

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

**3. Part-year resident taxpayer.** An eligible individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of ~~5%~~ 25% of the federal earned income credit for the same taxable year for an eligible part-year individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year, except that for tax years beginning in 2009 and 2010, the applicable percentage is 4% for all other eligible part-year individuals, multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

**4. Limitation.** The credit allowed by this section may not reduce the Maine income tax to less than zero, except that for tax years beginning on or after January 1, 2016, the credit allowed under subsections 1 and 3 is refundable.

**5. Eligible individual under 25 years of age and without a qualifying child.** The credit for an eligible individual who is entitled to a credit under subsections 1 to 3, has not attained 25 years of age and does not have a qualifying child for the taxable year must be calculated in the same manner as it would be calculated if that individual were eligible for a federal earned income credit.

**6. Eligible individual defined.** For tax years beginning on or after January 1, 2020, for the purposes of this section, unless the context otherwise indicates, "eligible individual" has the same meaning as under Section 32(c)(1) of the Code except that "eligible individual" also includes an individual who does not have a qualifying child for the taxable year, who is at least 18 years of age and has not attained 25 years of age before the close of the taxable year and who also meets the qualifications under Section 32(c)(1)(A)(ii)(I) and (III) of the Code.

**Sec. B-3. Application.** This Part applies to tax years beginning on or after January 1, 2020.

**Sec. B-4. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Senior Tax Examiner position and related costs to review, process and

audit income tax returns to verify eligibility for the earned income tax credit.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$76,351	\$102,817
All Other	\$32,858	\$4,778
GENERAL FUND TOTAL	\$109,209	\$107,595

See title page for effective date.

**CHAPTER 528**

**S.P. 585 - L.D. 1749**

**An Act To Amend the State's Hemp Laws**

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

**Sec. 1. 7 MRSA §2231,** as amended by PL 2019, c. 115, §1, is further amended to read:

**§2231. Hemp**

**1. Definition.** ~~As used in this chapter, unless the context otherwise indicates, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta 9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1. As used in this chapter, unless the context otherwise indicates, "certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.~~

**1-A. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

B. "Clone" means a hemp plant produced using any part of another hemp plant other than the seeds of that hemp plant.

C. "Grower licensee" means a person licensed pursuant to subsection 4.

D. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp, which in their final forms contain a delta-9-tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1.

E. "Indoor facility" means a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

**2. Growing permitted.** Notwithstanding any other provision of law, a person may plant, grow, harvest, possess, process, 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 person licensed pursuant to subsection 4 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 person licensed pursuant to subsection 4 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.

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

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

**3. Application.** A person desiring to grow 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 or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields or the floor plan of any indoor facility. For purposes of this subsection, "indoor facility" includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

**4. License issued.** Upon review and approval of an application, the commissioner shall notify the applicant for a license to grow hemp under subsection 3 of the approval and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee, 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.

A person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived from hemp must be licensed pursuant to section 2901-C; Title 22, chapters 551, 562 or 562-A; or Title 28-A.

**5-A. Final location for growing hemp.** A grower licensee shall, within 14 days of planting hemp, provide the commissioner with a final legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site or indoor facility where hemp is growing.

**6. Rules.** The commissioner shall adopt rules to establish an application fee, a license fee, per acre or per square foot fees for monitoring, sampling and testing and guidelines for monitoring the growth and harvest of hemp. Rules adopted pursuant to this subsec-

tion are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The rules must establish methods for verifying that plant materials used in breeding, tissue culture and cloning are hemp and not marijuana.

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

**6-A. Preliminary program; indoor cultivation.**

The commissioner shall establish a preliminary program to allow the growing of hemp inside buildings and greenhouses. The number of grower licensees selected for the program under this subsection may be limited by available resources as determined by the department. Notwithstanding subsection 7, the rules may specify additional fees based on square footage and the number of buildings or greenhouses approved under the program. A grower licensee who uses a hoop house, high tunnel, row cover or other season extender over crops approved for outdoor cultivation may not be required to be part of the program and may not be assessed additional fees.

**7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre or per square foot fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department. The application fee must be no less than \$50 and no more than \$100, the license fee must be no less than \$100 and no more than \$500, and the fees for monitoring, sampling and testing must be no less than \$1 per acre and no more than \$100 per acre and no more than 25¢ per square foot.

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.

**9. Confidentiality.** Notwithstanding Title 1, section 402, the legal description of the land area or indoor facility to be used for the production of hemp provided under subsections 3 and 5-A, including a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site or indoor facility where hemp will be grown, handled or stored, is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of this section.

Summary reports of information designated as confidential may be released to the public using aggregate data that does not reveal the location of a field, site or indoor facility where hemp is grown, handled or stored.

**10. Hemp not tracked as marijuana.** Notwithstanding any provision of Title 22, chapter 558-C or

Title 28-B, chapter 1 to the contrary, hemp and products derived from hemp may not be tracked as part of the medical use of marijuana program under Title 22, chapter 558-C or the regulation of adult use marijuana under Title 28-B, chapter 1.

**11. Annual report.** No later than April 1st, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over agricultural matters an annual report that contains at a minimum:

A. The number of licenses issued under subsection 4;

B. The number of acres all land areas licensed for the cultivation of hemp and the square footage of indoor facilities licensed for the cultivation of hemp;

C. Total amount of harvested hemp, in pounds;

D. The types of commodities or products derived from hemp manufactured or sold within the State; and

E. The types of commodities or products derived from hemp exported outside the State.

**Sec. 2. 17-A MRSA §1101, sub-§1,** as amended by PL 1975, c. 740, §96, is further amended to read:

**1.** "Marijuana" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but ~~shall does~~ not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and ~~further, shall does~~ not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant ~~which that~~ is incapable of germination. "Marijuana" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 3. 17-A MRSA §1101, sub-§5,** as enacted by PL 1975, c. 499, §1, is amended to read:

**5.** "Hashish" includes the resin extracted from any part of the cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin. "Hashish" does not include the resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 4. 17-A MRSA §1101, sub-§22,** as amended by PL 2019, c. 12, Pt. B, §2, is repealed.

**Sec. 5. 17-A MRSA §1101, sub-§22-A** is enacted to read:

22-A. "Hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 6. 17-A MRSA §1102, sub-§4, ¶G,** as enacted by PL 2013, c. 341, §6, is amended to read:

G. Synthetic cannabinoids, including:

(1) Tetrahydrocannabinols that are naturally contained in a plant of the genus cannabis or a cannabis plant, excluding tetrahydrocannabinols contained in hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D, as well as synthetic equivalents of the substances contained in the cannabis plant or in the resinous ~~extractives~~ extracts of cannabis or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity, including the following:

- (a) Delta-1 cis or trans tetrahydrocannabinol and their optical isomers;
- (b) Delta-6 cis or trans tetrahydrocannabinol and their optical isomers; or
- (c) Delta-3,4 cis or trans tetrahydrocannabinol and their optical isomers;

(2) Naphthoylindoles, including any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-3-(1-naphthoyl)indole or JWH-018 or AM-678;
- (b) 1-Butyl-3-(1-naphthoyl)indole or JWH-073;
- (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole or JWH-081;
- (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole or JWH-200;
- (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole or JWH-015;
- (f) 1-Hexyl-3-(1-naphthoyl)indole or JWH-019;
- (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole or JWH-122;
- (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl) indole or JWH-210;

(i) 1-Pentyl-3-(4-chloro-1-naphthoyl) indole or JWH-398; or

(j) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole or AM-2201;

(3) Naphthylmethylandoles, including any compound containing a H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane or JWH-175; or
- (b) 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane or JWH-184;

(4) Naphthoylpyrroles, including any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone or JWH-307;

(5) Naphthylideneindenes or naphthylmethylandenes, including any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane or JWH-176;

(6) Phenylacetylindoles, including any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:

- (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole or RCS-8;
- (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole or JWH-250;
- (c) 1-Pentyl-3-(2-methylphenylacetyl)indole or JWH-251; or
- (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole, or JWH-203;
- (7) Cyclohexylphenols, including any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent, and their isomers with similar chemical structure and pharmacological activity, including the following:
- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or CP 47,497;
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or Cannabicyclohexanol or CP 47,497-C8 homologue; or
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol or CP 55,490;
- (8) Benzoylindoles, including any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:
- (a) 1-Pentyl-3-(4-methoxybenzoyl)indole or RCS-4;
- (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole or AM-694; or
- (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone or WIN-48,098 or Pravadoline; and
- (9) The following other unclassified synthetic cannabinoids:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,

10a-tetrahydrobenzo[c]chromen-1-ol or HU-210;

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or Dexanabinol or HU-211;

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthalenylmethanone or WIN 55,212-2; or

(d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone or XLR-11.

**Sec. 7. 22 MRSA §2157, sub-§11**, as corrected by RR 2011, c. 2, §26, is amended to read:

**11. Artificial flavoring and coloring.** If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating the fact. If the artificial flavoring and artificial coloring declaration does not refer to the entire contents of the package, the words "artificial flavoring" and "artificial coloring" must follow immediately each of the ingredients of the package containing one or more of these substances. The common or usual name of any chemical preservative must be immediately followed by the words "chemical preservation." To the extent that compliance with the requirements of this subsection is impracticable, exemptions must be established by rules adopted by the Commissioner of Agriculture, Conservation and Forestry. This subsection, and subsections 7 and 9, with respect to artificial coloring, do not apply in the case of butter, cheese or ice cream; ~~or~~

**Sec. 8. 22 MRSA §2157, sub-§13, ¶C**, as enacted by PL 1989, c. 115, is further amended to read:

C. There is a conspicuously displayed directory to which customers can refer for information on the contents of unpackaged products offered for sale;

**Sec. 9. 22 MRSA §2157, sub-§14, ¶C**, as amended by PL 1991, c. 506, §5, is further amended to read:

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, is identified by a sign contiguous to the specific produce; or

**Sec. 10. 22 MRSA §2157, sub-§15** is enacted to read:

**15. Hemp or cannabidiol derived from hemp.** If it contains hemp or cannabidiol derived from hemp unless:

A. The package in which the food, food additive or food product is offered for sale conspicuously bears a label or stamp that:

(1) Indicates that the food, food additive or food product contains hemp or cannabidiol derived from hemp;

(2) Describes the cannabidiol content by weight or volume;

(3) Includes the source of the hemp from which the cannabidiol was derived;

(4) In the case of extracts or tinctures, indicates the batch number; and

(5) Includes a disclosure statement that the food, food additive or food product has not been tested or evaluated for safety; or

B. In the case of food, food additives or food products sold, offered for sale or served for consumption unpackaged:

(1) A conspicuous label or sign indicating that the food, food additive or food product contains cannabidiol is placed on or immediately next to the food, food additive or food product or immediately next to the food's listing on the menu or in an open manner where the food order or food product is served; and

(2) The retail store, hotel, restaurant or other public eating place conspicuously displays a directory for use by customers that contains information on the contents of all unpackaged products sold, offered for sale or served that contain cannabidiol derived from hemp.

For the purposes of this subsection, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 11. 22 MRSA §2158-A**, as enacted by PL 2019, c. 12, Pt. A, §1, is amended to read:

**§2158-A. Food, food additives and food products containing hemp not adulterated**

Notwithstanding any ~~other~~ provision of law to the contrary, food, food additives or food products that contain hemp, including cannabidiol derived from hemp, are not considered to be adulterated ~~or misbranded~~ under this subchapter based solely on the inclusion of hemp or cannabidiol derived from hemp. The nonpharmaceutical or nonmedical production, manufacturing, marketing, sale or distribution of food, food additives or food products within the State that contain hemp may not be ~~restricted or~~ prohibited within the State based solely on the inclusion of hemp. A food establishment or eating establishment, as defined in section 2491, subsection 7, may not make a claim that food, food additives or food products that contain hemp can diagnose, treat, cure or prevent any disease,

condition or injury without approval pursuant to federal law. For the purposes of this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D and "manufacturing" means producing, preparing, processing, propagating, blending, infusing, compounding, concentrating or converting hemp or food, food additives or food products containing hemp either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis.

**Sec. 12. 22 MRSA §2422, sub-§§3-B and 3-C**, as enacted by PL 2017, c. 452, §3, are amended to read:

**3-B. Edible marijuana product.** "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana. "Edible marijuana product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**3-C. Harvested marijuana.** "Harvested marijuana" means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products. "Harvested marijuana" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 13. 22 MRSA §2422, sub-§4-B**, as amended by PL 2017, c. 452, §3, is further amended to read:

**4-B. Mature marijuana plant.** "Mature marijuana plant" means a flowering female marijuana plant. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 14. 22 MRSA §2422, sub-§§4-D to 4-I**, as enacted by PL 2017, c. 447, §1 and c. 452, §3, are repealed.

**Sec. 15. 22 MRSA §2422, sub-§§4-J to 4-M**, as enacted by PL 2017, c. 452, §3, are amended to read:

**4-J. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants.



"Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-L. Marijuana product.** "Marijuana product" means a product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-M. Nonflowering marijuana plant.** "Nonflowering marijuana plant" means a marijuana plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 16. 22 MRSA §2422, sub-§§4-N to 4-S** are enacted to read:

**4-N. Immature marijuana plant.** "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-O. Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

**4-P. Long-term care facility.** "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

**4-O. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

**4-R. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

**4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.

**Sec. 17. 28-B MRSA §102, sub-§§16 and 19,** as enacted by PL 2017, c. 409, Pt. A, §6, are amended to read:

**16. Edible marijuana product.** "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate. "Edible marijuana product" does not include an edible product containing "hemp" as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**19. Immature marijuana plant.** "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or a seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 18. 28-B MRSA §102, sub-§27,** as amended by PL 2019, c. 12, Pt. B, §12, is further amended to read:

**27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a marijuana product.

**Sec. 19. 28-B MRSA §102, sub-§§28, 30 to 33 and 35 to 37,** as enacted by PL 2017, c. 409, Pt. A, §6, are amended to read:

**28. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana or marijuana concentrate to prepare the marijuana product may not be included.

**30. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. "Marijuana extraction" does not include the process of

extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**31. Marijuana flower.** "Marijuana flower" means the pistillate reproductive organs of a mature marijuana plant, whether processed or unprocessed, including the flowers and buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature marijuana plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**32. Marijuana plant.** "Marijuana plant" means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**33. Marijuana product.** "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**35. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**36. Mature marijuana plant.** "Mature marijuana plant" means a marijuana plant that is flowering. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**37. Mother plant.** "Mother plant" means a mature marijuana plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 20. Review of laws and rules regarding hemp; report.** All state agencies shall review the laws and rules applicable to their areas of jurisdiction that pertain to hemp seeds and crops, agricultural commodities and products derived from hemp, and topical or ingestible consumer products, including food, food additives and food products derived from hemp. The reviews must identify laws and rules that require amendment to bring them into agreement with the Maine Revised Statutes, Title 7, chapter 406-A and Title 22, chapter 551. By January 1, 2020, all state agencies that have in their areas of jurisdiction laws or rules pertaining to hemp shall submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports regarding the reviews undertaken un-

der this section, including proposals for legislation to bring laws and rules into agreement with Title 7, chapter 406-A and Title 22, chapter 551. After reviewing any report submitted pursuant to this section, the committee may report out legislation related to the subject matter of that report. As used in this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 21. Appropriations and allocations.**

The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Bureau of Agriculture 0393**

Initiative: Provides allocation for one Professional Licensing Supervisor position and associated All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$59,980	\$83,673
All Other	\$12,500	\$12,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$72,480	\$96,173

**Bureau of Agriculture 0393**

Initiative: Provides allocation for contracted lab services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$7,000	\$7,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,000	\$7,000

**Bureau of Agriculture 0393**

Initiative: Provides allocation to change one half-time Certified Seed Specialist position to a seasonal position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$4,816	\$5,060
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,816	\$5,060

AGRICULTURE,  
CONSERVATION AND  
FORESTRY,  
DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$84,296	\$108,233
DEPARTMENT TOTAL - ALL FUNDS	\$84,296	\$108,233

See title page for effective date.

**CHAPTER 529**  
**S.P. 593 - L.D. 1761**

**An Act To Assist Small Beer  
Manufacturers and Small  
Hard Cider Manufacturers**

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

**Sec. 1. 28-A MRSA §2, sub-§2-B** is enacted to read:

**2-B. Barrel.** "Barrel" means 31 United States gallons.

**Sec. 2. 28-A MRSA §2, sub-§29**, as amended by PL 1993, c. 730, §12, is further amended to read:

**29. Small brewery.** "Small brewery" means a facility that is ~~brewing, lagering and kegging, bottling or packaging brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 50,000 gallons 30,000 barrels per year.~~

**Sec. 3. 28-A MRSA §2, sub-§29-B**, as enacted by PL 2011, c. 629, §5, is amended to read:

**29-B. Small winery.** "Small winery" means a facility that is ~~fermenting, aging and bottling its own wine, not to exceed 50,000 gallons per year. ferments, ages and bottles:~~

A. Up to 50,000 gallons per year of its own wine that is not hard cider; and

B. Up to 3,000 barrels per year of its own wine that is hard cider.

**Sec. 4. 28-A MRSA §1355-A, sub-§1**, as enacted by PL 2011, c. 629, §22, is amended to read:

**1. Issuance of licenses.** The bureau may issue ~~manufacturer licenses to distill, rectify, brew or bottle spirits, wine or malt liquor to distillers, rectifiers, brewers, bottlers and wineries operating licenses under this section to breweries, small breweries, wineries, small wineries, distilleries and small distilleries in the~~

State that operate under federal law and federal supervision.

**Sec. 5. 28-A MRSA §1355-A, sub-§3, ¶¶A and B**, as enacted by PL 2011, c. 629, §22, are amended to read:

A. A holder of a brewery license may produce more than ~~50,000 gallons~~ 30,000 barrels of malt liquor per year.

B. A holder of a small brewery license may produce ~~not more than 50,000 gallons~~ up to 30,000 barrels of malt liquor per year.

(1) Upon application by a holder of a small brewery license ~~whose brewery that~~ has produced malt liquor in an amount that exceeds ~~50,000 gallons~~ 30,000 barrels in one year, the bureau may renew that holder's small brewery license for only one additional year.

(2) A holder of a small brewery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for consumption off the premises, malt liquor produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the holder of a small brewery license may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee.

**Sec. 6. 28-A MRSA §1355-A, sub-§4, ¶¶A and B**, as enacted by PL 2011, c. 629, §22, are amended to read:

A. A holder of a winery license may produce more than 50,000 gallons per year of ~~wines, sparkling wines and fortified wines wine that is not hard cider and may produce more than 3,000 barrels per year of wine that is hard cider.~~

B. A holder of a small winery license may produce ~~not more than up to 50,000 gallons per year of wines, sparkling wines and fortified wines wine that is not hard cider and may produce up to 3,000 barrels per year of wine that is hard cider.~~

(1) A holder of a small winery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for consumption off the premises, any wine produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the licensee may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee.