

Maine Marijuana Statutes Cheat Sheet

Prepared by MMA Legal Services. For more information on marijuana and municipalities, please contact our office at 623-8428, or visit our Member Center website at www.memun.org.

Marijuana Legalization Act (or Adult Use Marijuana Law) – 28-B M.R.S. §§ 101-1504

- Legalizes the use and commercial sale of marijuana for recreational (adult use) purposes
- Personal use and cultivation allowed state-wide – can grow up to 3 mature plants, 12 immature plants and unlimited seedlings
- Establishes state licensing process for 4 types of adult use marijuana establishments: cultivation facilities (including nurseries), retail stores, products manufacturing facilities, and testing facilities – **NO** social clubs
- **Default is prohibition** – municipality must vote to “opt in” to operation of adult use marijuana establishments within the municipality (if it wants to allow them)
- State licensing through DAFS, conditioned on municipal approval - will not begin until at least fall 2019
- Municipalities may regulate adult use marijuana establishments locally
- Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity
- State collects sales tax on retail sales and excise tax on wholesale marijuana and marijuana products (20% effective tax rate)– no state-municipal revenue sharing or local option taxation

Maine Medical Use of Marijuana Act – 22 M.R.S. §§ 2421-2430-H

- Legalizes the use and distribution of marijuana for medical purposes by qualifying patients, caregivers, dispensaries, manufacturing facilities, and testing facilities
- Establishes registration requirements through DAFS for medical marijuana caregivers, dispensaries, manufacturing facilities, and testing facilities
- Authorizes registered caregivers to operate medical marijuana retail stores (retail store is undefined)
- Allows six additional registered dispensaries, and unlimited dispensaries after 2021
- Local code enforcement officers can obtain caregiver registration information from State
- Municipalities may regulate registered caregivers, registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities, except municipalities cannot prohibit or limit number of caregivers
- **Default is prohibition** – municipality must vote to “opt in” to operation of registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities (if it wants to allow them)
- Medical marijuana establishments already in operation with “municipal approval” as of December 13, 2018 are grandfathered
- Most medical marijuana products sold by registered caregivers and dispensaries subject to 5.5% sales tax. Edible marijuana products subject to 8% sales tax – no state-municipal revenue sharing or local option taxation

Hemp – 7 M.R.S. § 2231

- Allows cultivation, harvest, possession and processing of hemp by individuals who obtain a state license
- Statute does not address municipal regulation of hemp – Maine Agriculture Protection Act (7 M.R.S. Ch.6) may apply
- **New emergency legislation**, enacted March 27, 2019 (LD 630), redefines “hemp” to **include all derivatives**, namely cannabidiol (CBD), and is intended to allow production and sale of hemp **and hemp-derived products** in intrastate commerce with a state hemp license
- **Impact of LD 630 on regulation of CBD under medical and adult use statutes remains unclear.** Definitions of marijuana and marijuana concentrate in medical and adult use laws still include strains of cannabis qualifying as hemp
- Questions about regulation of CBD production and sale should be directed to Maine Department of Agriculture, Conservation and Forestry (207) 287-3841