

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 269

S.P. 81

In Senate, January 22, 2019

**An Act To Match the State's Definition of "Hemp" to the Definition
in Federal Law**

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative HICKMAN of Winthrop and
Senator: President JACKSON of Aroostook, Representatives: ACKLEY of Monmouth,
BERRY of Bowdoinham, FAULKINGHAM of Winter Harbor, MASTRACCIO of Sanford,
McCREIGHT of Harpswell, PLUECKER of Warren.

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

2 **Sec. 1. 7 MRSA §2231**, as amended by PL 2015, c. 202, §1, is further amended to
3 read:

4 **§2231. Hemp**

5 **1. Definition.** As used in this chapter, unless the context otherwise indicates,
6 "~~industrial~~ hemp" means ~~any variety of the plant~~ Cannabis sativa L. and any part of that
7 plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts
8 and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol
9 concentration ~~that does not exceed~~ of not more than 0.3% on a dry weight basis and that
10 is grown or possessed by a licensed grower in compliance with this chapter. As used in
11 this chapter, unless the context otherwise indicates, "certified seed source" means a
12 source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-
13 9-tetrahydrocannabinol concentration ~~that does not exceed~~ of not more than 0.3% on a
14 dry weight basis.

15 **2. Growing permitted.** Notwithstanding any other provision of law, a person may
16 plant, grow, harvest, possess, process, sell and buy ~~industrial~~ hemp if that person holds a
17 license issued pursuant to subsection 4. A person licensed pursuant to subsection 4 may
18 plant, grow and harvest only hemp that is grown from seeds acquired from a certified
19 seed source. A person licensed pursuant to subsection 4 may acquire hemp seeds directly
20 from a certified seed source or from a hemp seed distributor licensed in this State
21 distributing hemp seeds pursuant to subsection 2-A.

22 **2-A. Seed distribution.** The commissioner may issue a license for a hemp seed
23 distributor if the hemp seeds distributed by the hemp seed distributor are from a certified
24 seed source. The commissioner may issue a license under this subsection to a holder of a
25 seed labeling license pursuant to section 1044-A.

26 **3. Application.** A person desiring to grow ~~industrial~~ hemp for commercial purposes
27 shall apply to the commissioner for a license on a form prescribed by the commissioner.
28 The application must include the name and address of the applicant, the legal description
29 of the land area to be used for the production of ~~industrial~~ hemp and a map, an aerial
30 photograph or global positioning coordinates sufficient for locating the production fields.

31 **4. License issued.** Upon review and approval of an application, the commissioner
32 shall notify the applicant and request that the application fee determined under subsection
33 7 be submitted. Upon receipt of the appropriate fee, the commissioner shall issue a
34 license, which is valid for a period of one year and only for the site or sites specified in
35 the license.

36 **6. Rules.** The commissioner shall adopt rules to establish an application fee, a
37 license fee, per acre fees for monitoring, sampling and testing and guidelines for
38 monitoring the growth and harvest of ~~industrial~~ hemp. Rules adopted pursuant to this
39 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an
2 application fee, a license fee and per acre fees for monitoring, sampling and testing that
3 are reasonable and necessary to cover the costs of the department. The application fee
4 must be no less than \$50 and no more than \$100, the license fee must be no less than
5 \$100 and no more than \$500, and the fees for monitoring, sampling and testing must be
6 no less than \$1 per acre and no more than \$100 per acre.

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

10 **Sec. 2. 17-A MRSA §1101, sub-§22**, as enacted by PL 2003, c. 61, §1, is
11 amended to read:

12 **22.** "~~Industrial hemp~~ Hemp" means ~~any variety of the plant~~ Cannabis sativa L. and
13 any part of that plant, including the seeds and all derivatives, extracts, cannabinoids,
14 isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-
15 tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry
16 weight basis and that is grown under a federal permit in compliance with the conditions
17 of that permit.

18 **Sec. 3. 17-A MRSA §1103, sub-§7**, as enacted by PL 2003, c. 61, §2, is amended
19 to read:

20 **7.** It is an affirmative defense to prosecution under this section that the substance
21 trafficked in is ~~industrial~~ hemp.

22 **Sec. 4. 17-A MRSA §1105-A, sub-§3**, as enacted by PL 2003, c. 61, §3, is
23 amended to read:

24 **3.** It is an affirmative defense to prosecution under this section that the substance
25 trafficked in is ~~industrial~~ hemp.

26 **Sec. 5. 17-A MRSA §1105-C, sub-§3**, as enacted by PL 2003, c. 61, §4, is
27 amended to read:

28 **3.** It is an affirmative defense to prosecution under this section that the substance
29 furnished is ~~industrial~~ hemp.

30 **Sec. 6. 17-A MRSA §1105-D, sub-§3**, as enacted by PL 2003, c. 61, §5, is
31 amended to read:

32 **3.** It is an affirmative defense to prosecution under this section that the substance
33 cultivated or grown is ~~industrial~~ hemp.

34 **Sec. 7. 17-A MRSA §1106, sub-§6, ¶A**, as enacted by PL 2007, c. 346, Pt. B,
35 §1, is amended to read:

36 A. ~~Industrial hemp~~ Hemp; or

