

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 742

H.P. 522

House of Representatives, March 2, 2017

An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARVELL of Farmington.
Cosponsored by Senator DILL of Penobscot and
Representatives: AUSTIN of Gray, BRADSTREET of Vassalboro, FARRIN of Norridgewock,
HILLIARD of Belgrade, O'CONNOR of Berwick, POULIOT of Augusta, SIMMONS of
Waldoboro, VACHON of Scarborough.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current law does not allow for the cultivation of industrial hemp from
4 tissue samples taken from live crops grown from certified seeds or from a cutting from a
5 mature industrial hemp plant and these propagation techniques allow for greater control
6 in terms of biological selection, ensuring production of hemp crops and certifiable seeds
7 that do not exceed permitted tetrahydrocannabinol levels for industrial hemp; and

8 **Whereas,** current rules do not allow for the licensing of industrial hemp grown
9 indoors and indoor production provides a greater ability to regulate the growing
10 environment for the controlled studies necessary for a new industry in Maine; and

11 **Whereas,** allowing indoor production and new propagation techniques will help
12 Maine to move forward in the industrial hemp industry and produce scientific research
13 that provides value in many commercial applications to benefit Maine's economy; and

14 **Whereas,** academic research partnerships and projects that could benefit from new
15 propagation techniques and indoor production are slated to begin in early 2017 and
16 provide significant benefits to Maine's research institutions and economy; and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore,

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

22 **Sec. 1. 7 MRSA §2231, sub-§§1, 2 and 6,** as amended by PL 2015, c. 202, §1,
23 are further amended to read:

24 **1. Definitions.** As used in this chapter, unless the context otherwise indicates,
25 "industrial hemp" means any variety of *Cannabis sativa* L. with a
26 delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight
27 basis and that is grown or possessed by a licensed grower in compliance with this chapter.
28 As used in this chapter, unless the context otherwise indicates, "certified seed source"
29 means a source of hemp seeds that are certified by a 3rd party as producing hemp having
30 a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight
31 basis. As used in this chapter, unless the context otherwise indicates, "clone" means an
32 industrial hemp plant produced using a cutting from any part of a mature industrial hemp
33 plant.

34 **2. Growing permitted.** Notwithstanding any other provision of law, a person may
35 plant, grow, harvest, possess, process, sell and buy industrial hemp if that person holds a
36 license issued pursuant to subsection 4. A person licensed pursuant to subsection 4 may
37 plant, grow and harvest only hemp that is grown from seeds acquired from a certified
38 seed source, grown from a clone or propagated from tissue cultures removed from live
39 crops grown from seeds acquired from a certified seed source. A person licensed

1 pursuant to subsection 4 may acquire hemp seeds directly from a certified seed source or
2 from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to
3 subsection 2-A.

4 **6. Rules.** The commissioner shall adopt rules to establish an application fee, a
5 license fee, per acre fees for monitoring, sampling and testing and guidelines for
6 monitoring the growth and harvest of industrial hemp. The commissioner shall adopt
7 rules to provide for the application and licensing of industrial hemp grown indoors.
8 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
9 chapter 375, subchapter 2-A.

10 **Emergency clause.** In view of the emergency cited in the preamble, this
11 legislation takes effect when approved.

12 **SUMMARY**

13 This bill provides that a person licensed to grow industrial hemp may, in addition to
14 existing permitted activities, grow industrial hemp from a clone or tissue cultures
15 removed from live crops grown from certified seeds. It also requires the Commissioner
16 of Agriculture, Conservation and Forestry to adopt rules to allow for licensing of indoor
17 industrial hemp production.