

**A Summary of
Maine Revised Statutes
Title 7: Agriculture and Animals
Chapter 417: Marijuana Legalization Act**

I. Section 2444: State Licensing Authority

- a. Department of Agriculture, Conservation and Forestry is responsible for regulation and control of the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana/marijuana products
- b. Commissioner is the chief administration officer
- c. Adoption of rules
 - i. Public hearings of contested state license denials
 - ii. Annual report to legislature of efficiency of state licensing authority
 - iii. Regulation of licenses to operate retail marijuana establishments
 - iv. Limit concentration per serving of THC in products
 - v. Fingerprinting required for licensure
 - vi. Minimum security requirements for licensed establishments (i.e. lighting, physical security, alarms, etc.)
 - vii. Annual inspection of retail marijuana cultivation facility by fire department or State Fire Marshal

II. Section 2445: Independent Testing and Certification Program

- a. Established by state licensing authority
- b. To prevent products from containing contaminants and to guarantee correct labeling
- c. If test results show any amount of substances determined harmful, products must be quarantined, documented, and destroyed and those responsible for enforcing the law must be notified
- d. For correct labeling, THC potency must be tested for

III. Section 2446: Labeling; Health and Safety Requirements; Training; Identification Cards

- a. Labeling requirements include: license number of retail marijuana cultivation facility license, license number of store license, identity statement (name of business) and universal symbol (image established by state licensing authority to indicate marijuana is in container), batch number (number indicating production batch of marijuana), net weight, THC and other cannabinoids potency, warning labels, solvents used in marijuana extraction, THC per serving, list of ingredients and allergens, recommended use or expiration date, and nutritional fact panel
- b. Health and safety rules:
 - i. Limits on display of retail marijuana/products
 - ii. Regulation of storage, warehouses, and transportation of retail marijuana products
 - iii. Sanitary requirements for retail marijuana establishments
- c. Training for local jurisdictions and law enforcement officers
 - i. State licensing authority will establish rules for inspections, investigations, searches, seizures, forfeitures, etc.
- d. Identification cards: state licensing authority will develop...
 - i. Rules for format of cards and photo identification required

- ii. procedures for license renewals, reinstatements, initial licenses, and payments of fees

IV. Section 2447: License Application and Issuance

- a. Applications must be made to state licensing authority which can issue a license and license is conditioned upon municipal approval; applicants cannot operate retail establishment or social club without licensing authority and municipal approval
 - i. If municipal approval is not received one year from date of state licensing approval, the license expires and cannot be renewed
 - ii. State licensing authority will revoke license if application is not approved by municipality
- b. Qualifications for licensure as retail marijuana establishment or marijuana social club:
 - i. At least 21 years old
 - ii. Cannot have been convicted of disqualifying drug offense
 - iii. Cannot be a person who has had a previous license for retail marijuana establishment or marijuana social club revoked
 - iv. A sheriff, deputy sheriff, police officer, prosecuting officer, or an officer or employee of the state licensing authority or a municipality is not eligible
 - v. First priority must be given to caregivers who have been continuously registered with the DHHS in accordance with the Maine Medical Use of Marijuana Act or persons who have experience serving as a principal officer or board member of a nonprofit medical dispensary registered with DHHS
 - vi. State licensing authority will develop rules for a streamlined application process for registered caregivers and principal officers or board members of dispensaries registered with DHHS
- c. Investigation of qualifications:
 - i. State licensing authority and municipality may have access to criminal history records and if they consider these, then they must also consider any information provided by the applicant about their criminal history records
 - ii. When filing an application for a license, an applicant must submit a set of fingerprints and personal history information about the applicant's qualifications for license
 - 1. The state licensing authority will submit the fingerprints and the municipality can forward the fingerprints to the State Bureau of Investigation. The state licensing authority shall forward the fingerprints to the FBI to conduct a federal criminal history record check
- d. Applications; issuance - the following provisions apply for applications for and issuance of retail marijuana social club license:
 - i. An applicant shall file an application as required by the state licensing authority and the application fee
 - ii. An applicant can apply for and be granted more than one type of license but a person licensed as a retail marijuana testing facility may not hold any other retail marijuana establishment license; those who have held registration for 2 years must be given priority in the granting of licenses
 - iii. The state licensing authority shall issue or renew a license to operate a retail marijuana establishment or social club to an applicant who meets the requirements of the licensing authority (including a review of the site plan,

operating plan and relevant experience in the marijuana industry within 90 days of the application), unless:

1. The applicant is not in compliance with the section or rules adopted by the state licensing authority
 2. The municipality notifies the state licensing authority that the applicant is not in compliance with an ordinance, rule or regulation at the time of the application
 3. The number of retail marijuana establishments or retail marijuana social clubs allowed in the municipality is limited by local ordinance or is limited by subsection 7 and the maximum number have already been licensed
- iv. If a greater number of applicants are received to operate a retail marijuana store in a municipality than are allowed by that municipality under subsection 4, then the state licensing authority shall consider input from the municipality as to the municipality's preferences for licensure and within 180 days of the first application shall issue the maximum number of applicable licenses
 - v. The state licensing authority cannot grant a license to a licensee to operate the same type of retail marijuana establishment if it would prevent another eligible applicant from receiving a license.
- e. Limits on the number of marijuana stores: the state licensing authority cannot limit the number of retail marijuana stores but a municipality can regulate the number of stores and the location and operation of retail marijuana establishments and social clubs and can prohibit their operation within its jurisdiction
- f. Limits on retail marijuana cultivation- the state licensing authority may establish limitations upon retail marijuana cultivation through one or more of the following methods:
- i. Placing/modifying a limit on the number of licenses that it issues by class or overall while considering the reasonable availability of new licenses after a limit is set
 - ii. Placing/modifying a limit on the amount of production permitted by a retail marijuana cultivation facility license upon some reasonable metric
- g. Limitation on retail marijuana cultivation facility size: the space approved for marijuana cultivation at retail cultivation facilities is limited to 800,000 square feet of plant canopy unless the state licensing authority makes an exception to ensure an adequate supply throughout the state
- i. Applicant must communicate the size category of the licensed facility and the amount of actual canopy space
 - ii. The state licensing authority will license 2 types of retail marijuana cultivation facilities:
 1. 3,000 square feet or less of plant canopy and
 2. more than 3,000 square feet of plant canopy
- h. Restrictions on applications for licenses: the state licensing authority may not approve an application for the issuance of a license...
- i. If the application concerns a location that is the same or within 1,000 feet of a location for which within 2 years before the application the state licensing authority denied a similar application due to the nature of, use of, or other concern about the location.

- j. Until it is established that the applicant is in or will be entitled to possession of the licensed premises for which the application is made

V. Section 2448: Classes of Licenses; License Provisions

- a. The state licensing authority may issue license from one or more of the following classes:
 - i. Retail marijuana store license,
 - ii. Retail marijuana cultivation facility license,
 - iii. Retail marijuana products and manufacturing facility license,
 - iv. Retail marijuana testing facility license,
 - v. Retail marijuana social club license, and
 - vi. Occupational licenses and registrations for owners, managers, operators, employees, contractors, and other support staff employed at or having access to restricted areas of the licensed premises
- b. License to collect tax: a retail marijuana store licensee or retail marijuana social club licensee shall collect sales tax on all retail sales made at the store or social club
- c. The following provisions govern a retail marijuana store license:
 - i. It may sell only retail marijuana, retail marijuana products, marijuana accessories, non-consumable products like apparel and marijuana related productions but is prohibited from selling or giving away any consumable products including cigarettes, alcohols, and edible products that do not contain marijuana (baked goods, sodas, candies).
 - ii. A retail marijuana store licensee shall track all of its retail marijuana/products from their transfer from the cultivation facility to their point of sale
 - iii. All retail marijuana/marijuana products shall be packaged and labeled as required by the rules of the state licensing authority
 - iv. A person must be 21 years of age or older to make a purchase in a retail marijuana store Prior to initiating the sale, the employee must check ID
 - v. The state licensing authority must adopt rules to prevent marketing and advertising that are likely to reach persons under 21 years of age
 - vi. A magazine whose primary focus is marijuana or marijuana business may be sold only in a retail marijuana store or behind the counter where persons 21 years of age are present.
 - vii. Retail marijuana products cannot contain additive designed to make the product more appealing to children
 - viii. Sales of retail marijuana and retail marijuana products are not exempt from sales tax
 - ix. Nothing in this act can limit a law enforcement agency from investigating unlawful activity in relation to a retail marijuana establishment or social club
- d. Provisions for retail marijuana cultivation facility license:
 - i. A retail marijuana cultivation facility license is permitted to cultivate retail marijuana for sale and distribution only to licensed retail marijuana stores, manufacturing facilities, and other retail cultivation facilities or social clubs
 - ii. A retail marijuana cultivation facility may have a retail marijuana store located on the same premises as the retail marijuana cultivation facility as long as it meets all requirements of the state licensing authority and the municipality. A retail store located on the licensed premises of the cultivation facility does not count against any municipality limits on the number of marijuana retail stores.

- iii. A retail cultivation facility shall track the marijuana it cultivates from seed to wholesale purchase
- iv. A retail marijuana cultivation facility may provide a sample of its products to a retail marijuana testing facility for testing and research purposes
- v. Retail marijuana may be transported between a licensed retail marijuana cultivation facility and retail marijuana stores, other retail marijuana cultivation facilities, retail manufacturing testing facilities, social clubs and retail testing facilities
- vi. Provisions for retail marijuana products manufacturing facility license: A retail marijuana products manufacturing facility may cultivate its own retail marijuana if it obtains a retail marijuana cultivation license or it may purchase retail marijuana from a licensed cultivation facility. A retail marijuana products manufacturing facility licensee shall track all of its retail marijuana.
- vii. Retail marijuana must be prepared on licensed premises used exclusively for the manufacture and preparation of retail marijuana/products
- viii. All licensed premises must meet the sanitary standards
- ix. Retail marijuana products must be packaged, sealed, and conspicuously labeled
- x. A retail marijuana products manufacturing facility licensee may provide a sample of the licensee's products to a licensed retail marijuana testing facility
- xi. Nothing in this chapter is meant to limit law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment
- e. Provisions on retail marijuana testing facility license:
 - i. A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana and the state licensing authority shall adopt rules related to acceptable testing and research practices.
 - ii. A person interested in a retail marijuana testing facility license from the state licensing authority may not have any interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, social club, cultivation facility or manufacturing facility.
 - iii. Provisions on retail marijuana social club license: A licensed retail social club may only sell marijuana, retail marijuana products, marijuana accessories, non-consumable products like apparel, marijuana-related products and edibles that do not contain marijuana like sodas, candies and baked goods, but may not sell cigarettes or alcohol. All retail marijuana/marijuana products may not be taken off the premises.
 - iv. A retail marijuana social club shall track all its retail marijuana and retail marijuana products
 - v. Employees must check ID before allowing a person on the premises to prevent those younger than 21
 - vi. The state licensing authority will develop rules that prohibit certain marketing and advertising that would likely reach those under 21 years of age
- f. Inspection of books and records
 - i. Each licensee is required to keep a complete set of all records necessary to show fully the business transactions and these records must be open for inspection by state licensing authority during all business hours

- ii. The licensed premises where retail marijuana products are stored, cultivated, sold, dispensed or tested are also subject to inspection by the state or the municipality in which they are located and by investigators of the state or municipality during all business hours
- g. Pricing: state licensing authority does not have power to fix prices for products
- h. License fees: state licensing authority will determine the revenue needed to set up licensing and enforcement operations of the department and set the fees applicable
- i. License terms: all licenses are effective for one year from date of issuance
- j. License renewal:
 - i. upon receipt of an application for renewal of an existing license, the state licensing authority shall submit a copy to the municipality to determine whether the applicant complies with all local restrictions on renewal of licenses
 - ii. The state licensing authority may extend the expiration date of the license and accept a late application for renewal as long as the applicant has filed a timely renewal application with the municipality.
 - iii. The state licensing authority or the municipality may waive the requirement that the applicant apply for a license renewal 30 days prior to the date of expiration
 - iv. Denial of license: state licensing authority may deny approval of a license application and inform the applicant of the basis for denial and their right to appeal it in a hearing
 - v. Disciplinary actions: state licensing authority has the authority, after investigation and the opportunity for a public hearing where the licensee may be heard, to fine a licensee or suspend or revoke their license for a violation
 - vi. A variety of disciplinary provisions apply to the disposition of unauthorized retail marijuana or retail marijuana products

VI. Section 2449: Local Licensing

- a. Municipality may regulate retail marijuana establishments and retail marijuana social clubs
 - i. Municipalities can regulate the location and operation of retail marijuana establishments and social clubs
 - ii. Municipalities can adopt and enforce regulations for retail marijuana establishments and social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter
 - iii. Registered voters may call for a vote on any regulations adopted by municipal legislative body
- b. Municipal approval is required
 - i. a retail marijuana establishment and retail marijuana social club may not operate until it is licensed by the state licensing authority and approved by the municipality in which it is located
- c. Notice and portion of fee must be given to municipality
 - i. The state licensing authority shall, within 7 business days of receiving an application for licensing for retail marijuana establishment or retail marijuana social club, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located
 - ii. The municipality shall determine whether the application complies with the local land use ordinance and any other restrictions on time, place, manner and

the number of marijuana businesses within the municipality and inform the state licensing authority whether the application complies with these local ordinances and restrictions

- d. The municipality may impose a licensing requirement
 - i. May or may not impose separate local licensing requirement as part of restrictions
 - ii. Must notify state licensing authority that it approves or denies each application within 14 days of receiving it
- e. Public hearing notice provisions:
 - i. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing in the county newspaper and on a sign on the premises identified by the license.
 - ii. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a county newspaper

VII. Section 2450: Transfer of Ownership

- a. A licensee shall apply for transfer of ownership to the state licensing authority.
- b. Upon receipt of an application for transfer of ownership, the state licensing authority shall, within 7 days, submit a copy of the application to the appropriate municipality to determine whether the transfer complies with any local restriction on transfer of ownership. In determining whether to permit a transfer of ownership, the state licensing authority shall consider only the requirements of this chapter, any rules adopted by the state licensing authority and any other local restrictions.
- c. The municipality may hold a hearing on the application for transfer of ownership as long as it posts a notice of the hearing on the licensed premises and notified the applicant at least 10 days prior.
- d. Any transfer of ownership hearing by the state licensing authority must be held in compliance with the requirements specified for a municipality in this section.

VIII. Section 2451: Licensing in General

- a. Notice of new owner, officer, manager, or employee
 - i. A retail marijuana establishment or retail marijuana social club shall notify the state licensing authority before a new owner, officer, manager or employee begins working and the individual must pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification card prior to being associated with, managing, owning or working at the establishment or club
- b. A separate and distinct license is required for each specific business or business entity and each geographical locations
- c. At all times, a licensee shall possess and maintain possession of the licensed premises identified in the license by ownership, lease, rental or other arrangement for possession of the premises
- d. A licensee shall conspicuously display the license at all times on the licensed premises

- e. Relocation of licensed premises:
 - i. A licensee may move the permanent location of licensed premises to any other place in this State once permission to do so is granted by the state licensing authority and municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate.
 - ii. Upon receipt of an application for change of location, the state licensing authority shall, within 7 days, submit a copy of the application to the municipality to determine whether the transfer complies with all local restrictions on change of location.
 - iii. In permitting a change of location, the municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate shall consider all reasonable restrictions that are or may be placed upon the new location by the governing board of the municipality

IX. Section 2452: Personal Use of Marijuana

- a. This section outlines the provisions for persons 21 years of age and older and their use, possession, transportation, purchase, home cultivation, and labeling/tagging of personal marijuana plants

X. Section 2453: Unlawful Acts and Exemptions

- a. This section outlines unlawful acts and exemptions for consumption and transfer of marijuana and marijuana products, limited access areas, transfers of ownership, and licensees to sell retail marijuana or retail marijuana products

XI. Section 2454: Construction

- a. This section states that this chapter does not limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act
- b. This chapter does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace
- c. A school, employer or landlord may not discriminate based on marijuana use of a person of age
- d. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter