

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

mand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

Sec. 18. 38 MRSA §570-A, last ¶, as amended by PL 2003, c. 245, §15, is further amended to read:

This section is repealed December 31, ~~2010~~ 2015.

Sec. 19. 38 MRSA §570-B, last ¶, as amended by PL 2003, c. 245, §16, is further amended to read:

This section is repealed December 31, ~~2010~~ 2015.

Sec. 20. 38 MRSA §570-I, last ¶, as amended by PL 2003, c. 245, §17, is further amended to read:

This section takes effect December 31, ~~2010~~ 2015.

Sec. 21. 38 MRSA §570-J, last ¶, as amended by PL 2003, c. 245, §18, is further amended to read:

This section is effective December 31, ~~2010~~ 2015.

Sec. 22. PL 1991, c. 817, §28, as amended by PL 2003, c. 245, §20, is repealed.

Sec. 23. PL 1991, c. 817, §30, as amended by PL 2003, c. 245, §21, is repealed.

Sec. 24. Review and evaluation. The Department of Environmental Protection, in consultation with interested parties, shall review and evaluate the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites under the Maine Revised Statutes, Title 38, section 343-E and sites contaminated by discharges during the delivery of oil to an oil storage facility. The department shall make recommendations for sustainable public or private funding of the investigation and cleanup of those sites. By January 15, 2010, the department shall submit to the Joint Standing Committee on Natural Resources a report detailing its findings and recommendations, and the committee may report out legislation to the Second Regular Session of the 124th Legislature relating to the report.

Sec. 25. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management 0247

Initiative: Deallocates funds as a result of limiting eligibility for coverage and modifying other activities to reduce expenditures from the Ground Water Oil Clean-up Fund.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	(\$500,000)	(\$500,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500,000)	(\$500,000)

See title page for effective date.

CHAPTER 320

H.P. 798 - L.D. 1159

An Act Relating to Industrial Hemp

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

Sec. 1. 7 MRSA c. 406-A is enacted to read:

CHAPTER 406-A

HEMP

§2231. Industrial hemp

1. Definition. As used in this chapter, unless the context otherwise indicates, "industrial hemp" means any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter.

2. Growing permitted. Notwithstanding any other provision of law, a person may plant, grow, harvest, possess, process, sell and buy industrial hemp if that person holds a license issued pursuant to subsection 4.

3. Application. A person desiring to grow industrial hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area to be used for the production of industrial hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, an applicant for an initial licensure must submit a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history record check by the Department of Public Safety, State Bureau of Identification and the Federal Bureau of Investigation. All costs associated with the criminal

history record check are the responsibility of the applicant and must be submitted with the fingerprints. Criminal history records provided to the commissioner under this section are confidential. The results of criminal records checks received under this subsection may only be used in determining an applicant's eligibility for licensure. A person with a prior criminal conviction is not eligible for licensure.

4. License issued. Upon review and approval of an application, the commissioner shall notify the applicant and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee and in accordance with subsection 8, the commissioner shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

5. Documentation. A licensee shall file with the commissioner documentation indicating that the seeds planted were of a type and variety of hemp approved by the commissioner as having a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight and a copy of any contract to grow industrial hemp. A licensee shall notify the commissioner of the sale or distribution of industrial hemp grown by the licensee and the name of each person to whom the industrial hemp was sold or distributed.

6. Rules. The commissioner shall adopt rules to establish approved varieties of industrial hemp, protocols for testing plant parts during growth for delta-9-tetrahydrocannabinol levels and guidelines for monitoring the growth and harvest of industrial hemp. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Fees. The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department.

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

8. Licensing contingent upon action by Federal Government. A license may not be issued under this section unless:

A. The United States Congress excludes industrial hemp from the definition of "marihuana" for the purpose of the Controlled Substances Act, 21 United States Code, Section 802(16); or

B. The United States Department of Justice, Drug Enforcement Administration takes affirmative steps towards issuing a permit under 21 United States Code, Chapter 13, Subchapter 1, Part C to a

person holding a license issued by a state to grow industrial hemp.

The commissioner shall notify the Revisor of Statutes and the Commissioner of Public Safety when the requirements of either paragraph A or B have been met.

See title page for effective date.

CHAPTER 321

S.P. 105 - L.D. 341

An Act To Amend the Department of Health and Human Services' Progressive Treatment Program

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

Sec. 1. 34-B MRSA §3873, sub-§2, ¶B, as enacted by PL 2005, c. 519, Pt. BBBB, §14 and affected by §20, is amended to read:

B. The person must:

- (1) Be ~~24~~ 18 years of age or older;
- (2) Have been clinically determined to be suffering from a severe and persistent mental illness;
- (3) Have been under an order of involuntary commitment to a state mental health institute at the time of filing of the application for progressive treatment; and
- (4) Have been clinically determined to be in need of the progressive treatment program in order to prevent interruptions in treatment, relapse and deterioration of mental health and to enable the person to survive safely in a community setting in the reasonably foreseeable future without posing a likelihood of serious harm as defined in section 3801, subsection 4, paragraph D. A determination under this subparagraph must be based on current behavior, treatment history, documented history of positive responses to treatment while hospitalized, relapse and deterioration of mental health after discharge and inability to make informed decisions regarding treatment.

Sec. 2. 34-B MRSA §3873, sub-§3, as enacted by PL 2005, c. 519, Pt. BBBB, §14 and affected by §20, is amended to read:

3. Duration of participation. Except as provided in subsections 4 and 5, participation in the progressive treatment program must be for ~~a term~~ an initial period of 6 months or an extension of participation of 6 months. The District Court may not order partici-