

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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" has the same meaning as in Title 17-A, section 1101, subsection 22.

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 3.

3. License. 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 for a license must include the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, the commissioner shall require each applicant for initial licensure to file 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 with the Department of Public Safety, State Bureau of Identification for state processing and with the Federal Bureau of Investigation for federal processing. All costs associated with the criminal history record check are the responsibility of the applicant. Criminal history records provided to the commissioner under this section are confidential. The commissioner may use the records only in determining an applicant's eligibility for licensure. A person with a prior criminal conviction is not eligible for licensure. If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license, which is valid for a period of one year. Any person licensed under this subsection is presumed to be growing industrial hemp for commercial purposes.

4. Documentation. A licensee shall file with the commissioner documentation indicating that the seeds planted were of a type and variety of hemp certified to have a concentration of no more than 0.3% delta-9-tetrahydrocannabinol 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 names of the persons to whom the industrial hemp was sold or distributed.

5. Rules; fee. The commissioner shall adopt rules to allow industrial hemp to be tested during growth for delta-9-tetrahydrocannabinol levels and to allow for supervision of the growth and harvest of the industrial hemp. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. To provide sufficient funds to pay costs associated with monitoring and testing industrial hemp, the commissioner shall assess each applicant a fee of \$5 per acre. The minimum fee assessed must be \$150 per applicant.

SUMMARY

This bill allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, a criminal history record check must be completed on an applicant for licensure. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.