

MAINE STATE LEGISLATURE

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majority

L.D. 1942

Date: 4/14/22

(Filing No. S-557)

MAJORITY

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 683, L.D. 1942, "An Act To Make Changes to the State's Hemp Program"

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

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

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

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

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

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

9 **2. Growing permitted.** Notwithstanding any other provision of law to the contrary,
10 a person may plant, grow, harvest, possess, process, sell and buy hemp if that person holds
11 a license issued pursuant to subsection 4, ~~except that a person may plant and grow up to 3~~
12 ~~hemp plants on no more than one acre of land area or within an indoor facility and harvest,~~
13 ~~possess and process that hemp for personal use without a license.~~ A grower licensee may
14 plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee
15 as provided in paragraph A, acquired from a certified seed source, grown from a clone that
16 is produced from seeds acquired from a certified seed source or propagated from tissue
17 cultures that are removed from live plants grown from seeds acquired from a certified seed
18 source. A grower licensee may acquire hemp seeds directly from a certified seed source or
19 from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to
20 subsection 2-A.

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

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

30 **Sec. 3. 7 MRSA §2231, sub-§6**, as amended by PL 2019, c. 528, §1, is repealed
31 and the following enacted in its place:

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

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

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

41 For purposes of this subsection, "key participant" means a person who, as determined by
42 the commissioner by rule, has a direct or indirect financial interest in an entity producing
43 hemp, such as an owner or partner in a partnership. "Key participant" also includes a person

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1 in a corporate entity at an executive level including a chief executive officer, chief
2 operating officer and chief financial officer. "Key participant" does not include other
3 management positions such as farm, field or shift managers.

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

6 **Sec. 4. 7 MRSA §2231, sub-§6-A,** as enacted by PL 2019, c. 528, §1, is repealed.

7 **Sec. 5. 7 MRSA §2231, sub-§9,** as enacted by PL 2019, c. 528, §1, is repealed.'

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
9 number to read consecutively.

10 **SUMMARY**

11 This amendment, which is the majority report of the committee, brings the laws
12 governing hemp into compliance with the federal Agriculture Improvement Act of 2018
13 and the United States Department of Agriculture's regulations in 7 Code of Federal
14 Regulations, Part 990.

15 **FISCAL NOTE REQUIRED**

16 (See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1942

LR 2595(02)

An Act To Make Changes to the State's Hemp Program

Fiscal Note for Bill as Amended by Committee Amendment "A" (5557)
Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Agriculture, Conservation and Forestry for rulemaking are anticipated to be minor and can be absorbed within existing budgeted resources.