

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

August 2019

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STATE OF MAINE

129TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1749 **An Act To Amend the State's Hemp Laws**

PUBLIC 528

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D HICKMAN C	OTP-AM	S-299 H-630 HICKMAN C

This bill does the following.

1. It defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018 and defines "indoor square footage."
2. It allows a person to plant and grow up to three hemp plants on no more than one acre of land area or indoor square footage and to harvest, possess and process that hemp for personal use without a license.
3. It clarifies that a person licensed to grow hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source.
4. This bill allows a person who holds a license to save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent third-party tester that the plants that will grow from the seeds will meet the definition of hemp, to use those seeds for breeding and planting hemp. It also requires a person who holds a license, within 14 days after planting hemp seeds or clones, to 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.
5. It directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules to establish a certified hemp seed program based on international standards that includes a registry of seed varieties to allow a person desiring to grow hemp for commercial purposes to import hemp seeds through the Department of Agriculture, Conservation and Forestry.
6. It allows for the indoor production of hemp.
7. It increases the period a hemp license is valid from one year to two years.
8. It requires a person who is licensed to plant, grow, harvest, possess, process, sell and buy hemp to provide the commissioner with a final legal description of the land area or indoor square footage to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is growing within 14 days of planting hemp.
9. It provides that the legal description of the land area or indoor square footage to be used for the production of hemp is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of the law. However, the bill specifies that 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, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is grown, handled or stored.
10. It provides that hemp and hemp products may not be tracked as part of the medical use of marijuana program or the regulation of adult use marijuana. It states that the rules applicable to hemp, medical use of marijuana and adult use of marijuana may not prohibit or limit the sale of hemp or hemp products in medical marijuana dispensaries, by

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medical marijuana caregivers or in adult use marijuana establishments.

11. It requires the rules adopted by the commissioner to include rules regarding seed importation and a certified hemp seed program, testing and tracking hemp during cultivation, tracking hemp from harvest through processing to the point of sale, tracking hemp from processing to the manufacturing of hemp products and tracking and labeling for sale harvested hemp and hemp products.

12. It requires all state agencies to 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, and to 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, section 2158-A. The bill requires those state agencies, by January 1, 2020, to submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports, including proposals for legislation to bring their laws and rules into agreement with Title 7, chapter 406-A and Title 22, section 2158-A.

13. It fixes cross-references.

Committee Amendment "A" (S-299)

This amendment amends the bill as follows.

1. It removes from the bill provisions relating to the indoor growing of hemp, including instead and incorporating those provisions of existing law regarding the indoor growing of hemp as enacted through Public Law 2019, chapter 115, section 1.

2. It requires a person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived from hemp to be licensed under other applicable laws, such as licenses for eating establishments or liquor licenses.

3. It excludes hemp from the application of the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act and clarifies the scope of the definitions of "hashish" and "hemp" within the Maine Criminal Code.

4. It amends the Maine Food Law to provide that the sale, offering for sale or serving of a food, food additive or food product containing cannabidiol derived from hemp by a retail store, hotel, restaurant or other public eating place is not considered misbranded food if certain information regarding the product is provided on the packaging or to consumers.

5. It provides that the nonpharmaceutical or nonmedical manufacturing of food, food additives or food products within the State that contain hemp may not be prohibited within the State based solely on the inclusion of hemp.

6. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation upon the receipt of any report regarding hemp as provided for in the bill.

7. It directs the Department of Agriculture, Conservation and Forestry to establish a preliminary program for the indoor cultivation of hemp.

8. It removes from the bill the requirement that the Commissioner of Agriculture, Conservation and Forestry establish a certified hemp seed program.

9. It adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-630)

This amendment amends the definition of "hemp."

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2019, chapter 528 does the following.

1. It defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018.
2. It allows a person to plant and grow up to three hemp plants on no more than one acre of land area or within an indoor facility and to harvest, possess and process that hemp for personal use without a license.
3. It clarifies that a person licensed to grow hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source.
4. This bill allows a person who holds a license to save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent third-party tester that the plants that will grow from the seeds will meet the definition of hemp, to use those seeds for breeding and planting hemp. It also requires a person who holds a license, within 14 days after planting hemp seeds or clones, to 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.
5. It requires a person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived hemp to be licensed under other applicable laws, such as licenses for eating establishments or liquor licenses.
6. It requires a person who is licensed to plant, grow, harvest, possess, process, sell and buy hemp to 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, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is growing within 14 days of planting hemp.
7. It directs the Department of Agriculture, Conservation and Forestry to establish a preliminary program for the indoor cultivation of hemp.
8. It provides that the legal description of the land area or indoor facility to be used for the production of hemp is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of the law. However, 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.
9. It provides that hemp and hemp products may not be tracked as part of the medical use of marijuana program or the regulation of adult use marijuana.
10. It excludes hemp from the application of the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act and clarifies the scope of the definitions of "hashish" and "hemp" within the Maine Criminal Code.
11. It amends the Maine Food Law to provide that the sale, offering for sale or serving of a food, food additive or food product containing cannabidiol derived from hemp by a retail store, hotel, restaurant or other public eating place is not considered misbranded food if certain information regarding the product is provided on the packaging or to consumers.
12. It requires all state agencies to 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

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consumer products, including food, food additives and food products derived from hemp, and to 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, section 2158-A. Those state agencies are required by January 1, 2020, to submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports, including proposals for legislation to bring their laws and rules into agreement with Title 7, chapter 406-A and Title 22, section 2158-A.

**LD 1762 Resolve, Authorizing the Transfer of a Plot of Land from the State to the
Town of Allagash**

RESOLVE 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM OTP-AM	S-301

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash to the Town of Allagash for community development purposes.

Committee Amendment "A" (S-301)

This amendment, which is the majority report, requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey to the Town of Allagash a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash for the establishment of a fueling facility for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The amendment also stipulates that the use of the property is restricted to the operation of a fueling facility and if the property is no longer used as a fueling facility, title to the property reverts to the State of Maine without cost.

The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-302)

This amendment, which is the minority report, requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to work with the Town of Allagash, in collaboration with the Department of Environmental Protection, regarding the siting and plans for the establishment of a fueling facility in the Town of Allagash for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The amendment also requires the Bureau of Parks and Lands to submit a report with findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizes the committee to submit a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

This amendment was not adopted.

Enacted Law Summary

Resolve 2019, chapter 85 requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey to the Town of Allagash a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash for the establishment of a fueling facility for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The law also stipulates that the use of the property is restricted to the operation of a fueling facility and if the property is no longer used as a fueling facility, title to the property reverts to the State of Maine without cost.