

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

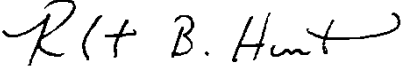
No. 4

H.P. 7

House of Representatives, January 7, 2015

An Act To Promote Industrial Hemp

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


ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator HAMPER of Oxford and
Representatives: DUNPHY of Embden, GOODE of Bangor, O'CONNOR of Berwick, PARRY
of Arundel, POULIOT of Augusta, SHAW of Standish, TIMBERLAKE of Turner.

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

2 **Sec. 1. 7 MRSA §2231**, as enacted by PL 2009, c. 320, §1, is amended to read:

3 **§2231. Industrial hemp**

4 **1. Definition.** As used in this chapter, unless the context otherwise indicates,
5 "industrial hemp" means any variety of Cannabis sativa L. with a delta-9-
6 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and
7 that is grown or possessed by a licensed grower in compliance with this chapter.

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 4. A person licensed pursuant to subsection 4 may
11 plant, grow and harvest only hemp that is grown from seeds acquired from an approved
12 Canadian producer of hemp seeds. A person licensed pursuant to subsection 4 may
13 acquire hemp seeds directly from a producer in Canada or from a hemp seed distributor
14 licensed in this State distributing hemp seeds pursuant to subsection 2-A.

15 **2-A. Seed distribution.** The commissioner may issue a license for a hemp seed
16 distributor if the hemp seeds distributed by the hemp seed distributor are from an
17 approved Canadian producer of hemp seeds that ensures that the hemp cultivated by a
18 grower has a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry
19 weight. The commissioner may issue a license under this subsection to a holder of a seed
20 labeling license pursuant to section 1044-A.

21 **3. Application.** A person desiring to grow industrial hemp for commercial purposes
22 shall apply to the commissioner for a license on a form prescribed by the commissioner.
23 The application must include the name and address of the applicant, the legal description
24 of the land area to be used for the production of industrial hemp and a map, an aerial
25 photograph or global positioning coordinates sufficient for locating the production fields.
26 ~~Except for employees of the Maine Agricultural Experiment Station and the University of~~
27 ~~Maine System involved in research and related activities, an applicant for an initial~~
28 ~~licensure must submit a set of the applicant's fingerprints, taken by a law enforcement~~
29 ~~officer, and any other information necessary to complete a statewide and nationwide~~
30 ~~criminal history record check by the Department of Public Safety, State Bureau of~~
31 ~~Identification and the Federal Bureau of Investigation. All costs associated with the~~
32 ~~criminal history record check are the responsibility of the applicant and must be~~
33 ~~submitted with the fingerprints. Criminal history records provided to the commissioner~~
34 ~~under this section are confidential. The results of criminal records checks received under~~
35 ~~this subsection may only be used in determining an applicant's eligibility for licensure. A~~
36 ~~person with a prior criminal conviction is not eligible for licensure.~~

37 **4. License issued.** Upon review and approval of an application, the commissioner
38 shall notify the applicant and request that the application fee determined under subsection
39 7 be submitted. Upon receipt of the appropriate fee ~~and in accordance with subsection 8,~~
40 the commissioner shall issue a license, which is valid for a period of one year and only
41 for the site or sites specified in the license.

1 ~~**5. Documentation.** A licensee shall file with the commissioner documentation~~
2 ~~indicating that the seeds planted were of a type and variety of hemp approved by the~~
3 ~~commissioner as having a concentration of no more than 0.3% delta 9-~~
4 ~~tetrahydrocannabinol by dry weight and a copy of any contract to grow industrial hemp.~~
5 ~~A licensee shall notify the commissioner of the sale or distribution of industrial hemp~~
6 ~~grown by the licensee and the name of each person to whom the industrial hemp was sold~~
7 ~~or distributed.~~

8 ~~**6. Rules.** The commissioner shall adopt rules to establish approved varieties of~~
9 ~~industrial hemp, protocols for testing plant parts during growth for delta 9-~~
10 ~~tetrahydrocannabinol levels an application fee, a license fee and guidelines for monitoring~~
11 ~~the growth and harvest of industrial hemp. Rules adopted pursuant to this subsection are~~
12 ~~major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

13 ~~**7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an~~
14 ~~application fee, and a license fee and per acre fees for monitoring, sampling and testing~~
15 ~~that are reasonable and necessary to cover the costs of the department.~~

16 All fees received pursuant to this subsection must be paid to the Treasurer of State and
17 credited to a separate, nonlapsing account in the department. Money received pursuant to
18 this subsection must be used for the expenses of administering this chapter.

19 ~~**8. Licensing contingent upon action by Federal Government.** A license may not~~
20 ~~be issued under this section unless:~~

21 ~~A. The United States Congress excludes industrial hemp from the definition of~~
22 ~~"marihuana" for the purpose of the Controlled Substances Act, 21 United States~~
23 ~~Code, Section 802(16); or~~

24 ~~B. The United States Department of Justice, Drug Enforcement Administration takes~~
25 ~~affirmative steps towards issuing a permit under 21 United States Code, Chapter 13,~~
26 ~~Subchapter 1, Part C to a person holding a license issued by a state to grow industrial~~
27 ~~hemp.~~

28 ~~The commissioner shall notify the Revisor of Statutes and the Commissioner of Public~~
29 ~~Safety when the requirements of either paragraph A or B have been met.~~

30 ~~**Sec. 2. Appropriations and allocations.** The following appropriations and~~
31 ~~allocations are made.~~

32 ~~**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**~~

33 ~~**Division of Plant Industry 0831**~~

34 ~~Initiative: Provides funding for one part-time Certified Seed Specialist position and~~
35 ~~related costs to conduct testing, inspection and monitoring related to the production of~~
36 ~~industrial hemp.~~

1	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
2	POSITIONS - FTE COUNT	0.250	0.250
3	Personal Services	\$14,111	\$14,111
4	All Other	\$6,842	\$6,842
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,953	\$20,953

7 **Office of the Commissioner 0401**

8 Initiative: Provides funding for one part-time Certified Seed Specialist position and
9 related costs to conduct testing, inspection and monitoring related to the production of
10 industrial hemp.

11			
12	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
13	All Other	\$2,500	\$0
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,500	\$0

16			
17	AGRICULTURE, CONSERVATION AND		
18	FORESTRY, DEPARTMENT OF		
19	DEPARTMENT TOTALS	2015-16	2016-17
20			
21	OTHER SPECIAL REVENUE FUNDS	\$23,453	\$20,953
22			
23	DEPARTMENT TOTAL - ALL FUNDS	\$23,453	\$20,953

24 **SUMMARY**

25 This bill removes the requirements that an applicant for an initial license to grow
26 industrial hemp for commercial purposes must submit a set of the applicant's fingerprints
27 and file with the Commissioner of Agriculture, Conservation and Forestry documentation
28 indicating that the seeds planted were a type and variety of hemp approved by the
29 commissioner and also repeals the provision that licensure is contingent upon action by
30 the Federal Government.

31 The bill requires that any hemp seeds acquired for cultivation of hemp in the State
32 must come from an approved Canadian producer of hemp seeds. It allows the
33 Commissioner of Agriculture, Conservation and Forestry to issue licenses for hemp seed
34 distribution to holders of seed labeling licenses. It also allows hemp growers licensed by
35 the State to acquire hemp seeds directly from a producer in Canada or from a state-
36 licensed hemp seed distributor. It requires that application fees and license fees must be
37 established by major substantive rules. It includes an appropriations and allocations
38 section.