

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1159

H.P. 798

House of Representatives, March 25, 2009

### An Act Relating to Industrial Hemp

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WELSH of Rockport.  
Cosponsored by Representatives: CLARK of Millinocket, EATON of Sullivan, MARTIN of Eagle Lake, PERCY of Phippsburg, PIEH of Bremen, WEBSTER of Freeport, Senators: CRAVEN of Androscoggin, NUTTING of Androscoggin.

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

2 Sec. 1. 7 MRSA c. 406-A is enacted to read:

3 CHAPTER 406-A

4 HEMP

5 §2231. Industrial hemp

6 1. Definition. As used in this chapter, unless the context otherwise indicates,  
7 "industrial hemp" has the same meaning as in Title 17-A, section 1101, subsection 22.

8 2. Growing permitted. Notwithstanding any other provision of law, a person may  
9 plant, grow, harvest, possess, process, sell and buy industrial hemp if that person holds a  
10 license issued pursuant to subsection 3.

11 3. License. A person desiring to grow industrial hemp for commercial purposes  
12 shall apply to the commissioner for a license on a form prescribed by the commissioner.  
13 The application for a license must include the name and address of the applicant and the  
14 legal description of the land area to be used for the production of industrial hemp. Except  
15 for employees of the Maine Agricultural Experiment Station and the University of Maine  
16 System involved in research and related activities, the commissioner shall require each  
17 applicant for initial licensure to file a set of the applicant's fingerprints, taken by a law  
18 enforcement officer, and any other information necessary to complete a statewide and  
19 nationwide criminal history record check with the Department of Public Safety, State  
20 Bureau of Identification for state processing and with the Federal Bureau of Investigation  
21 for federal processing. All costs associated with the criminal history record check are the  
22 responsibility of the applicant. Criminal history records provided to the commissioner  
23 under this section are confidential. The commissioner may use the records only in  
24 determining an applicant's eligibility for licensure. A person with a prior criminal  
25 conviction is not eligible for licensure. If the applicant has completed the application  
26 process to the satisfaction of the commissioner, the commissioner shall issue the license,  
27 which is valid for a period of one year. Any person licensed under this subsection is  
28 presumed to be growing industrial hemp for commercial purposes.

29 4. Documentation. A licensee shall file with the commissioner documentation  
30 indicating that the seeds planted were of a type and variety of hemp certified to have a  
31 concentration of no more than 0.3% delta-9-tetrahydrocannabinol and a copy of any  
32 contract to grow industrial hemp. A licensee shall notify the commissioner of the sale or  
33 distribution of industrial hemp grown by the licensee and the names of the persons to  
34 whom the industrial hemp was sold or distributed.

35 5. Rules; fee. The commissioner shall adopt rules to allow industrial hemp to be  
36 tested during growth for delta-9-tetrahydrocannabinol levels and to allow for supervision  
37 of the growth and harvest of the industrial hemp. Rules adopted pursuant to this  
38 subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.  
39 To provide sufficient funds to pay costs associated with monitoring and testing industrial

1 hemp, the commissioner shall assess each applicant a fee of \$5 per acre. The minimum  
2 fee assessed must be \$150 per applicant.

3

### SUMMARY

4 This bill allows a person to grow industrial hemp if that person holds a license issued  
5 by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown  
6 under a federal permit in compliance with the conditions of that permit. Except for  
7 employees of the Maine Agricultural Experiment Station and the University of Maine  
8 System involved in research and related activities, a criminal history record check must  
9 be completed on an applicant for licensure. A person with a prior criminal conviction is  
10 not eligible for licensure. Industrial hemp is subject to being tested during its growth, and  
11 the growing and harvesting of industrial hemp is subject to supervision.