A. Indoor cultivation.** "Indoor cultivation" means cultivation of cannabis:

36 A. In an indoor space that uses more than 100 amperes of electricity per 1,500 square
37 feet; or

38 B. That uses sunlight as a light source and uses more than 100 amperes of electricity
39 per 1,500 square feet.

40 **Sec. 8. 28-B MRSA §102-A, sub-§61-A** is enacted to read:

1 **61-A. Sun-grown cultivation.** "Sun-grown cultivation" means cultivation of cannabis
2 that uses sunlight as the primary light source and uses 100 amperes or less per 1,500 square
3 feet.

4 **Sec. 9. 28-B MRSA §106, sub-§4** is enacted to read:

5 **4. Grace period of 30 days for contractors, employees and other support staff.** A
6 contractor, employee or other support staff may work or otherwise perform services on
7 licensed premises for a 30-day period after submitting an application for an individual
8 identification card under this section.

9 **Sec. 10. 28-B MRSA §207, sub-§1**, as amended by PL 2023, c. 679, Pt. B, §39, is
10 further amended to read:

11 **1. Fees for cultivation facilities.** For a cultivation facility license, the office shall
12 require payment of an application fee and a license fee as follows:

13 A. For a tier 1 cultivation facility license, as described in section 301, subsection 1, an
14 application fee of \$100 and a license fee as follows:

15 (1) If the applicant has applied for a plant-count-based tier 1 cultivation facility
16 license as described in section 301, subsection 1, paragraph A, a license fee of not
17 more than \$9 per mature cannabis plant for ~~an outdoor~~ a sun-grown cultivation
18 facility and not more than \$17 per mature cannabis plant for an indoor cultivation
19 facility ~~or a cultivation facility with both indoor and outdoor cultivation areas~~; or

20 (2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility
21 license as described in section 301, subsection 1, paragraph B, a license fee of not
22 more than \$250 for ~~an outdoor~~ a sun-grown cultivation facility and not more than
23 \$500 for an indoor cultivation facility ~~or a cultivation facility with both indoor and~~
24 ~~outdoor cultivation areas~~;

25 B. For a tier 2 cultivation facility license, as described in section 301, subsection 2, an
26 application fee of \$500 and a license fee of not more than \$1,500 for ~~an outdoor~~ a sun-
27 grown cultivation facility and not more than \$3,000 for an indoor cultivation facility
28 ~~or a cultivation facility with both indoor and outdoor cultivation areas~~;

29 C. For a tier 3 cultivation facility license, as described in section 301, subsection 3, an
30 application fee of \$500 and a license fee of not more than \$5,000 for ~~an outdoor~~ a sun-
31 grown cultivation facility and not more than \$10,000 for an indoor cultivation facility
32 ~~or a cultivation facility with both indoor and outdoor cultivation areas~~;

33 D. For a tier 4 cultivation facility license, as described in section 301, subsection 4, an
34 application fee of \$500 and a license fee of not more than \$15,000 for ~~an outdoor~~ a sun-
35 grown cultivation facility and not more than \$30,000 for an indoor cultivation
36 facility ~~or a cultivation facility with both indoor and outdoor cultivation areas~~, except
37 that, for a tier 4 cultivation facility license for which an increased amount of licensed
38 plant canopy has been approved by the office pursuant to section 301, for each
39 approved increase in the amount of licensed plant canopy, the office may increase the
40 maximum license fee by not more than \$5,000 for ~~an outdoor~~ a sun-grown cultivation
41 facility and by not more than \$10,000 for an indoor cultivation facility ~~or a cultivation~~
42 ~~facility with both indoor and outdoor cultivation areas~~; and

1 E. For a nursery cultivation facility license, as described in section 301, subsection 5,
2 an application fee of \$60 and a license fee of \$350.

3 **Sec. 11. 28-B MRSA §207, sub-§6** is enacted to read:

4 **6. Multiple types of cultivation areas.** For cultivation facilities with both indoor and
5 sun-grown cultivation areas, the license fee is assessed separately by plant count or canopy
6 size for each type of cultivation area.

7 **Sec. 12. 28-B MRSA §602, sub-§1, ¶C**, as amended by PL 2023, c. 679, Pt. B,
8 §113, is repealed.

9 SUMMARY

10 This bill amends the Maine Medical Use of Cannabis Act and the Cannabis
11 Legalization Act by:

12 1. Defining "sun-grown cultivators" under the medical use cannabis provisions and
13 "sun-grown cultivation" under the adult use cannabis provisions;

14 2. Increasing the number of cannabis plants and expanding the area of canopy of
15 cannabis plants that a medical use caregiver who is a sun-grown cultivator and who
16 registers based on annual plant count or canopy may cultivate. The bill establishes a
17 registration fee for such caregivers;

18 3. Creating requirements for the outdoor cultivation of cannabis for medical use;

19 4. Allowing medical use caregiver assistants and contractors, employees and other
20 support staff of adult use cannabis licensees a 30-day grace period to assist, work or
21 perform services after submitting an application for an individual identification card;

22 5. Repealing the prohibition on cannabis collectives under the medical use of cannabis
23 provisions; and

24 6. Repealing the mandatory testing requirement for yeast and mold for adult use
25 cannabis and cannabis products.