

MAINE STATE LEGISLATURE

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L.D. 1942

Date: 4/19/22

(Filing No. S-582)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

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

Amend the amendment by striking out all of section 1 and inserting the following:

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

F. "Key participant" means a person who, as determined by the commissioner by rule, has a direct or indirect financial interest in an entity producing hemp, such as an owner or partner in a partnership. "Key participant" also includes a person in a corporate entity at an executive level including a chief executive officer, chief operating officer and chief financial officer. "Key participant" does not include other management positions such as farm, field or shift managers.'

Amend the amendment by striking out all of section 2 and inserting the following:

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

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

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

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

6 For the purposes of this subsection, "disqualifying drug offense" means a conviction for a
7 violation of a state or federal controlled substance law that is a crime punishable by
8 imprisonment for one year or more, except that "disqualifying drug offense" does not
9 include an offense for which the sentence, including any term of probation, incarceration
10 or supervised release, was completed 10 or more years before the date the person who was
11 convicted seeks to obtain a grower license.'

12 Amend the amendment in section 3 in subsection 6 in the first 2 lines (page 2, lines 32
13 and 33 in amendment) by striking out the following: "to align the laws governing hemp in
14 this State" and inserting the following: 'consistent'

15 Amend the amendment in section 3 in subsection 6 in the 3rd line (page 2, line 34 in
16 amendment) by striking out the following: "additional" and inserting the following: 'other
17 applicable'

18 Amend the amendment in section 3 in subsection 6 by striking out all of the 2nd
19 blocked paragraph (page 2, lines 38 to 40 in amendment).

20 Amend the amendment in section 3 in subsection 6 by striking out all of the 3rd blocked
21 paragraph (page 2, lines 41 to 43 and page 3, lines 1 to 3 in amendment).

22 Amend the amendment by striking out all of section 4.

23 Amend the amendment by inserting after section 5 the following:

24 '**Sec. 6. 7 MRSA §2231, sub-§12** is enacted to read:

25 **12. Criminal history record check.** The department shall request a criminal history
26 record check for each grower license applicant and key participant under this chapter and
27 may at any time require a grower licensee or key participant to submit to a criminal history
28 record check in accordance with this subsection. A criminal history record check conducted
29 pursuant to this subsection must include criminal history record information obtained from
30 the Maine Criminal Justice Information System established in Title 16, section 631 and the
31 Federal Bureau of Investigation.

32 A. Criminal history record information obtained from the Maine Criminal Justice
33 Information System pursuant to this subsection must include a record of public criminal
34 history record information as defined in Title 16, section 703, subsection 8.

35 B. Criminal history record information obtained from the Federal Bureau of
36 Investigation pursuant to this subsection must include other state and national criminal
37 history record information.

38 C. The department by rule shall set the amount of the fee to be paid by an individual
39 for each criminal history record check required to be performed under this subsection.

40 D. The subject of a Federal Bureau of Investigation criminal history record check may
41 obtain a copy of the criminal history record check by following the procedures outlined
42 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state

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1 criminal history record check may inspect and review the criminal history record
2 information pursuant to Title 16, section 709.

3 E. State and national criminal history record information obtained by the department
4 under this subsection may be used only for the purpose of screening an applicant for a
5 grower license or key participant under this chapter.

6 F. All criminal history record information obtained by the department pursuant to this
7 subsection is confidential, is for the official use of the department only and may not be
8 disseminated outside of the department or disclosed to any other person or entity except
9 as provided in paragraph D.

10 G. The department, after consultation with the Department of Public Safety, Bureau
11 of State Police, State Bureau of Identification, shall adopt rules to implement this
12 subsection.'

13 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
14 section number to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A" to:

17 1. Remove sections that make changes to the 10-year time limit for consideration of
18 prior criminal convictions for individuals seeking certain occupational licenses and
19 registrations and that repeal a provision establishing a preliminary program to allow the
20 growing of hemp inside buildings and greenhouses;

21 2. Move a definition of "key participant" to the subsection containing the definitions
22 for the section pertaining to hemp;

23 3. Add a condition that a person with a grower license for growing hemp may not have
24 a disqualifying drug offense; and

25 4. Require a criminal history record check for hemp grower license applicants and key
26 participants.

27 SPONSORED BY: 

(Senator HICKMAN, C.)

COUNTY: Kennebec

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