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

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