



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1942

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S.P. 683

In Senate, January 26, 2022

### An Act To Make Changes to the State's Hemp Program

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Reported by Senator DILL of Penobscot for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2021, chapter 32, section 1.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

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

2 **Sec. 1. 7 MRSA §2231, sub-§1-A, ¶A**, as enacted by PL 2019, c. 528, §1, is  
3 amended to read:

4 A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd  
5 party as producing hemp having a ~~delta-9-tetrahydrocannabinol~~ total  
6 tetrahydrocannabinol concentration of not more than ~~0.3%~~ 1% on a dry weight basis.

7 **Sec. 2. 7 MRSA §2231, sub-§1-A, ¶D**, as enacted by PL 2019, c. 528, §1, is  
8 amended to read:

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

20 **Sec. 3. 7 MRSA §2231, sub-§2**, as amended by PL 2019, c. 12, Pt. B, §1, is further  
21 amended to read:

22 **2. Growing permitted.** Notwithstanding any ~~other~~ provision of law to the contrary,  
23 a person may plant, grow, harvest, possess, process, sell and buy hemp if that person holds  
24 a license issued pursuant to subsection 4, except that a person may plant and grow up to 3  
25 hemp plants on no more than one acre of land area or within an indoor facility and harvest,  
26 possess and process that hemp for personal use without a license. A person may also plant,  
27 grow, harvest, possess, process, sell and buy hemp in accordance with a license issued to  
28 that person by the United States Department of Agriculture pursuant to 7 United States  
29 Code, Section 1639q or any other federal statute or regulation. A grower licensee may  
30 plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee  
31 as provided in paragraph A, acquired from a certified seed source, grown from a clone that  
32 is produced from seeds acquired from a certified seed source or propagated from tissue  
33 cultures that are removed from live plants grown from seeds acquired from a certified seed  
34 source. A grower licensee may acquire hemp seeds directly from a certified seed source or  
35 from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to  
36 subsection 2-A.

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

41 B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide  
42 to the commissioner a listing of the varieties of seeds or clones planted and a statement  
43 that the seeds or clones meet the definition of hemp. This paragraph may not be

1 interpreted to require providing the information required by this paragraph to the  
2 commissioner in advance of an application to grow hemp.

3 **SUMMARY**

4 This bill is reported out by the Joint Standing Committee on Agriculture, Conservation  
5 and Forestry pursuant to Resolve 2021, chapter 32. The committee is reporting the bill out  
6 for the sole purpose of turning the proposal into a printed bill that can be referred to the  
7 committee for an appropriate public hearing and subsequent processing in the normal  
8 course. The committee has not taken a position on the substance of this bill, and by  
9 reporting this bill out the committee is not suggesting and does not intend to suggest that it  
10 agrees or disagrees with any aspect of this bill.

11 The bill changes the definitions of “hemp” and “certified seed source” by increasing  
12 the amount of allowable tetrahydrocannabinol concentration from a delta-9-  
13 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as  
14 otherwise defined in federal law, to a total tetrahydrocannabinol concentration of not more  
15 than 1% on a dry weight basis. Current law provides that a person may plant, grow, harvest,  
16 possess, process, sell and buy hemp if that person holds a license issued by the State, except  
17 that a person may plant and grow up to 3 hemp plants on no more than one acre of land  
18 area or within an indoor facility and harvest, possess and process that hemp for personal  
19 use without a license. This bill provides that a person may also plant, grow, harvest,  
20 possess, process, sell and buy hemp if that person holds a license issued by the United  
21 States Department of Agriculture.