

There is a fundamental difference between meaningful regulation and simply spending money to create the appearance of oversight. In numerous other states, it's clear that the METRC track-and-trace system has failed to prevent diversion and illicit sales. METRC-tagged products—despite the system's intended safeguards—are frequently found in markets where they do not belong. This reflects a broader pattern of national concern, where METRC has proven to be a costly and ineffective model, burdening operators without delivering real public safety benefits. Daily reports that require meticulous and time consuming details on plant and inventory count will inundate small owner operated businesses that do not have employees to divi up workload amongst, let alone compliance departments to keep up with this type of added workload. This puts large businesses at a clear advantage and allows them to allocate time to other areas of daily operations that small businesses without employees will be unable to do, as their time will be consumed by compliance requirements.

In addition, the apparent conflict of interest between METRC and our programs Director must be thoroughly and transparently investigated before any further contracts are awarded or taxpayer dollars are spent. Accountability and impartiality in state procurement are critical. There are over 500 farmers in Maine, and more than 40,000 nationwide that use their own customized records to track their products from seed to sale. There is no evidence of overwhelming non compliance with the current track and trace systems used within the state (trip tickets and transaction logs). This is a solution looking for a problem and has seen to be the cause of many small businesses closing in other states due to a need for compliance departments to be formed in order to handle the workload, delays leading to backlog of product which leads to companies being unable to earn money as they wait for METRC to approve their requests and costs that are more easily absorbed by larger businesses.

Turning to testing requirements—total yeast and mold (TYM) testing without species identification lacks scientific and practical value. These tests are based solely on colony-forming unit (CFU) counts, without identifying whether the microbes present are harmful or beneficial. A sample with 9,000 CFU could pass, even if all microbes are harmful pathogens. Meanwhile, a sample with 12,000 CFU would fail, despite consisting entirely of beneficial species like *Lactobacillus*, which naturally exists in the human body and is commonly used in organic farming as a biological tool to suppress harmful microbes. This approach discourages natural, sustainable practices and encourages chemical pesticide use instead.

The proposed threshold of 10,000 CFU is particularly concerning. Outdoor air alone can carry over 50,000 CFU, making it virtually impossible for outdoor-grown cannabis to meet this standard. As a result, this threshold effectively eliminates environmentally friendly outdoor cultivation from the market. Other states have adopted limits as high as 100,000 CFU, which is a far more reasonable baseline—especially when tests are not identifying specific microbial species.

Further, requiring each individual strain to be tested independently is financially devastating for small businesses. Many small farmers grow 7 to 8 strains per harvest, with only 1 to 2 pounds per strain. At a cost of \$505 per test, testing can consume up to 40% of the harvest's total value. This level of financial burden could force many small businesses to shut down, reducing patient access to diverse, affordable medical cannabis.

If testing is mandated, the definition of a batch should reflect reality: any cannabis—regardless of strain—harvested from the same room, at the same time, under the same conditions. More importantly, product labeling should empower consumers with clear options: “tested,” “non-tested,” or “remediated.” This would preserve consumer choice without dismantling a system that has operated safely and effectively for more than 30 years, without any documented public health risks.

Please OPPOSE LD 104 and vote Ought Not to Pass.

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