Maine Marijuana Statutes

Marijuana Legalization Act (Adult Use Marijuana Act)  
28-B M.R.S. §§ 101-1504
- Legalizes use and sale of marijuana for adult use purposes
- State licensing for adult use marijuana stores, cultivation facilities, manufacturing facilities, and testing facilities
- No social clubs

Maine Medical Use of Marijuana Act  
22 M.R.S. §§ 2421-2430-H
- Legalizes use and distribution of marijuana for medical purposes
- State registration for caregivers, dispensaries, manufacturing facilities, and testing facilities
- Caregiver retail stores
- 14 registered dispensaries (unlimited dispensaries after 2021)
Maine Marijuana Statutes
Cultivation

Marijuana Legalization Act
(Adult Use Marijuana Act)

- Adults can cultivate up to 3 mature plants, 12 immature plants, unlimited seedlings for personal use
- 4 tiers of cultivation facility licenses, largest tier up to 20,000 sq. ft.

Maine Medical Use of Marijuana Act

- Patients can cultivate up to 6 mature plants, 12 immature plants, unlimited seedlings for their own medical use
- Registered caregivers can cultivate up to 30 mature plants or 500 sq. ft. of plant canopy
Municipal Opt-In
default is prohibition

Adult use establishments

- Adult use retail stores
- Cultivation facilities
- Manufacturing facilities
- Testing facilities

Medical establishments

- Caregiver retail stores
- Registered dispensaries
- Manufacturing facilities
- Testing facilities

Unless a municipality’s legislative body has voted to allow a particular type of marijuana establishment, such establishment is prohibited in that municipality.
Municipal Opt-In

continued

Some Medical Marijuana Establishments Grandfathered

- Municipalities cannot prohibit caregiver stores, dispensaries, manufacturing facilities and testing facilities in operation with municipal approval before December 13, 2018
- LD 1129 - “Municipal approval” means examination or approval of the establishment for its medical marijuana use (e.g. conditional use or site plan approval)
Municipal Regulation

Adult use marijuana

- Stores, cultivation facilities, manufacturing facilities, testing facilities
- Can limit number of plants on one parcel/tract for home cultivation
- Cannot prohibit, license or zone home cultivation
- Cannot regulate personal use or possession

Medical marijuana

- Registered caregivers, caregiver stores, registered dispensaries, manufacturing facilities, testing facilities
- Cannot prohibit or limit number of caregivers
- Cannot regulate patient/unregistered caregiver personal use or possession
Municipal Regulation
Caregiver retail store definition

LD 1129 - effective Sept. 19, 2019, “caregiver retail store” means:

A store with attributes generally associated with retail stores, including:
  • A fixed location
  • A sign
  • Regular business hours
  • Accessibility to the public
  • Sales of goods directly to the consumer

used by a registered caregiver to offer marijuana for sale to patients
State/Municipality Communication

**Adult use marijuana**
- Active license conditioned on municipal approval
- Municipal approval certification sent to OMP within 90 days
- Notice to municipality within 14 days of any action on license

**Medical marijuana**
- Registration not conditioned on municipal approval
- No state licensing for caregiver stores
- CEO/Municipal Officer can verify caregiver information with OMP
Taxation

Adult use marijuana

- 10% sales tax on retail sale of adult use marijuana products
- Monthly excise tax payments on wholesale products sold by cultivation facilities
- 20% effective tax rate

Medical marijuana

- 5.5% sales tax on non-edible medical marijuana products
- 8% sales tax on edibles

No municipal revenue sharing or local option taxation
What’s New

Adult Use Marijuana

LD 719 - adopts state licensing rules for adult use establishments

Medical Marijuana

LD 1129 - adds definition for “caregiver retail store” and “municipal approval”
LD 1218 - allows caregivers to count canopy square footage or number of plants
LD 1505 - technical clarifying amendments to streamline statute
LD 1738 - (emergency) establishes laboratory certification program and increases caregiver/dispendary wholesale amount
Hemp and CBD

7 M.R.S. § 2231

- Hemp cultivation requires a license from DACF
- LD 630 - (Emergency) redefines hemp to include all derivatives - CBD
- LD 1749 - (Sept. 19, 2019) “marijuana” definitions in both marijuana laws amended to exclude hemp as defined in 7 M.R.S. § 2231
- Under Maine law, hemp and hemp-derived CBD are regulated by 7 M.R.S. § 2231 only
- Maine’s marijuana statutes do not apply
- CBD authorized for intra-state sale - interstate sale restricted federally
MMA Marijuana Resources

Maine Municipal Association - www.memun.org

MMA Legal Services Department - 1-800-452-8786
legal@memun.org