

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 33

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S.P. 41

In Senate, January 13, 2021

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**An Act To Improve the Laws Governing Hemp by Bringing Them  
into Compliance with Federal Law**

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Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 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 BLACK of Franklin.

Cosponsored by Senator: MAXMIN of Lincoln, Representative: LANDRY of Farmington.

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

2 **Sec. 1. 5 MRSA §5303, sub-§2**, as amended by PL 2017, c. 288, Pt. A, §12, is  
3 further amended to read:

4 **2. Ten-year limits.** For applicants to and licensees and registrants of the Board of  
5 Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Practice,  
6 the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure,  
7 the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of  
8 the Maine Criminal Justice Academy, the State Board of Examiners in Physical Therapy,  
9 the State Board of Alcohol and Drug Counselors, the Board of Respiratory Care  
10 Practitioners, the Board of Counseling Professionals Licensure, the Board of Occupational  
11 Therapy Practice, the Board of Speech, Audiology and Hearing, the Radiologic  
12 Technology Board of Examiners, the Nursing Home Administrators Licensing Board, the  
13 Board of Licensure of Podiatric Medicine, the Board of Complementary Health Care  
14 Providers, the Maine Board of Pharmacy, and the Emergency Medical Services' Board, for  
15 applicants to and licensees of the Department of Agriculture, Conservation and Forestry  
16 for growing, processing and transporting hemp and for applicants for massage therapy  
17 licensure or licensed massage therapists, the following apply.

18 A. The procedures outlined in sections 5301 and 5302 for the consideration of prior  
19 criminal conviction as an element of fitness to practice a licensed profession, trade or  
20 occupation apply within 10 years of the applicant's or licensee's final discharge, if any,  
21 from the correctional system.

22 B. Beyond the 10-year period, ex-offender applicants or licensees with no additional  
23 convictions must be considered in the same manner as applicants or licensees  
24 possessing no prior criminal record for the purposes of licensing decisions.

25 C. There is no time limitation for consideration of a registrant's, an applicant's or  
26 licensee's conduct that gave rise to the criminal conviction if that conduct is otherwise  
27 a ground for disciplinary action.

28 **Sec. 2. 7 MRSA §2231, sub-§1-A, ¶F** is enacted to read:

29 F. "Key participant" means a person who has a direct or indirect financial interest in  
30 an entity producing hemp, such as an owner or partner in a partnership. "Key  
31 participant" also includes a person in a corporate entity at an executive level including  
32 a chief executive officer, chief operating officer and chief financial officer. "Key  
33 participant" does not include other management positions such as farm, field or shift  
34 managers.

35 **Sec. 3. 7 MRSA §2231, sub-§2**, as amended by PL 2019, c. 12, Pt. B, §1, is further  
36 amended to read:

37 **2. Growing permitted.** Notwithstanding any other provision of law, a person may  
38 plant, grow, harvest, possess, process, sell and buy hemp if that person holds a license  
39 issued pursuant to subsection 4, ~~except that a person may plant and grow up to 3 hemp~~  
40 ~~plants on no more than one acre of land area or within an indoor facility and harvest, possess~~  
41 ~~and process that hemp for personal use without a license.~~ A grower licensee may plant,  
42 grow and harvest only hemp that is grown from seeds saved by the grower licensee as  
43 provided in paragraph A, acquired from a certified seed source, grown from a clone that is

1 produced from seeds acquired from a certified seed source or propagated from tissue  
2 cultures that are removed from live plants grown from seeds acquired from a certified seed  
3 source. A grower licensee may acquire hemp seeds directly from a certified seed source or  
4 from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to  
5 subsection 2-A.

6 A. A grower licensee may save seeds from hemp plants that the person has grown and  
7 harvested and, after having ensured through testing by an independent 3rd-party tester  
8 that the plants that will grow from the seeds will meet the definition of hemp, may use  
9 those seeds for breeding and planting hemp.

10 B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide  
11 to the commissioner a listing of the varieties of seeds or clones planted and a statement  
12 that the seeds or clones meet the definition of hemp. ~~This paragraph may not be  
13 interpreted to require providing the information required by this paragraph to the  
14 commissioner in advance of an application to grow hemp.~~

15 **Sec. 4. 7 MRSA §2231, sub-§6**, as amended by PL 2019, c. 528, §1, is repealed  
16 and the following enacted in its place:

17 **6. Rules.** The commissioner shall adopt rules to align the laws governing hemp in this  
18 State with 7 United States Code, Section 1639p(a)(2)(A) (2020), 7 Code of Federal  
19 Regulations, Part 990 (2020) and any additional federal statutes or regulations.

20 The rules must establish an application fee, a license fee, per acre or per square foot fees  
21 for monitoring, sampling and testing and guidelines for monitoring the growth and harvest  
22 of hemp.

23 The rules must establish a mechanism for conducting criminal background checks on  
24 grower licensees and all key participants and require fees to be paid by the grower licensee  
25 or key participant.

26 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
27 chapter 375, subchapter 2-A.

28 **Sec. 5. 7 MRSA §2231, sub-§6-A**, as enacted by PL 2019, c. 528, §1, is repealed.

29 **Sec. 6. 7 MRSA §2231, sub-§9**, as enacted by PL 2019, c. 528, §1, is repealed.

### 30 SUMMARY

31 This bill brings the laws governing hemp into compliance with the federal Agriculture  
32 Improvement Act of 2018 and the United States Department of Agriculture's regulations in  
33 7 Code of Federal Regulations, Part 990.