

Frequently Asked Questions About Hemp Production in Maine

- 1. What is hemp?** "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 (THC) concentration of not more than 0.3% on a dry weight basis**, or as otherwise defined in federal law. Cannabidiol or "CBD" is another phytochemical found in *Cannabis sativa* L. and is derived from the resinous flower. It is one of hemp's main commodities. The term "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 (e.g. CBD oil), which in their final forms contain a delta-9- tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law.
- 2. Does hemp look like marijuana?** Yes, some hemp cultivars look exactly like marijuana. And both plants can emit a skunky odor. Hemp and marijuana are the same plant, *Cannabis sativa* L., but contain different amounts of delta-9-tetrahydrocannabinol (THC). You need specialized equipment that detects THC in order to tell the two plants apart.
- 3. Who regulates hemp?** Primarily, Maine's Department of Agriculture, Conservation and Forestry (DACF). The [Plant Health](#) division within DACF regulates the cultivation of hemp and issues licenses to growers. The division of [Quality Assurance and Regulations \(QAR\)](#) regulates processed foods and beverages containing hemp or CBD. Maine's Health Inspection Program, a division of the Department of Health and Human Services is responsible for regulating hemp food products sold in retail food establishments.
- 4. Does the Hemp Licensing program operated by the division of Animal and Plant Health have jurisdiction over the processing, sale, or distribution of hemp?** No. See bullet number 2 (above). As a result, we are unable to offer assistance concerning where to dry, process or market your crop. Currently, the state has no information available concerning post-harvest operations, processing facilities or commodity handlers.
- 5. Does Maine DACF regulate growing or farming medical marijuana?** No. Marijuana, which is *Cannabis sativa* L. that has THC concentrations higher than 0.3% on a dry weight basis, and grown for medical purposes, is regulated by the [Maine Department of Administrative and Financial Services, Office of Marijuana Policy](#). While a grower may have both types of crops—hemp and medical marijuana—DACF's Hemp Program only has jurisdiction over the hemp crop and does not inspect medical marijuana crops. The crops must not be comingled.
- 6. Can hemp be grown indoors or in a greenhouse?** Yes—DACF offered a trial program with a limited number of licenses for indoor hemp production in 2019. The program will be expanded in 2020. Outdoor growers can also start seedlings indoors for transplanting.
- 7. Can I grow hemp from tissue culture or clones?** Yes, as long as you can provide appropriate third-party THC analysis on the mother plant from which the tissue or clones came from.
- 8. Can hemp be shipped?** Yes, however shipping hemp outside of Maine is beyond the jurisdiction of DACF. We recommend that you consult with an attorney to make certain

that you have all applicable documents and licenses for transporting hemp products as we cannot foresee what law enforcement in each jurisdiction may require.

9. **Are there zoning regulations that prohibit hemp production?** There can be. Check with your local and county officials about ordinances and zoning requirements before planting. Information about Maine’s “Right-to-Farm” law and farmland preservation ordinances can be found through Maine’s [Municipal Planning Assistance Program](#).
10. **Can growing hemp jeopardize my ability to get insurance, banking services and access to Federal Farm Programs?** Unfortunately, yes. Given the complicated legal status of Cannabis, hemp growers may encounter problems working with financial institutions and related agents and programs. Banks may be reluctant to provide services for fear of being prosecuted for violating federal laws. Programs regulated or managed by USDA or other federal agencies may not provide services to farmers growing hemp. Please contact a lawyer or the agency involved to discuss your situation. [The Secure and Fair Enforcement Banking Act, or [SAFE Act](#), which passed the House in September 2019, would assure banks and credit unions that they would not be penalized by federal regulators for working with Cannabis producers.]
11. **Is there a minimum amount of hemp I can grow without a license?** Yes. You can cultivate three or fewer mature hemp plants on less than one acre of land area or in an indoor facility. No hemp plant parts or hemp-infused products derived from that hemp are ever allowed to enter the stream of commerce.
12. **Are there eligibility requirements for applying for a hemp license in Maine?** Yes.
 - a. Land or facilities used to grow hemp must be in Maine. The applicant/license holder does not have to be a Maine resident.
 - b. Written permission from the property owner if the land or facility used in hemp cultivation is not owned by the applicant. This document must be signed and dated by the property owner. Permission must be granted each year.
 - c. You must pay a non-refundable fee based on the scale of your operation.

See the next FAQ section for more facts about the application process.

13. **How do I apply for a hemp license?** Please review our website. Read the Program Rules, State Laws, and FAQs. Then, read the application in its entirety. Answers to most questions will be found in these materials. See the next FAQ section for more facts about the application process.
14. **Where do I sell my hemp crop?** DACF does not have information on who may be interested in buying hemp materials from growers. We recommend that you research markets and potential buyers carefully before growing a hemp crop. DACF does provide a list of licensed hemp growers on this website <https://www.maine.gov/dacf/php/hemp/> that can help connect potential buyers to growers.

Frequently Asked Questions about the Hemp License Application Process

1. **Is there a way to expedite an application?** No, not on our end. To avoid delays in the review of your application, double check your application before submitting it. Make sure there are no blanks and that all necessary additional documents are attached. Units for GPS coordinates for crop fields must be decimal degree, not minutes and seconds. If access to a field is not obvious from the road, please provide map images and written tips for finding the appropriate way in to your field(s).
2. **Can I start planting as soon as I have submitted my application?** No. A signed license agreement must be issued first. Submission of an application does not mean that you will be issued a license.
3. **Is there a limit to how many acres or square feet I can register?** No. There is no limit. However, all the land or parcels to be included in one single license agreement must be within 50 miles of each other.
4. **Is there a limit to how many license agreements I can have?** No.
5. **When is an additional license required?** All growing areas must be within 50 miles of each other or a separate license is required. Changes to a grow plan made after a license agreement has been signed, other than planting *fewer* acres, may also require a new license.
6. **When will I get my license agreement once I have submitted my application?** It can take up to 30 days to generate a license agreement once a license application is accepted. To help ensure that your application can be reviewed and approved as quickly as possible, make certain that you have provided complete information about your operation. Growing areas must be identified with GPS coordinates (decimal degrees with at least 5 decimal places) as well as maps and descriptions for field access if fields are not obvious from the road.
7. **Does my hemp license automatically renew?** No. Hemp licenses expire 365 days after the date of issuance. If you wish to grow hemp again the next season, you must submit a new application. We recommend that you save an electronic and paper copy of your application materials to refer to when completing future applications.
8. **Can I transfer my hemp license to another person?** No, licenses are non-transferable.
9. **Can the general public access my application information and license documents?** All application materials are public information. Only field/facility location information is confidential.
10. **I changed my business name. Can I change the name on my license application?** No.
11. **How does the Hemp Program communicate with license holders and applicants?** We rely on electronic methods—email—to communicate. Important announcements are also posted on our website. We will also use phone—voice and text—to communicate with applicants about inspections. It is very important that we have email addresses and phone numbers that are in use and regularly checked. ***Any changes to contact information including address, phone, and email must be provided to the DACF within 10 days of change.*** If you do not use email or text messaging, we will use USPS mail and phone to communicate with you.

12. **I did not plant a crop. What do I do about my license? Can I get a refund?** Applicants are required to submit a planting report to DACF. This includes informing DACF that no crop was planted. *There are no refunds once the application and fees have been submitted.* We may also inspect the registered planting area to make sure that no crop was planted.
13. **Where can I buy certified hemp seed?** Please see the section about obtaining seed and seed certification on this website.
14. **The season did not go as planned; I did not plant in the areas I indicated in my application. What do I do?** You must update your application by sending in new planting area information (coordinates, maps, etc.) and a planting report. Significant changes may require a new license application.
15. **Can DACF Hemp inspectors visit my growing areas at any time?** Yes, we can, with prior notice, which may be voice mail, email or text. We prefer to let you know we are coming and to give you an opportunity to meet with us. We try to inspect all fields during the summer growing season. Later, we return to sample flower buds for THC analysis.
16. **I have a license agreement and I planted my hemp. Is there something else I need to do to stay in compliance?** Yes. You must submit a planting report that confirms, among other things, where you planted hemp and when you intend to harvest. We use your intended harvest date to plan our sampling visit. Later, you must also submit a harvest report. Within 14 days after planting, you are also required to submit information about the seeds, seedling or clones you planted. The information must include documents verifying that the varieties or strains you planted are indeed hemp and contain 0.3% or less THC.
17. **When do you sample my hemp crop for a THC analysis?** We sample roughly 25 days before harvest. It is therefore important that you keep us up to date on your harvesting plans. If your crop has not been sampled 25 days before harvest you must contact Hemp Program staff.
18. **How are plants sampled for THC analysis?** Female flower bud selected for sampling is up to the discretion of the inspector and comes from the top 1/3 of the plant. Usually, 10-25 plants are sampled, depending on the size of the grow site. The bud samples are mixed together and divided into two sample bags, which are sealed and labeled to identify date of sample, inspector, and hemp license number. Pro Verde Labs collects samples from DACF and brings samples to their lab in Portland to be dried and processed for THC extraction. Test results are received by DACF in approximately 7 days.
19. **What do I receive after my crop has been sampled and analyzed that confirms I have a hemp license?** The program will send you a copy of the Certificate of Analysis by email. This document and your license agreement constitute your hemp growing license.
20. **What happens when a test result (above 0.3% THC) is adverse?** Maine DACF will require the license holder to pay for the analysis of the second sample being held at the lab. Should the second sample test above 0.3% THC, Maine DACF may require destruction of the crop.