TITLE 28-B

CANNABIS

CHAPTER 1

CANNABIS LEGALIZATION ACT

SUBCHAPTER 1

GENERAL PROVISIONS

§101. Short title

This chapter may be known and cited as "the Cannabis Legalization Act." [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

§102. Definitions

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §28 (AMD). PL 2017, c. 452, §37 (REV). PL 2019, c. 12, Pt. B, §12 (AMD). PL 2019, c. 528, §§17-19 (AMD). PL 2019, c. 676, §§1-4 (AMD). PL 2021, c. 226, §§1, 2 (AMD). PL 2021, c. 251, §5 (AMD). PL 2021, c. 669, §4 (AMD). PL 2021, c. 669, §5 (REV). RR 2021, c. 2, Pt. A, §§103-105 (COR). PL 2023, c. 6, §12 (AMD). PL 2023, c. 408, §§1-3 (AMD). PL 2023, c. 679, Pt. B, §2 (RP).

§102-A. Definitions

As used in this chapter and chapter 3, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 679, Pt. B, §3 (NEW).]

1. Adult use cannabis. "Adult use cannabis" means cannabis cultivated, manufactured, distributed or sold by a cannabis establishment.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

2. Adult use cannabis product. "Adult use cannabis product" means a cannabis product that is manufactured, distributed or sold by a cannabis establishment.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

3. Another jurisdiction. "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states of the United States except Maine.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

4. Applicant. "Applicant" means a person that submits an application for a license under this chapter to the office for review that the department has not yet approved or denied.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

5. Batch. "Batch" means:

A. A specific quantity of adult use cannabis harvested during a specified period of time from a specified cultivation area within a cultivation facility; or [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. A specific quantity of adult use cannabis or adult use cannabis products produced during a specified period of time in a specified manufacturing area within a products manufacturing facility. [PL 2023, c. 679, Pt. B, §3 (NEW).]

[PL 2023, c. 679, Pt. B, §3 (NEW).]

6. Batch number. "Batch number" means a distinct group of numbers, letters or symbols, or any combination thereof, assigned to a specific batch of adult use cannabis by a cultivation facility or to a specific batch of adult use cannabis or adult use cannabis products by a products manufacturing facility.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

7. Business entity. "Business entity" means a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business entity" does not include a federal, state or municipal government organization.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

8. Cannabis. "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

9. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

10. Cannabis establishment. "Cannabis establishment" means a cultivation facility, a products manufacturing facility, a testing facility, a cannabis store or a sample collector licensed under this chapter.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

11. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

12. Cannabis flower. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

13. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing adult use cannabis or used for ingesting, inhaling or otherwise consuming adult use cannabis. "Cannabis paraphernalia" includes, but is not limited to:

A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. Isomerization devices used for adjusting the potency of a cannabis plant; [PL 2023, c. 679, Pt. B, §3 (NEW).]

C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or cannabis; [PL 2023, c. 679, Pt. B, §3 (NEW).]

D. Scales and balances used for weighing or measuring cannabis; [PL 2023, c. 679, Pt. B, §3 (NEW).]

E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, cannabis; [PL 2023, c. 679, Pt. B, §3 (NEW).]

F. Envelopes and other containers used for packaging small quantities of cannabis for adult use; [PL 2023, c. 679, Pt. B, §3 (NEW).]

G. Containers and other objects used for storing cannabis; [PL 2023, c. 679, Pt. B, §3 (NEW).]

H. Rolling papers, cigarette papers or wraps used for rolling cannabis for smoking; [PL 2023, c. 679, Pt. B, §3 (NEW).]

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking cannabis; and [PL 2023, c. 679, Pt. B, §3 (NEW).]

J. Electronic smoking devices used for simulating the smoking of cannabis or cannabis products through the inhalation of vapor or aerosol from the device. [PL 2023, c. 679, Pt. B, §3 (NEW).]
[PL 2023, c. 679, Pt. B, §3 (NEW).]

14. Cannabis plant. "Cannabis plant" means all species of the plant genus Cannabis sativa L., including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

15. Cannabis product. "Cannabis product" means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

16. Cannabis store. "Cannabis store" means a facility licensed under this chapter to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants, seedlings and other products to consumers.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

17. Cannabis trim. "Cannabis trim" means any part of a cannabis plant, whether processed or unprocessed, that is not cannabis flower or a cannabis seed except that "cannabis trim" does not include the stalks or roots of the cannabis plant. "Cannabis trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

18. Caregiver. "Caregiver" has the same meaning as in Title 22, section 2421-A, subsection 11.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

19. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2023, c. 679, Pt. B, §3 (NEW).]

[PL 2023, c. 679, Pt. B, §3 (NEW).]

20. Colocation. "Colocation" means the siting of multiple licensees or the siting of a licensee with a registered caregiver or registered dispensary within a licensed premises.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

21. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

22. Container. "Container" means a sealed package in which adult use cannabis or an adult use cannabis product is placed by a licensee prior to sale to a consumer and that meets all applicable packaging, labeling and health and safety requirements of this chapter and the rules adopted pursuant to this chapter.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

23. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

24. Cultivation or cultivate. "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or cannabis extraction.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

25. Cultivation facility. "Cultivation facility" means a facility licensed under this chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores or adults.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

26. Department. "Department" means the Department of Administrative and Financial Services.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

27. Direct or indirect financial interest. "Direct or indirect financial interest" means any interest in a sole proprietorship or business entity that is applying for or holds a cannabis establishment license, including:

A. Proprietors, partners, shareholders, persons with membership interests and persons with any other equity ownership interests, such as purchase warrants or options, whether whole or partial. If the equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee; [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. Any employee, independent contractor, professional or other person who has an agreement with the applicant or licensee that provides for the person's attaining any form of equity ownership, except that employee equity ownership vested pursuant to an employee stock ownership program is governed by paragraph D. If the other equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that other equity owner business entity

of 5% or more are deemed to be indirect financial interests of the applicant or licensee; [RR 2023, c. 2, Pt. A, §41 (COR).]

C. All persons who expect to receive financial payment in the form of royalty payments, profit sharing, revenue sharing or similar payment, such as, but not limited to, royalty license partners, parties to a profit-sharing agreement, capital investors and management contractors or consultants. If the non-owner interest is a business entity, all business entities and natural persons that have an aggregate ownership interest in that non-owner interest business entity of 5% or more are deemed to be indirect financial interest holders of the applicant or licensee; and [PL 2023, c. 679, Pt. B, §3 (NEW).]

D. **(REALLOCATED FROM T. 28-B, §102-A, sub-§27, ¶E)** Any shares designated solely for inclusion in a portion of shares reserved for employees of the applicant or licensee for the purpose of vesting an equity ownership interest in an employee or employees of the licensee. A licensee offering an employee stock ownership program must designate a percentage of equity ownership interests for the employee stock ownership program and must report annually the identity of any person holding an equity interest in the licensee through the employee stock ownership program. [PL 2023, c. 679, Pt. B, §3 (NEW); RR 2023, c. 2, Pt. A, §42 (RAL).]

E. [PL 2023, c. 679, Pt. B, §3 (NEW); RR 2023, c. 2, Pt. A, §42 (RAL).]

REVISOR'S NOTE: (Paragraph E as enacted by PL 2023, c. 679, Pt. B, §3 is REALLOCATED TO TITLE 28-B, SECTION 102-A, SUBSECTION 27, PARAGRAPH D)
[RR 2023, c. 2, Pt. A, §§41, 42 (COR).]

28. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, except that "disqualifying drug offense" does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years prior to the submission of an application for a license under this chapter; or [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. An offense that consisted of conduct that would be authorized under this Title or that, if the person convicted of the offense had been acting under the authority of a license pursuant to this Title, would have been authorized under this Title. [PL 2023, c. 679, Pt. B, §3 (NEW).]
[PL 2023, c. 679, Pt. B, §3 (NEW).]

29. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing cannabis or cannabis concentrate. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

30. Flowering. "Flowering" means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of cannabis.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

31. Identity statement. "Identity statement" means the name of a business entity as it is commonly known and used in any advertising or marketing by the business entity.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

32. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or a seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

32-A. Indoor cultivation. "Indoor cultivation" means cultivation of mature cannabis plants that does not meet the definition of "outdoor cultivation" under subsection 41-A.
[PL 2025, c. 514, §6 (NEW).]

33. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

34. Intoxication. "Intoxication" means a substantial impairment of an individual's mental or physical faculties as a result of drug or alcohol use.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

35. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 17-A, section 2, subsection 17.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

36. Licensed premises. "Licensed premises" means the premises specified in a license to operate a cannabis establishment within which the licensee is authorized under this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute, test or sell adult use cannabis or adult use cannabis products.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

37. Licensee. "Licensee" means a person licensed pursuant to this chapter to operate a cannabis establishment.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

38. Limited access area. "Limited access area" means a building, room or other area within the licensed premises of a cannabis establishment where a licensee is authorized to cultivate, store, weigh, manufacture, package or otherwise prepare for sale adult use cannabis and adult use cannabis products in accordance with the provisions of this chapter and the rules adopted pursuant to this chapter.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

39. Maine Medical Use of Cannabis Act. "Maine Medical Use of Cannabis Act" means the program established in Title 22, chapter 558-C.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

40. Manufacturing or manufacture. "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

41. Mature cannabis plant. "Mature cannabis plant" means a cannabis plant that is flowering. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

41-A. Outdoor cultivation. "Outdoor cultivation" means cultivation of mature cannabis plants between the months of March and December in a cultivation area that primarily uses sunlight for such cultivation.
[PL 2025, c. 514, §7 (NEW).]

42. Minor. "Minor" means a person who has not attained 21 years of age.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

43. Mother plant. "Mother plant" means a cannabis plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

44. Municipality. "Municipality" means a city, town or plantation in this State that is not located within the unorganized and deorganized areas.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

45. Office. "Office" means the Office of Cannabis Policy established in section 104-A within the department.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

46. Permitted premises for a specified event. "Permitted premises for a specified event" means the premises described in a specified event permit issued to a cannabis store pursuant to section 504-A where a cannabis store is authorized to sell adult use cannabis and adult use cannabis products.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

47. Person. "Person" means a natural person or a business entity.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

48. Plan of record. "Plan of record" means, as applicable, a licensee's current facility plan and the operating, cultivation and security information listed in the licensee's application for a conditional or active license on file with and approved by the office.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

49. Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the office for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

50. Principal. "Principal" means:

A. A natural person operating as a sole proprietor; [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. The officers of a corporation organized pursuant to Title 13-C who have authority to manage, direct or oversee the applicant's or licensee's operations, if the applicant or licensee is a corporation; [PL 2023, c. 679, Pt. B, §3 (NEW).]

C. The directors of a corporation organized pursuant to Title 13-C, if the applicant or licensee is a corporation; [PL 2023, c. 679, Pt. B, §3 (NEW).]

D. The shareholders of a corporation organized pursuant to Title 13-C, if no officers or directors are appointed and the applicant or licensee is a corporation; [PL 2023, c. 679, Pt. B, §3 (NEW).]

E. The general or limited partners of a partnership organized under Title 31, chapter 19, if the applicant or licensee is a partnership; [PL 2023, c. 679, Pt. B, §3 (NEW).]

F. The nonmember managers or managing members of a limited liability company organized under Title 31, chapter 21, if the applicant or licensee is organized as a limited liability company; and [PL 2023, c. 679, Pt. B, §3 (NEW).]

G. Any other natural person to whom the applicant or licensee has given authority to manage, direct or oversee the applicant's or licensee's operations. [PL 2023, c. 679, Pt. B, §3 (NEW).]

If an officer, director, shareholder, partner, manager or member under paragraph B, C, D, E or F is a business entity, "principal" means any natural person to whom the business entity has given authority to manage, direct or oversee the applicant's or licensee's operations.

"Principal" does not include those persons whose managerial responsibilities are limited to staff supervision and who are not authorized to act on behalf of the applicant or licensee.

For purposes of this subsection, "operations" does not include human resources, information technology, marketing or accounting and finance.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

51. Products manufacturing facility. "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

52. Propagation. "Propagation" means the process of reproducing cannabis plants through the use of cannabis seeds, cuttings or grafting.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

53. Qualifying patient. "Qualifying patient" means a person who possesses a valid certification for the medical use of cannabis pursuant to Title 22, section 2423-B.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

54. Registered caregiver. "Registered caregiver" has the same meaning as in Title 22, section 2421-A, subsection 40.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

55. Registered dispensary. "Registered dispensary" has the same meaning as in Title 22, section 2421-A, subsection 41.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

56. Sale or sell. "Sale" or "sell" means a transfer or delivery of cannabis or cannabis products for consideration.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

57. Sample. "Sample" means:

A. An amount of adult use cannabis or an amount of an adult use cannabis product provided to a testing facility by a cannabis establishment or other person for testing or research and development purposes pursuant to subchapter 6; [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. An amount of adult use cannabis or an amount of an adult use cannabis product collected from a licensee by the office for the purposes of testing the cannabis or cannabis product for product quality control purposes pursuant to section 512, subsection 2; [PL 2023, c. 679, Pt. B, §3 (NEW).]

C. An amount of adult use cannabis provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8; [PL 2023, c. 679, Pt. B, §3 (NEW).]

D. An amount of adult use cannabis or an amount of an adult use cannabis product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6; [PL 2023, c. 679, Pt. B, §3 (NEW).]

E. An amount of adult use cannabis or an amount of an adult use cannabis product collected by a sample collector licensee and provided to a testing facility for testing pursuant to section 503-A; or [PL 2023, c. 679, Pt. B, §3 (NEW).]

F. An amount of adult use cannabis or an amount of an adult use cannabis product provided to a consumer pursuant to section 504, subsection 12. [PL 2023, c. 679, Pt. B, §3 (NEW).]
[PL 2023, c. 679, Pt. B, §3 (NEW).]

58. Sample collector. "Sample collector" means a person licensed under this chapter to collect samples of cannabis and cannabis products for testing and to transport and deliver those samples to a testing facility for testing.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

59. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

A. Not flowering; [PL 2023, c. 679, Pt. B, §3 (NEW).]

B. Less than 24 inches in height; and [PL 2023, c. 679, Pt. B, §3 (NEW).]

C. Less than 24 inches in width. [PL 2023, c. 679, Pt. B, §3 (NEW).]
[PL 2023, c. 679, Pt. B, §3 (NEW).]

60. Specified event. "Specified event" means an event that occurs outside the licensed premises of a cannabis store that is not conducted primarily for the benefit or enjoyment of individuals under 21 years of age and that is not more than 10 consecutive days in duration or 10 occurrences in duration. For purposes of this subsection, "occurrence" means an event that is less than 24 hours in duration and that occurs during the same calendar year as another occurrence.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

61. Specified event permit. "Specified event permit" means a temporary authorization for a cannabis store to conduct sales of adult use cannabis and adult use cannabis products on the permitted premises for a specified event in accordance with section 504-A.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

62. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

63. Testing or test. "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of cannabis and cannabis products for testing purposes, but does not include cultivation or manufacturing.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

64. Testing facility. "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

65. THC. "THC" means tetrahydrocannabinol.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

66. Universal symbol. "Universal symbol" means an image developed by the office, and made available to licensees, that indicates that a container, package or product contains cannabis or contains or is a cannabis product.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

67. Unorganized and deorganized areas. "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1.

[PL 2023, c. 679, Pt. B, §3 (NEW).]

68. Visibly intoxicated. "Visibly intoxicated" means in a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual that clearly demonstrates the state of intoxication.
[PL 2023, c. 679, Pt. B, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §3 (NEW). RR 2023, c. 2, Pt. A, §§41, 42 (COR). PL 2025, c. 514, §§6, 7 (AMD).

§103. Unauthorized conduct; penalties

1. Unauthorized conduct. Except as otherwise provided in this chapter, in the rules adopted pursuant to this chapter, in chapter 3 or in the Maine Medical Use of Cannabis Act or as specifically authorized pursuant to a license issued under this chapter, a person may not:

A. Cultivate, manufacture or test cannabis or cannabis products; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Sell or offer for sale cannabis or cannabis products; [PL 2023, c. 6, §13 (AMD).]

C. Use, possess, transport, transfer, furnish or purchase cannabis or cannabis products; or [PL 2023, c. 6, §14 (AMD).]

D. Sell, offer for sale or furnish any products containing tobacco, nicotine or synthetic nicotine to any person without first obtaining a retail tobacco license in accordance with Title 22, chapter 262-A. [PL 2023, c. 6, §15 (NEW).]
[PL 2023, c. 6, §§13-15 (AMD).]

2. Penalties. In addition to any penalties that may be imposed pursuant to this chapter or chapter 3, a person that violates any other provision of law or rule governing the conduct prohibited under subsection 1 is subject to any criminal or civil penalties that may be imposed pursuant to that other law or rule.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§13-15 (AMD).

§104. Implementation, administration and enforcement; staffing; rulemaking

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §4 (RP).

§104-A. Office of Cannabis Policy

The Legislature finds cannabis to be an emerging agricultural and manufacturing industry in the State contributing to the State's overall economy. [PL 2023, c. 679, Pt. B, §5 (NEW).]

The Legislature further finds that a well-regulated cannabis industry remains the most effective tool in diminishing the impact of illicit-market cannabis activity within the State. [PL 2023, c. 679, Pt. B, §5 (NEW).]

For these purposes, the Office of Cannabis Policy is established within the Department of Administrative and Financial Services and is maintained for the administration and enforcement of this Act and the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §5 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §5 (NEW).

§104-B. Director of the Office of Cannabis Policy

The Director of the Office of Cannabis Policy, referred to in this chapter as "the director," may employ personnel as necessary to implement, administer and enforce this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act and the rules adopted pursuant to that Act. [PL 2023, c. 679, Pt. B, §6 (NEW).]

1. Duties. The director shall:

A. Promote the health and well-being of the people of the State and advance policies that protect public health and safety, emphasizing the health and well-being of minors, as priority considerations in performing all duties, including those listed in this subsection; [PL 2023, c. 679, Pt. B, §6 (NEW).]

B. Ensure that the administration of the laws of and the rules adopted pursuant to this Act and the Maine Medical Use of Cannabis Act is consistent, predictable and equitable; [PL 2023, c. 679, Pt. B, §6 (NEW).]

C. Ensure that qualifying patients maintain access to high-quality, effective and affordable cannabis for medical use under the Maine Medical Use of Cannabis Act; and [PL 2023, c. 679, Pt. B, §6 (NEW).]

D. Develop good faith partnerships between the office and licensees. [PL 2023, c. 679, Pt. B, §6 (NEW).]

[PL 2023, c. 679, Pt. B, §6 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §6 (NEW).

§104-C. Rulemaking; consultation

The office may adopt rules necessary to implement, administer and enforce this chapter. Except as otherwise provided in this chapter, all rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the office pursuant to this chapter and submitted for legislative review may not be finally adopted by the office unless legislation authorizing final adoption is enacted into law. [PL 2023, c. 679, Pt. B, §7 (NEW).]

The office shall consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules concerning the regulation of the cultivation, manufacture and testing of adult use cannabis and adult use cannabis products at cultivation facilities, products manufacturing facilities and testing facilities; the regulation of cannabis clones and cannabis plants; the use of pesticides, fungicides and herbicides in cultivation; the imposition of limits on the concentration of THC and other cannabinoids per serving in adult use cannabis products; odor control standards, sanitary standards, refrigeration requirements and storage and warehousing standards for licensees; and the regulation of the preparation, manufacture, testing, labeling and packaging of adult use cannabis and adult use cannabis products. [PL 2023, c. 679, Pt. B, §7 (NEW).]

The office shall consult with the Department of Labor prior to the adoption of rules concerning workplace, employment or other labor matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter. [PL 2023, c. 679, Pt. B, §7 (NEW).]

The office shall consult with the Department of Public Safety prior to the adoption of rules concerning public safety or law enforcement matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter. [PL 2023, c. 679, Pt. B, §7 (NEW).]

The office shall consult with the Department of Health and Human Services prior to the adoption of rules concerning public health matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter, including rules regarding testing, labeling and packaging adult use cannabis and adult use cannabis products. [PL 2023, c. 679, Pt. B, §7 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §7 (NEW).

§105. Tracking system

The office shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of cannabis plants, adult use cannabis and adult use cannabis products from immature cannabis plant to the point of retail sale, return, disposal or destruction. The tracking system must allow for cannabis plants at the stage of cultivation and upon transfer from the stage of cultivation to another licensee to be tracked by group. The office may implement a tracking system that allows adult use cannabis or adult use cannabis products to be tracked by group. [PL 2023, c. 679, Pt. B, §8 (AMD).]

The office shall ensure that the system implemented and administered under this section, whether tracking individually or by group, maintains a detailed record at every stage from immature cannabis plant to the point of retail sale, return, disposal or destruction. [PL 2023, c. 679, Pt. B, §9 (AMD).]

1. Data submission requirements. The tracking system must allow licensees to submit tracking data for adult use cannabis or adult use cannabis products to the office. The tracking system must permit licensees to submit all required tracking data through manual data entry or through the use of software that connects to the tracking system maintained by the office through an application program interface, including without limitation point-of-sale system software. Nothing in this subsection may be construed to permit the submission of required tracking data using an application program interface that cannot transmit all required data to the tracking system required by the office.
[PL 2023, c. 679, Pt. B, §10 (RPR).]

1-A. Group tracking. Cannabis plants at the same stage of growth that are of the same varietal or cultivar of the plant genus Cannabis may be tracked by group if they:

A. Are planted in the same specific area at the same time; [PL 2021, c. 628, §1 (NEW).]

B. Are transplanted to the same specific area at the same time; or [PL 2021, c. 628, §1 (NEW).]

C. Include cannabis plants that were planted in a specific area and cannabis plants that were transplanted to the same specific area. [PL 2021, c. 628, §1 (NEW); PL 2021, c. 669, §5 (REV).]

For cannabis plants that are tracked as a group, a licensee shall designate the square footage of the specific area in which the plants are planted or transplanted. Cannabis plants may not be tracked as a group unless they are intended for harvest as a group.
[RR 2021, c. 2, Pt. A, §106 (COR).]

1-B. Tagging. A licensee shall affix a tag containing the identifying information required by the office under this chapter or rule adopted pursuant to this chapter to each group of cannabis plants tracked under this section. The office may not require cannabis plants that are being tracked as a group to be individually affixed with a tag during cultivation or transfer to another licensee.
[PL 2023, c. 679, Pt. B, §11 (AMD).]

1-C. Group transfers. When a group of cannabis plants tracked under this section is transferred to another licensee, the licensee transferring the group of cannabis plants must provide a manifest that lists every cannabis plant within the group and any other relevant information required by the office by rule.
[PL 2023, c. 679, Pt. B, §12 (AMD).]

2. Rules. The office shall adopt rules regarding the implementation and administration of the tracking system and tracking requirements for licensees. Rules adopted under this section must include, but are not limited to, the following:

A. Record-keeping requirements for the tracking of cannabis plants when tracked individually and when tracked by group; and [PL 2021, c. 628, §1 (NEW); PL 2021, c. 669, §5 (REV).]

B. Record-keeping requirements necessary to ensure the office's ability to implement a recall for reasons related to health and safety when tracking cannabis plants individually or by group. [PL 2023, c. 679, Pt. B, §13 (AMD).]

[PL 2023, c. 679, Pt. B, §13 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 628, §1 (AMD). PL 2021, c. 669, §5 (REV). RR 2021, c. 2, Pt. A, §106 (COR). PL 2023, c. 396, §§1, 2 (AMD). PL 2023, c. 679, Pt. B, §§8-13 (AMD).

§106. Individual identification cards

The office shall issue individual identification cards to natural persons licensed under this chapter and, upon the request of a licensee, shall issue individual identification cards to principals, contractors, employees or other support staff of the licensee who meet the requirements of this section for the issuance of an individual identification card. [PL 2023, c. 679, Pt. B, §14 (AMD).]

1. Rules. The office may adopt rules regarding individual identification cards issued pursuant to this section.

[PL 2023, c. 679, Pt. B, §14 (AMD).]

1-A. Information and format; validity. An individual identification card issued pursuant to this section must include:

A. The full name and date of birth of the licensee; [PL 2023, c. 679, Pt. B, §14 (NEW).]

B. A photograph of the licensee; [PL 2023, c. 679, Pt. B, §14 (NEW).]

C. The date of issuance and expiration date of the identification card; and [PL 2023, c. 679, Pt. B, §14 (NEW).]

D. A randomly generated unique identification number. [PL 2023, c. 679, Pt. B, §14 (NEW).]

An individual identification card is valid for 2 years from the issue date, remains the property of the office and must be returned to the office upon demand. A person may not alter, obscure, damage or deface an individual identification card. To be valid, an individual identification card must be in good condition with all original markings and information clearly legible.

[PL 2023, c. 679, Pt. B, §14 (NEW).]

2. Criminal history record check for principals. Prior to issuing or renewing an individual identification card to a natural person who is a principal, the office shall require the person to submit to a criminal history record check in accordance with section 204 every 2 years. A principal who has been convicted of a disqualifying drug offense at any time within the 2-year period must report the conviction to the office within 2 business days of the conviction. The licensee must be provided an opportunity to remove the principal or transfer the principal's ownership interests pursuant to section 210.

[PL 2023, c. 679, Pt. B, §14 (AMD).]

3. Criminal history record check for employees not required. A contractor, employee or other support staff of the licensee is not required to submit to a criminal history record check pursuant to section 204 prior to the issuance of an individual identification card by the office.

[PL 2023, c. 679, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §14 (AMD).

§107. Collection and analysis of public health and safety data

The office shall develop programs or initiatives to facilitate the collection and analysis of data regarding the effects of the use of cannabis in the State, including, but not limited to, youth and adult cannabis use; school suspension and discipline relating to the use of cannabis; poison center calls, emergency department visits and hospitalizations relating to the use of or exposure to cannabis; operating under the influence citations or arrests relating to the use of cannabis; motor vehicle accidents, including information on fatalities, relating to the use of cannabis; property crime relating to the regulated and unregulated adult use cannabis markets; and cannabis-related citations or arrests. The office may adopt rules to implement this section. [PL 2023, c. 679, Pt. B, §15 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §15 (AMD).

§108. Public health and safety programs

The office shall develop and implement or facilitate the development and implementation by a public or private entity of: programs, initiatives and campaigns focused on increasing the awareness and education of the public on health and safety matters and focused on addressing public and behavioral health needs relating to the use of cannabis and cannabis products, including, but not limited to, programs, initiatives and campaigns focused on preventing and deterring the use of cannabis and cannabis products by minors; and public and behavioral health programs and services related to the use of cannabis and cannabis products, including, but not limited to, evidence-based substance use disorder prevention and treatment programs, early intervention services and grants for schools or community-based organizations that provide programs for youth substance use disorder education and prevention as described under Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented pursuant to this section may be funded with revenue from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in section 1101. The office may adopt rules to implement this section. [PL 2023, c. 679, Pt. B, §16 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 226, §3 (AMD). PL 2021, c. 645, §1 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §16 (AMD).

§109. Enhanced training for criminal justice agencies and municipalities

The office shall develop and implement or facilitate the development and implementation by a public or private entity of programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter and the rules adopted pursuant to this chapter, including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees in inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances under this chapter and chapter 3 and the rules adopted pursuant to this chapter; in drug recognition procedures and the general enforcement of the State's motor vehicle laws relating to the use of cannabis; and in restorative justice, jail diversion, cannabis industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for cannabis-related offenses. Training programs or initiatives developed and implemented pursuant to this section may be funded with revenue from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund

established in section 1101. The office may adopt rules to implement this section. [PL 2023, c. 679, Pt. B, §17 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 226, §4 (AMD). PL 2021, c. 645, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §17 (AMD).

§110. Investigation by a criminal justice agency of unlawful activity

A criminal justice agency may investigate unlawful activity in relation to a cannabis establishment and may conduct a criminal history record check of a licensee or its employees during an investigation of unlawful activity in relation to a cannabis establishment. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

§111. Cultivation, care or sale of cannabis by state or local agency prohibited

A state, county or local agency or department, including, but not limited to, the office and a criminal justice agency, may not: [PL 2023, c. 679, Pt. B, §18 (AMD).]

1. Cultivation or care of cannabis or cannabis products prohibited. Cultivate or otherwise care for or be required to cultivate or otherwise care for any cannabis or cannabis products belonging to, forfeited by or seized from any licensee or person pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal or civil laws or rules; or
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Sale of cannabis or cannabis products prohibited. Sell or be required to sell cannabis or cannabis products belonging to, forfeited by or seized from any licensee or person pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal or civil laws or rules or that are otherwise in the possession of the agency or department.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §18 (AMD).

§112. Employment policies

Except as otherwise provided in the Maine Medical Use of Cannabis Act, an employer: [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

1. Cannabis in workplace. Is not required to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or cultivation of cannabis or cannabis products in the workplace;
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Workplace policies regarding cannabis use. May enact and enforce workplace policies restricting the use of cannabis and cannabis products by employees in the workplace or while otherwise engaged in activities within the course and scope of employment; and
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Discipline of employees. May discipline employees who are under the influence of cannabis in the workplace or while otherwise engaged in activities within the course and scope of employment in accordance with the employer's workplace policies regarding the use of cannabis and cannabis products by employees.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

§113. Report to Legislature

1. Report required. By February 15, 2025, and annually thereafter, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over adult use cannabis matters as provided in this section.
[PL 2023, c. 679, Pt. B, §19 (AMD).]

2. Report contents. The report required under subsection 1 must, at a minimum, include the following information:

A. The number of applications for each type of license submitted to the office pursuant to this chapter during the prior calendar year, including, if applicable, the number of applications for license renewals, and the number of each type of license conditionally approved by the office during the prior calendar year; [PL 2023, c. 679, Pt. B, §20 (AMD).]

B. The total number of each type of active license issued by the office pursuant to this chapter in the prior calendar year following local authorization of a conditionally approved licensee; [PL 2023, c. 679, Pt. B, §20 (AMD).]

C. The total square footage of plant canopy approved by the office for active cultivation facilities licensed in the prior calendar year, the percentage of active cultivation facility licenses by cultivation tier and, if applicable, the number of approved increases in the maximum plant canopy allowed under a tier 4 cultivation facility license in the prior calendar year pursuant to section 304; [PL 2023, c. 679, Pt. B, §20 (AMD).]

D. The total amount of application fees and license fees collected pursuant to this chapter and the total amount of the excise and sales tax revenue collected on the sale of adult use cannabis and adult use cannabis products during the prior calendar year; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

E. An overview of current adult use cannabis-related staffing at the office and the cost to the office to regulate the adult use cannabis industry in the State during the prior fiscal year and cost projections for the upcoming fiscal year; [PL 2023, c. 679, Pt. B, §20 (AMD).]

F. The total reported volume and value of adult use cannabis cultivated and sold by all cultivation facilities in the prior calendar year, when available; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

G. The total reported volume and value of adult use cannabis and adult use cannabis products sold by all cannabis stores in the prior calendar year, when available; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

H. The number of inspections of the licensed premises of licensees performed by the office during the prior calendar year and the results of those inspections, including, but not limited to, the number of inspections resulting in license violations and the percentage of all licensees inspected during the prior calendar year; [PL 2023, c. 679, Pt. B, §20 (AMD).]

I. The number of license violations committed by licensees during the prior calendar year and a breakdown of those violations into specific categories based on the type of violation and the outcome of the violation, including, but not limited to, the total amount of monetary penalties imposed and collected by the office and the percentage of total license violations resulting in the imposition of a monetary penalty, license suspension or license revocation; [PL 2023, c. 679, Pt. B, §20 (AMD).]

J. Public health and safety data collected, received or analyzed by the office pursuant to section 107 in the prior calendar year; [PL 2023, c. 679, Pt. B, §20 (AMD).]

K. Recommendations, including any suggested legislation, to address any issues with the regulation of the adult use cannabis industry in the State encountered by the office in the prior calendar year; and [PL 2023, c. 679, Pt. B, §20 (AMD).]

L. A detailed account of income and expenditures for the Adult Use Cannabis Regulatory Coordination Fund established in section 1102 and the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in section 1101. [PL 2023, c. 679, Pt. B, §20 (NEW).]

[PL 2023, c. 679, Pt. B, §20 (AMD).]

3. Authority to report out legislation. After reviewing the report required under subsection 1, the joint standing committee of the Legislature having jurisdiction over adult use cannabis matters may report out legislation to implement any recommendations contained in the report or to address any other issues identified in the report.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§19, 20 (AMD).

§114. Confidentiality

The home address, telephone number and e-mail address of the applicant, employees of the applicant and all natural persons having a direct or indirect financial interest in the applied-for license are confidential. [PL 2023, c. 396, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 396, §3 (NEW).

§115. Cannabis Advisory Council

1. Appointment; composition. The Cannabis Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 2-J, consists of 12 members who are appointed as follows:

A. Two members who are registrants under the Maine Medical Use of Cannabis Act, who are not also licensees under the Cannabis Legalization Act, of which at least one member is a registered caregiver who cultivates cannabis for medical use outdoors, appointed by the President of the Senate. In making the appointments under this paragraph, the President of the Senate shall consider up to 6 recommendations from associations representing the interests of registrants under the Maine Medical Use of Cannabis Act; [PL 2025, c. 506, §3 (NEW).]

B. Two members who are licensees under the Cannabis Legalization Act, who are not also registrants under the Maine Medical Use of Cannabis Act, of which at least one member has a cultivation facility license, appointed by the Speaker of the House. In making the appointments under this paragraph, the Speaker of the House shall consider up to 6 recommendations from associations representing the interests of the adult use cannabis industry; [PL 2025, c. 506, §3 (NEW).]

C. Two members who are registrants and licensees under both the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act, of which at least one member has a manufacturing facility registration certificate or license, appointed jointly by the President of the Senate and the Speaker of the House. In making the appointments under this paragraph, the President of the Senate and

the Speaker of the House shall consider up to 6 recommendations from associations representing the interests of the cannabis industry; [PL 2025, c. 506, §3 (NEW).]

D. One public member who is not a registrant under the Maine Medical Use of Cannabis Act, a licensee under the Cannabis Legalization Act or a lobbyist or lobbyist associate as defined in Title 3, section 312-A, subsections 10 and 10-A, respectively, and who has knowledge of and interest in cannabis, appointed by the Speaker of the House; [PL 2025, c. 506, §3 (NEW).]

E. Two members who are municipal officials in municipalities that have ordinances allowing for all registration types under the Maine Medical Use of Cannabis Act and all license types under the Cannabis Legalization Act, appointed by the director; [PL 2025, c. 506, §3 (NEW).]

F. Two members who have a demonstrated knowledge of cannabis science, medicine or research and, at a minimum, a bachelor's degree, appointed by the director. The director shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience; and [PL 2025, c. 506, §3 (NEW).]

G. One member who is a public health professional, appointed by the director. [PL 2025, c. 506, §3 (NEW).]

To the extent practicable, the membership of the council must reflect a geographic distribution across the State.
[PL 2025, c. 506, §3 (NEW).]

2. Cannabis business advocate. The cannabis business advocate established by Public Law 2023, chapter 683 serves as an ex officio nonvoting member of the council.
[PL 2025, c. 506, §3 (NEW).]

3. Purpose. The council shall make recommendations to the director and the joint standing committee of the Legislature having jurisdiction over cannabis matters concerning:

A. How best to work with state agencies, municipal governments, the medical use cannabis industry and adult use cannabis industry and citizen groups to make improvements to and maintain the quality of the State's medical use cannabis industry and adult use cannabis industry; and [PL 2025, c. 506, §3 (NEW).]

B. Matters of interest to the State's medical use cannabis industry and adult use cannabis industry, including, but not limited to, financial services, taxation, cannabis-related research and development, environmental and public health protection, cannabis policy in other states and federal legalization. [PL 2025, c. 506, §3 (NEW).]

The council is responsible for bringing forward to the director and the joint standing committee of the Legislature having jurisdiction over cannabis matters issues of concern to the cannabis industry and for assisting in the dissemination of information to members of the cannabis industry. The council may solicit and consider public comment during its meetings.
[PL 2025, c. 506, §3 (NEW).]

4. Terms. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.
[PL 2025, c. 506, §3 (NEW).]

5. Chair and vice-chair. The council shall elect a member of the council as chair and a member as vice-chair at the first regular meeting of each year. The term of the chair and vice-chair is one year.
[PL 2025, c. 506, §3 (NEW).]

6. Meetings; staffing. The council shall meet at least 4 times a year and, to the extent practicable, at more than one location throughout the State. It may also meet at other times at the call of the chair

or the director. The office shall provide administrative and staff support for the council within existing resources.
[PL 2025, c. 506, §3 (NEW).]

7. Compensation. Council members are entitled to reimbursement for expenses in accordance with Title 5, chapter 379, which is paid in equal proportions from the Adult Use Cannabis Regulatory Coordination Fund established in section 1102 and the Medical Use of Cannabis Fund established in Title 22, section 2430.
[PL 2025, c. 506, §3 (NEW).]

SECTION HISTORY

PL 2025, c. 506, §3 (NEW).

SUBCHAPTER 2

GENERAL LICENSING REQUIREMENTS

§201. License process; license types

The office, upon receipt of an application in the prescribed form that meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter, shall issue to the applicant a conditional license to operate one or more of the following types of cannabis establishments or shall deny the application in accordance with section 206: [PL 2023, c. 679, Pt. B, §21 (AMD).]

1. Cultivation facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;
[PL 2017, c. 409, Pt. A, §6 (NEW).]

2. Testing facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503, subsection 2, a testing facility license;
[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Products manufacturing facility. A products manufacturing facility license;
[PL 2019, c. 676, §5 (AMD).]

4. Cannabis store. A cannabis store license; or
[PL 2025, c. 390, Pt. A, §50 (AMD).]

5. Sample collector. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503-A, a sample collector license.
[PL 2019, c. 676, §5 (NEW).]

Except as provided in section 205, the office may not impose any limitation on the number of each type of license that it issues to a qualified individual applicant or on the total number of each type of license that it issues to qualified applicants pursuant to this chapter. [PL 2023, c. 679, Pt. B, §21 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 676, §5 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §21 (AMD). PL 2025, c. 390, Pt. A, §50 (AMD).

§202. General licensing criteria

An applicant for a license to operate a cannabis establishment must meet each of the following requirements, if applicable. Except as otherwise provided in this section, if the applicant is a business entity, every principal of the business entity must meet each of the requirements of this section. An

applicant shall disclose in or include with its application the names and addresses of the applicant and all natural persons and business entities having a direct or indirect financial interest in the applied-for license and the nature and extent of the financial interest held by each person or entity and, if applicable, the nature and extent of any financial interest the person or entity has in any other license applied for or issued under this chapter. [PL 2023, c. 679, Pt. B, §22 (AMD).]

1. Age. The applicant must be at least 21 years of age. If the applicant is a business entity, every principal of the business entity must be at least 21 years of age.
[PL 2023, c. 679, Pt. B, §23 (AMD).]

2. Resident.

[PL 2023, c. 679, Pt. B, §24 (RP).]

3. Incorporated in State. If the applicant is a business entity, the business entity must be incorporated in the State or otherwise formed or organized under the laws of the State.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

4. No disqualifying drug offense. The applicant may not have been previously convicted of a disqualifying drug offense.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

5. Not employee of state agency. The applicant may not be employed by the department or any other state agency with regulatory authority under this chapter or the rules adopted pursuant to this chapter.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

6. Not law enforcement officer or corrections officer. The applicant may not be a law enforcement officer; a corrections officer as defined in Title 25, section 2801-A, subsection 2; or any other natural person subject to the certification requirements of Title 25, chapter 341.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

7. No license revocation. The applicant may not have had a license previously issued under this chapter revoked.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

8. No medical registry identification card or registration certificate revocation. The applicant may not have had a registry identification card or registration certificate previously issued pursuant to the Maine Medical Use of Cannabis Act revoked.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

9. No revocation of other state cannabis license, permit, certificate or other government-issued authorization. The applicant may not have had a license, permit, certificate or other government-issued authorization issued in another jurisdiction allowing the cultivation, manufacture, testing or sale of cannabis or cannabis products revoked.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

10. No outstanding court-ordered payments. A license may not be issued to an applicant that has any outstanding payments due in this State on court-ordered fines, court-appointed attorney's fees or court-ordered restitution.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

11. Criminal history record check. The applicant must have submitted to a criminal history record check in accordance with the requirements of section 204.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

12. Compliance with application process; no false statement of material fact. The applicant must have completed all application forms required by the office fully and truthfully and complied with all information requests of the office relating to the license application. A license may not be issued to

an applicant that has knowingly or recklessly made any false statement of material fact to the office in applying for a license under this chapter. The office shall revoke the license of a licensee pursuant to subchapter 8 if, subsequent to the issuance of the license, the office determines that the licensee knowingly or recklessly made a false statement of material fact to the office in applying for the license. [PL 2023, c. 679, Pt. B, §25 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§22-25 (AMD).

§203. Additional licensing considerations

An applicant for a license to operate a cannabis establishment shall submit, and the office shall consider in determining whether to grant the license, the following additional information. If the applicant is a business entity, the applicant must submit the information required by this section for every principal of the business entity. [PL 2023, c. 679, Pt. B, §26 (AMD).]

1. Other convictions.
[PL 2023, c. 679, Pt. B, §27 (RP).]

2. Tax compliance. The applicant shall submit information regarding:

A. The applicant's history of paying income and other taxes owed to the State, to another jurisdiction, if applicable, and to the United States Internal Revenue Service over the 2 years immediately preceding the year in which the application is filed; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Any outstanding tax liens imposed or levied against the applicant in this State or in another jurisdiction within the 5 years immediately preceding the year in which the application is filed. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Other state cannabis-related violations or penalties. If the applicant has held a license, permit, certificate or other government-issued authorization in another jurisdiction allowing the cultivation, manufacture, testing or sale of cannabis or cannabis products, the applicant shall submit information regarding any violations by or penalties imposed on the applicant in that other jurisdiction. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§26, 27 (AMD).

§204. Criminal history record check

The office shall request a criminal history record check for each applicant for an initial license under this chapter and for each licensee every 2 years thereafter. If the applicant or licensee is a business entity, every principal of the business entity is required to submit to a criminal history record check in accordance with this section. A criminal history record check conducted pursuant to this section must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. [PL 2023, c. 679, Pt. B, §28 (AMD).]

1. Record of public criminal history information required. Criminal history record information obtained from the Maine Criminal Justice Information System pursuant to this section must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2017, c. 409, Pt. A, §6 (NEW).]

2. Other state and national criminal history record information required. Criminal history record information obtained from the Federal Bureau of Investigation pursuant to this section must include other state and national criminal history record information.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Fingerprinting. An individual required to submit to a criminal history record check under this section shall submit to having the individual's fingerprints taken. The State Police, upon payment by the individual of the fee required under subsection 4, shall take or cause to be taken the individual's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification shall conduct the state and national criminal history record checks required under this section. Except for the portion of a payment, if any, that constitutes the processing fee for a criminal history record check charged by the Federal Bureau of Investigation, all money received by the State Police under this section must be paid to the Treasurer of State, who shall apply the money to the expenses incurred by the Department of Public Safety in the administration of this section.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

4. Fees. The office shall by rule set the amount of the fee to be paid by an individual under subsection 3 for each criminal history record check required to be performed under this section.
[PL 2023, c. 679, Pt. B, §29 (AMD).]

5. Availability of criminal history record information. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

6. Use of criminal history record information. State and national criminal history record information obtained by the office under this section may be used only for the purpose of screening an applicant for a license or a licensee under this chapter or as necessary for the issuance of an individual identification card under section 106.
[PL 2023, c. 679, Pt. B, §30 (AMD).]

7. Confidentiality. All criminal history record information obtained by the office pursuant to this section is confidential, is for the official use of the office only and may not be disseminated outside of the office or disclosed to any other person or entity except as provided in subsection 5.
[PL 2023, c. 679, Pt. B, §31 (AMD).]

8. Rules. The office, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this section.
[PL 2023, c. 679, Pt. B, §32 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §§28-32 (AMD).

§205. Application process; issuance of license

1. Forms; payment of fees. An applicant shall file an application on forms prepared and furnished by the office for the type of license sought along with the appropriate application fee as determined by the office pursuant to section 207. The office may implement and maintain an online portal to receive applications and accept application fees electronically.
[PL 2023, c. 679, Pt. B, §33 (AMD).]

2. Applications for multiple licenses. An applicant may apply for and be granted multiple licenses of any license type under this chapter, except that:

A. If the applicant has applied for the issuance or renewal of a cultivation facility license, the issuance or renewal of the cultivation facility license may not result in the applicant or a person with a direct or indirect financial interest in that license holding or having a direct or indirect financial interest in:

(1) More than 3 cultivation facility licenses; or

(2) Multiple cultivation facility licenses with a combined total licensed amount of plant canopy exceeding 30,000 square feet, except when that exceedance is solely attributable to approved increases in the maximum licensed area of plant canopy authorized under a tier 4 cultivation facility license pursuant to section 304; and [RR 2025, c. 1, Pt. A, §39 (COR).]

B. If the applicant has applied for the issuance or renewal of a testing facility license or sample collector license, the applicant may not be a caregiver or registered caregiver or have an interest in a registered dispensary, a cultivation facility license, a products manufacturing facility license or a cannabis store license. If the applicant has applied for the issuance or renewal of any license under this chapter that is not a testing facility license or a sample collector license, the applicant may not have an interest in a testing facility license or a sample collector license. An applicant that meets the requirements for the issuance of a testing facility license under this chapter and the requirements of this paragraph may apply for and be issued multiple testing facility licenses. For purposes of this paragraph, "interest" means an equity ownership interest or a partial equity ownership interest or any other type of financial interest, including, but not limited to, being an investor or serving in a management position. [RR 2025, c. 1, Pt. A, §39 (COR).]

C. [PL 2017, c. 409, Pt. A, §6 (NEW); MRSA T. 28-B §205, sub-§2, ¶C (RP).]
[RR 2025, c. 1, Pt. A, §39 (COR).]

3. Issuance of conditional license. Within 90 days of receipt of an application for a license to operate a cannabis establishment or for renewal of an existing license to operate a cannabis establishment, the office either shall issue to the applicant a conditional license to operate the cannabis establishment if the applicant meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter or shall deny the application in accordance with section 206.

A. A licensee that has been issued a conditional license by the office may not engage in the cultivation, manufacture, testing or sale of adult use cannabis or adult use cannabis products until the office has issued an active license to the licensee pursuant to subsection 4. [PL 2023, c. 679, Pt. B, §34 (AMD).]

B. A conditional license issued by the office pursuant to this subsection is effective for a period of one year from the date of issuance and may not be renewed. If a licensee issued a conditional license by the office fails to obtain an active license from the office pursuant to subsection 4 within one year from the date of issuance of the conditional license, the conditional license expires. [PL 2023, c. 679, Pt. B, §34 (AMD).]
[PL 2023, c. 679, Pt. B, §34 (AMD).]

4. Issuance of active license upon certification of local authorization and payment of applicable license fee. Except as otherwise provided in this subsection, the office shall issue an active license to an applicant that has been issued a conditional license pursuant to subsection 3 and that meets all applicable requirements of this subsection. Prior to issuance of an active license pursuant to this subsection, the office shall require an applicant that has been issued a conditional license to submit information necessary for the office to determine that the applicant continues to meet all applicable requirements for conditional licensure under this subchapter. The office may refuse to issue an active license to an applicant if the office determines that the applicant no longer meets all applicable requirements for conditional licensure under this subchapter.

A. Within 10 days of receiving certification of local authorization from a municipality as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, from the Maine Land Use Planning Commission as required by section 403, subsection 3, paragraphs B and C, the office shall notify the applicant that certification of local authorization has been confirmed and that, in order for the office to issue an active license, the applicant must:

(1) Pay the applicable license fee required pursuant to section 207;

(2) Submit a facility plan that specifies the location, size and layout of the cannabis establishment within the municipality or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, within the town, plantation or township in which the cannabis establishment will be located;

(3) If the application is for a license to operate a cultivation facility, submit updated operating and cultivation plans as required under section 302 based upon the actual premises to be licensed, except that, if no changes to the original operating and cultivation plans submitted by the applicant are necessary based upon the actual premises to be licensed, then the applicant may satisfy this requirement by resubmitting the original operating and cultivation plans and noting on those plans that no changes are necessary;

(4) If the application is for any license except a sample collector license or a license to operate a testing facility, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use cannabis and adult use cannabis products imposed under Title 36, section 1811; and

(5) If the application is for a license to operate a cultivation facility, register with the State Tax Assessor pursuant to Title 36, section 4922 to collect and remit the excise tax on the sale of adult use cannabis imposed under Title 36, chapter 723. [PL 2023, c. 679, Pt. B, §35 (AMD).]

B. The office shall prepare and furnish to applicants, municipalities and the Maine Land Use Planning Commission a certification form by which the municipality may certify to the office that the applicant has obtained local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, the Maine Land Use Planning Commission may certify to the office that the applicant has obtained local authorization as required by section 403, subsection 3, paragraphs B and C. Notwithstanding any provision of this chapter to the contrary, applicants for a sample collector license are not required to seek local authorization prior to issuance of an active license by the office but must submit all other information required by the office under this chapter and the rules adopted pursuant to this chapter. [PL 2023, c. 679, Pt. B, §35 (AMD).]

C. Upon receipt of payment of the applicable license fee and any other documentation required under paragraph A, the office shall issue an active license to the applicant. The license must specify the date of issuance of the license, the period of licensure, the date of expiration of the license, the name of the licensee and the address of the licensed premises. [PL 2023, c. 679, Pt. B, §35 (AMD).]

[PL 2023, c. 679, Pt. B, §35 (AMD).]

5. Each license separate. Each license issued by the office to an applicant under this chapter is separate and distinct from any other license issued by the office to that same applicant under this chapter. A person must obtain a separate license under this chapter for each proposed geographical location of any type of cannabis establishment.

[PL 2023, c. 679, Pt. B, §36 (AMD).]

6. Licensee must maintain possession of premises. As a condition of licensure, a licensee must at all times maintain possession of the licensed premises of the cannabis establishment that the licensee is licensed to operate, whether pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises. If a licensee fails to maintain possession of the licensed premises, the licensee shall immediately cease all activities relating to the operation of the cannabis establishment and may apply to the office for relocation of the licensed premises pursuant to section 211 or may terminate its license pursuant to section 212.
[PL 2023, c. 679, Pt. B, §37 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2019, c. 231, Pt. B, §1 (AMD). PL 2019, c. 491, §2 (AMD). PL 2019, c. 676, §§6, 7 (AMD). PL 2021, c. 226, §5 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§33-37 (AMD). RR 2025, c. 1, Pt. A, §39 (COR).

§206. Denial of license

1. Denial for good cause. The office, for good cause, may deny an application for an initial license, a license renewal, a transfer of ownership interests or a relocation of licensed premises. Denial of an application by the office pursuant to this section constitutes a final agency action as defined in Title 5, section 8002, subsection 4.
[PL 2023, c. 679, Pt. B, §38 (AMD).]

2. Good cause defined. As used in this section, "good cause" means a finding by the office that:

A. An applicant or licensee has violated, does not meet or has failed to comply with any of the provisions of this chapter, the rules adopted pursuant to this chapter or any other applicable state or local law, rule or regulation; or [PL 2023, c. 679, Pt. B, §38 (AMD).]

B. An applicant or licensee has failed to comply with any special terms, consent decree or conditions placed upon the previously issued license pursuant to an order of the office; the municipality in which the licensed premises are located; the town or plantation in the unorganized and deorganized areas in which the licensed premises are located; in the case of a township in the unorganized and deorganized areas in which the licensed premises are located, the county commissioners of the county in which the township is located; or, in the case of a cannabis establishment located in the unorganized and deorganized areas, the Maine Land Use Planning Commission. [PL 2023, c. 679, Pt. B, §38 (AMD).]
[PL 2023, c. 679, Pt. B, §38 (AMD).]

3. Notification of denial and right to appeal. Upon the office's determination to deny a license application, the office shall notify the applicant in writing of the denial, the basis for the denial and the applicant's right to appeal the denial to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.
[PL 2023, c. 679, Pt. B, §38 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §38 (AMD).

§207. Application fees; license fees

The office, in accordance with the provisions of this section, shall adopt by rule a licensing fee schedule establishing fees that are designed to meet, but not to exceed, the estimated licensing, enforcement and administrative costs of the office under this chapter. [PL 2023, c. 679, Pt. B, §39 (AMD).]

1. Fees for cultivation facilities. For a cultivation facility license, the office shall require payment of an application fee and a license fee as follows:

A. For a tier 1 cultivation facility license, as described in section 301, subsection 1, an application fee of $100 and a license fee as follows:

(1) If the applicant has applied for a plant-count-based tier 1 cultivation facility license as described in section 301, subsection 1, paragraph A, a license fee of not more than $9 per mature cannabis plant for an outdoor cultivation facility and not more than $17 per mature cannabis plant for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; or

(2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility license as described in section 301, subsection 1, paragraph B, a license fee of not more than $250 for an outdoor cultivation facility and not more than $500 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. For a tier 2 cultivation facility license, as described in section 301, subsection 2, an application fee of $500 and a license fee of not more than $1,500 for an outdoor cultivation facility and not more than $3,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. For a tier 3 cultivation facility license, as described in section 301, subsection 3, an application fee of $500 and a license fee of not more than $5,000 for an outdoor cultivation facility and not more than $10,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; [PL 2017, c. 409, Pt. A, §6 (NEW).]

D. For a tier 4 cultivation facility license, as described in section 301, subsection 4, an application fee of $500 and a license fee of not more than $15,000 for an outdoor cultivation facility and not more than $30,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas, except that, for a tier 4 cultivation facility license for which an increased amount of licensed plant canopy has been approved by the office pursuant to section 301, for each approved increase in the amount of licensed plant canopy, the office may increase the maximum license fee by not more than $5,000 for an outdoor cultivation facility and by not more than $10,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; and [PL 2023, c. 679, Pt. B, §39 (AMD).]

E. For a nursery cultivation facility license, as described in section 301, subsection 5, an application fee of $60 and a license fee of $350. [PL 2017, c. 409, Pt. A, §6 (NEW).]
[PL 2023, c. 679, Pt. B, §39 (AMD).]

2. Fees for products manufacturing facilities and cannabis stores. For a products manufacturing facility license or a cannabis store license, the office shall require payment of an application fee of $250 and a license fee of not more than $2,500.
[PL 2023, c. 679, Pt. B, §39 (AMD).]

3. Fees for testing facilities. For a testing facility license, the office shall require payment of an application fee of $250 and a license fee of not more than $1,000.
[PL 2023, c. 679, Pt. B, §39 (AMD).]

3-A. Fees for sample collectors. For a sample collector license, the office shall require payment of an application fee of $100 and a license fee of not more than $250.
[PL 2023, c. 679, Pt. B, §39 (AMD).]

4. Payment of fees; fees to be deposited into Adult Use Cannabis Regulatory Coordination Fund. An applicant shall pay the application fee required by the office at the time that the applicant

submits an application for licensure to the office for processing. An applicant shall pay the license fee required by the office in accordance with section 205, subsection 4. All fees collected by the office pursuant to this section must be deposited into the Adult Use Cannabis Regulatory Coordination Fund established in section 1102.
[PL 2023, c. 679, Pt. B, §39 (AMD).]

5. Return of fees prohibited. The office may not return to an applicant or licensee or reimburse an applicant or licensee for any portion of an application or license fee paid by the applicant or licensee, regardless of whether the applicant withdraws its application prior to a final decision of the office on the application, the licensee voluntarily terminates its license pursuant to section 212 or the office suspends or revokes the licensee's license in accordance with the provisions of subchapter 8.
[PL 2023, c. 679, Pt. B, §39 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 676, §8 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §39 (AMD).

§208. License term

An active license issued by the office pursuant to section 205, subsection 4 is effective for a period of one year from the date of issuance and may be renewed pursuant to section 209. [PL 2023, c. 679, Pt. B, §40 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §40 (AMD).

§209. License renewal

1. Notification of expiration date. Ninety days prior to the expiration of an existing license issued under section 205, subsection 4, the office shall notify the licensee of the expiration date and the opportunity for renewal. Except as otherwise provided in this section, a licensee seeking to renew an existing license must file an application for renewal with the office, on forms prepared and furnished by the office, not less than 30 days prior to the date of expiration of the license.
[PL 2023, c. 679, Pt. B, §41 (AMD).]

2. Extension for good cause shown; late applications. Notwithstanding subsection 1, the office may for good cause shown accept an application for renewal of an existing license less than 30 days prior to the date of expiration of the license upon the payment of a late application fee to the office. The office may not accept an application for renewal of a license after the date of expiration of that license.
[PL 2023, c. 679, Pt. B, §41 (AMD).]

3. Operation under expired license. A licensee that files an application for renewal of its existing license and pays all required fees under this section prior to the expiration of the license may continue to operate the cannabis establishment under that license notwithstanding its expiration until such time as the office takes final action on the renewal application, except when the office suspends or revokes the license in accordance with the provisions of subchapter 8 prior to taking final action on the renewal application.
[PL 2023, c. 679, Pt. B, §41 (AMD).]

4. Expired license; cessation of activity and forfeiture of cannabis and cannabis products. Except as provided in subsection 3, a person whose license has expired shall immediately cease all activities relating to the operation of the cannabis establishment previously authorized under that license and ensure that all adult use cannabis and adult use cannabis products cultivated, manufactured or otherwise in the possession of the person pursuant to that license are forfeited to the office for destruction in accordance with section 803.

[PL 2023, c. 679, Pt. B, §41 (AMD).]

5. Renewal application process; fees; rules. An applicant seeking renewal of a license to operate a cannabis establishment shall pay to the office a renewal application fee or, if applicable, a late renewal application fee, and shall demonstrate continued compliance with all applicable licensing criteria under this chapter, including, but not limited to, obtaining local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, except that an applicant seeking renewal of a license is not required to submit to a criminal history record check under section 204 unless specifically required to do so by the office.

A. The office may not issue an active license to a licensee seeking renewal of a license until the licensee obtains local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, pays the applicable license fee required under section 207 and meets all other applicable requirements for the issuance of an active license under section 205, subsection 4. Notwithstanding any provision of this chapter to the contrary, a sample collector licensee is not required to seek local authorization as a condition for renewal of that license by the office but must submit all other information required by the office under this chapter and the rules adopted pursuant to this chapter. [PL 2023, c. 679, Pt. B, §41 (AMD).]

B. The office shall by rule set forth requirements for the submission, processing and approval of a renewal application, which must include, but are not limited to, setting of a reasonable renewal application fee and a reasonable late renewal application fee. [PL 2023, c. 679, Pt. B, §41 (AMD).]

[PL 2023, c. 679, Pt. B, §41 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 676, §9 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §41 (AMD).

§210. Transfer of ownership interests

1. Transfer application. A licensee may apply to the office, on forms prepared and furnished by the office, for approval to transfer ownership interests in the license, including, but not limited to, a transfer of only a portion of the ownership interests in the license.

[PL 2023, c. 679, Pt. B, §42 (AMD).]

1-A. Prior notice and approval not required. If a transfer of ownership interest in a license does not result in a new person obtaining, or an existing person increasing an ownership interest in the license equal to or greater than 5%, the licensee is not required to obtain prior approval for the transfer from the office and the licensee may report the transfer of ownership interest at the time the license is renewed. Nothing in this subsection may be construed to allow a licensee to add an owner or increase ownership interest in violation of this chapter.

[PL 2023, c. 679, Pt. B, §42 (NEW).]

2. Compliance with licensure requirements; rules. A person seeking to assume an ownership interest in a license pursuant to this section must demonstrate to the office compliance with all applicable requirements for licensure under this chapter and the rules adopted under this chapter. The office shall by rule adopt requirements for the submission of a license transfer application and standards for the approval of a license transfer application, including, but not limited to, provisions relating to local authorization of a transfer of ownership interests in a license.

[PL 2023, c. 679, Pt. B, §42 (AMD).]

3. Temporary appointee. Notwithstanding any other provision of this chapter to the contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances, unless a

court appoints a temporary appointee, the office may approve a temporary appointee to take possession of, operate, manage, control or wind down a licensee's operations. Under such circumstances:

A. A temporary appointee must be otherwise qualified under the provisions of this chapter to be a licensee; [PL 2023, c. 679, Pt. B, §42 (NEW).]

B. A temporary appointee may not transfer adult use cannabis or adult use cannabis products unless authorized as a licensee under this chapter; and [PL 2023, c. 679, Pt. B, §42 (NEW).]

C. The licensee shall submit a plan of temporary appointment, on forms made available by the office, as soon as practicable but no later than 60 days after a qualifying event. [PL 2023, c. 679, Pt. B, §42 (NEW).]

For purposes of this subsection, "temporary appointee" means a court-appointed receiver, personal representative, executor, administrator, guardian, conservator, trustee or similarly situated person or person approved by the office pursuant to this section.
[PL 2023, c. 679, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §42 (AMD).

§211. Relocation of licensed premises

1. Relocation application. A licensee may apply to the office, on forms prepared and furnished by the office, for approval to relocate the licensed premises of the cannabis establishment that the licensee is licensed to operate.
[PL 2023, c. 679, Pt. B, §43 (AMD).]

2. Local authorization required. The office shall, within 10 days of receiving certification of local authorization pursuant to section 402, subsection 3, paragraph B from the municipality in which the relocated licensed premises are to be located or pursuant to section 403, subsection 3, paragraphs B and C from the Maine Land Use Planning Commission if the relocated licensed premises are to be located in the unorganized and deorganized areas, notify the licensee that local authorization has been confirmed for the relocation and that the licensee may proceed with relocation, and the office shall issue to the licensee an updated license specifying the address of the new premises.
[PL 2023, c. 679, Pt. B, §43 (AMD).]

3. Effect on license term. A relocation of licensed premises pursuant to this section does not extend or otherwise modify the license term of the license subject to relocation.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

4. Rules. The office shall by rule adopt requirements for the submission of a license relocation application and standards for the approval of a relocation application.
[PL 2023, c. 679, Pt. B, §43 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §43 (AMD).

§212. Abandonment or cessation of license

1. Notification of abandonment or cessation required. A licensee that voluntarily abandons the licensed premises or otherwise permanently ceases all activities relating to the operation of a cannabis establishment under its license shall notify the office and the municipality in which the licensed premises are located at least 48 hours in advance of the abandonment or cessation.
[PL 2023, c. 679, Pt. B, §44 (AMD).]

2. Forfeiture and destruction of cannabis and cannabis products. Prior to abandoning the licensed premises of the licensee or ceasing operations, a licensee shall provide the office and the municipality in which the licensed premises are located with a full accounting of all adult use cannabis and adult use cannabis products located within the licensed premises and forfeit the cannabis and cannabis products to the office for destruction in accordance with section 803.
[PL 2023, c. 679, Pt. B, §44 (AMD).]

For the purposes of this section, "municipality" means, in the case of a cannabis establishment not located in the unorganized and deorganized areas, the city, town or plantation in which the cannabis establishment is located; or, in the case of a cannabis establishment located in the unorganized and deorganized areas, the Maine Land Use Planning Commission and the town or plantation in which the cannabis establishment is located or, in the case of a cannabis establishment located in a township, the county commissioners of the county in which the township is located. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §44 (AMD).

§213. Notice of new principal

Before any proposed new principal may own, manage, work for or otherwise associate with a licensee, the licensee shall notify the office in writing of the name, address and date of birth of the proposed new principal. The proposed new principal shall submit to a criminal history record check pursuant to section 204, obtain an individual identification card pursuant to section 106 and, in the case of a new principal or other person assuming an equity ownership interest or a partial equity ownership interest in the license, obtain approval for the transfer of ownership interests pursuant to section 210, unless the transfer of ownership interests is otherwise exempt from prior approval under section 210, subsection 1-A. [PL 2023, c. 679, Pt. B, §45 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §45 (AMD).

§214. Inactive licenses

The office may revoke or refuse to renew any license if it determines that the licensed premises have been inactive without reasonable justification for a period of one year or more. [PL 2023, c. 679, Pt. B, §46 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §46 (AMD).

§215. Notification to municipality; sharing of information with Bureau of Revenue Services

The office shall notify a municipality within 14 days of the date the office approves, renews, denies, suspends or revokes the license of a licensee whose licensed premises are located or proposed to be located in the municipality; imposes a monetary penalty on a licensee located within the municipality; approves relocation of the licensed premises of a cannabis establishment to or from the municipality; or approves a transfer of ownership interest in a license with respect to which the licensed premises are located within the municipality. [PL 2023, c. 679, Pt. B, §47 (AMD).]

The office shall provide the department's Bureau of Revenue Services with the same information provided to a municipality under this section at the time that the office notifies the municipality. [PL 2023, c. 679, Pt. B, §47 (AMD).]

For the purposes of this section, "municipality" has the same meaning as in section 212. [PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §47 (AMD).

SUBCHAPTER 3

LICENSING REQUIREMENTS FOR CULTIVATION FACILITIES

§301. Cultivation facility license types

Subject to the requirements and restrictions of this subchapter and the requirements of subchapter 2, the office may issue to an applicant any of the following types of cultivation facility licenses: [PL 2023, c. 679, Pt. B, §48 (AMD).]

1. Tier 1 cultivation facility license. A tier 1 cultivation facility license, which allows cultivation by a licensee of:

A. Not more than 30 mature cannabis plants and an unlimited number of immature cannabis plants and seedlings; or [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Not more than 500 square feet of plant canopy. [PL 2017, c. 409, Pt. A, §6 (NEW).]

An applicant for a tier 1 cultivation facility license shall designate in its cultivation plan whether the license sought is a plant-count-based tier 1 cultivation facility license under paragraph A or a plant-canopy-based tier 1 cultivation facility license under paragraph B;
[RR 2017, c. 2, §12 (COR); PL 2021, c. 669, §5 (REV).]

2. Tier 2 cultivation facility license. A tier 2 cultivation facility license, which allows cultivation by a licensee of not more than 2,000 square feet of plant canopy;
[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Tier 3 cultivation facility license. A tier 3 cultivation facility license, which allows cultivation by a licensee of not more than 7,000 square feet of plant canopy;
[PL 2017, c. 409, Pt. A, §6 (NEW).]

4. Tier 4 cultivation facility license. A tier 4 cultivation facility license, which allows cultivation by a licensee of not more than 20,000 square feet of plant canopy, except as provided in section 304; or
[PL 2017, c. 409, Pt. A, §6 (NEW).]

5. Nursery cultivation facility license. A nursery cultivation facility license, which allows cultivation by a licensee of not more than 1,000 square feet of plant canopy, subject to the requirements and restrictions of section 501, subsection 3.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

RR 2017, c. 2, §12 (COR). PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §48 (AMD).

§302. Additional information required for application for cultivation facility license

In addition to the information required to be submitted to the office pursuant to subchapter 2 and the rules relating to licensure of a cultivation facility adopted pursuant to this chapter, an applicant for a cultivation facility license shall submit to the office the following information. [PL 2023, c. 679, Pt. B, §49 (AMD).]

1. Operating plan. The applicant shall submit an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water and other utilities necessary for the normal operation of the cultivation facility; plans for securing the proposed facility and otherwise meeting applicable security requirements under this chapter and the rules adopted pursuant to this chapter; and plans for compliance with applicable building code and federal and state environmental requirements.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

2. Cultivation plan. The applicant shall submit a cultivation plan demonstrating the proposed size and layout of the cultivation areas at the cultivation facility and designating:

A. The total amount of plant canopy or, in the case of a plant-count-based tier 1 cultivation facility license, the number of mature cannabis plants proposed under the license; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The total percentage or square footage of plant canopy designated under paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license, the areas within the cultivation facility within which the applicant proposes to cultivate mother plants, seedlings and immature cannabis plants. If the applicant does not intend to cultivate mother plants, seedlings or immature cannabis plants at any time within any portion of the plant canopy designated under paragraph A, the applicant shall state that intent on the cultivation plan and shall include in the plan information regarding the approximate square footage of the cultivation areas outside of the plant canopy but within the proposed licensed premises of the cultivation facility in which the applicant intends to cultivate mother plants, seedlings and immature cannabis plants; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. The total percentage or square footage of plant canopy designated under paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license, the areas within the cultivation facility within which the applicant proposes to cultivate mature cannabis plants. An applicant for a nursery cultivation facility license shall meet the requirements of this paragraph by designating on the cultivation plan the areas within the cultivation facility within which the applicant proposes to cultivate mature cannabis plants, demonstrating the physical separation of such areas from the areas in which immature cannabis plants and seedlings are to be cultivated in accordance with section 501, subsection 3, paragraph B. [PL 2019, c. 501, §13 (AMD); PL 2021, c. 669, §5 (REV).]
[PL 2019, c. 501, §13 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 501, §13 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §49 (AMD).

§303. Increase in cultivation tier upon renewal

A licensee seeking renewal of a cultivation facility license may, if applicable and in accordance with this section, apply for a tier of cultivation facility license with a greater area of authorized plant canopy than is authorized under the licensee's current cultivation facility license. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Approval criteria. The office may issue the applied-for tier of cultivation facility license if the licensee otherwise meets all applicable requirements for continued licensure under this chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated to the office's satisfaction that:

A. The licensee has over the current period of licensure sold at least 85% of the adult use cannabis cultivated by the licensee at its cultivation facility; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The approval of the applied-for tier of cultivation facility license will not cause the licensee to exceed the combined plant canopy limitation in section 205, subsection 2, paragraph A. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2023, c. 679, Pt. B, §50 (AMD).]

2. Consideration of renewal of current license tier if approval criteria not met. If the office determines that the licensee has failed to satisfy the requirements of this section for the applied-for tier of cultivation facility license, the office shall consider renewing the license at the current tier.

[PL 2023, c. 679, Pt. B, §50 (AMD).]

This section does not apply to a nursery cultivation facility licensee. [PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §50 (AMD).

§304. Increase in maximum licensed plant canopy upon renewal of tier 4 license

In accordance with the requirements of this section, not more than once every 2 years, a licensee seeking renewal of a tier 4 cultivation facility license may apply to increase by 7,000 square feet the maximum area of plant canopy authorized under its current tier 4 cultivation facility license. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Approval criteria. The office may approve the requested increase if the licensee otherwise meets all applicable requirements for continued licensure under this chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated to the office's satisfaction that the licensee has over the past 2-year period of licensure sold at least 85% of the adult use cannabis cultivated by the licensee at its cultivation facility.

[PL 2023, c. 679, Pt. B, §51 (AMD).]

2. Consideration of renewal of current licensed amount of plant canopy if approval criteria not met. If the office determines that the licensee has failed to satisfy the requirements of this section for the requested increase, the office shall consider renewing the license at the current tier and currently authorized maximum area of plant canopy.

[PL 2023, c. 679, Pt. B, §52 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§51, 52 (AMD).

SUBCHAPTER 4

LOCAL REGULATION OF CANNABIS ESTABLISHMENTS

§401. Municipal regulation of cannabis establishments generally

In accordance with the applicable provisions of this subchapter and pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate cannabis establishments within the municipality, including, but not limited to, adoption of the following types of regulations and restrictions. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

1. Land use regulations. A municipality may adopt an ordinance providing land use regulations applicable to cannabis establishments within the municipality.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. General authorization or limitation of cannabis establishments. A municipality may adopt an ordinance generally authorizing the operation of some or all types of cannabis establishments within the municipality. A municipality may adopt an ordinance limiting the number of any type of cannabis establishment that may be authorized to operate within the municipality.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Municipal licensing requirements. A municipality may adopt an ordinance providing licensing requirements applicable to cannabis establishments within the municipality, which may include, but are not limited to, provisions establishing a municipal licensing fee schedule pursuant to Title 30-A, section 3702.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

Notwithstanding any provision of law to the contrary, a municipal ordinance regulating cannabis establishments within the municipality adopted pursuant to this subchapter is not subject to the requirements or limitations of Title 7, chapter 6 or 8-F. Nothing in this subchapter may be construed to require an applicant for a sample collector license or a sample collector licensee to seek local authorization prior to the issuance or renewal of an active license. [PL 2019, c. 676, §10 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 676, §10 (AMD). PL 2021, c. 669, §5 (REV).

§402. Local authorization of cannabis establishments within municipalities

1. Request for local authorization to operate cannabis establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a cannabis establishment within a municipality may not request local authorization to operate the cannabis establishment pursuant to subsection 3 and a municipality may not accept as complete the person's request for local authorization unless:

A. The legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of cannabis establishments within the municipality, including the type of cannabis establishment the person seeks to operate; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The person has been issued by the office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3. [PL 2023, c. 679, Pt. B, §53 (AMD).]
[PL 2023, c. 679, Pt. B, §53 (AMD).]

2. Minimum authorization criteria. A municipality may not authorize the operation of a cannabis establishment within the municipality if:

A. The cannabis establishment is proposed to be located within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality by ordinance or other regulation prohibits the location of cannabis establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. For the purposes of this paragraph, "school" includes a public school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined in Title 20-A, section 1, subsection 22, a public preschool program, as defined in Title 20-A, section 1, subsection 23-A or any other educational facility that serves children from prekindergarten to grade 12; or [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The person requesting local authorization to operate the cannabis establishment fails to demonstrate possession or entitlement to possession of the proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession

of the premises or by virtue of ownership of the premises. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Local authorization required for operation of cannabis establishment within municipality. A person may not operate a cannabis establishment within a municipality unless:

A. The legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of cannabis establishments within the municipality, including that type of cannabis establishment; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The person has obtained all applicable municipal approvals, permits or licenses that are required by the municipality for the operation of that type of cannabis establishment; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. The person has been issued by the office an active license to operate the cannabis establishment pursuant to section 205, subsection 4. [PL 2023, c. 679, Pt. B, §54 (AMD).]

A municipality may certify to the office a person's compliance with the requirements of paragraph B on the form prepared and furnished by the office pursuant to section 205, subsection 4, paragraph B.

[PL 2023, c. 679, Pt. B, §§54, 55 (AMD).]

4. Municipal failure to act on request for local authorization. If a municipality whose legislative body has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of cannabis establishments within the municipality fails to act on a person's request for local authorization to operate a cannabis establishment within the municipality, the municipality's failure to act does not satisfy the local authorization requirement of subsection 3, paragraph B.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

5. Appeal of municipal failure to act on request for local authorization. If a municipality whose legislative body has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of cannabis establishments within the municipality fails to act on a person's request for local authorization to operate a cannabis establishment within the municipality within 90 days after the date the person submitted the request to the municipality, the request is deemed denied and the denial constitutes a final government action that may be appealed to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure, except that, if the municipality notifies the person in writing prior to the expiration of the 90-day period that the request cannot be processed prior to the expiration of the 90-day period, the request is deemed denied and the denial constitutes a final government action only if the municipality fails to act on the request within 180 days after the date the person submitted the request to the municipality.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§53-55 (AMD).

§403. Local authorization of cannabis establishments within towns, plantations and townships in the unorganized and deorganized areas

1. Request for local authorization to operate cannabis establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a cannabis establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization pursuant to subsection 3 to operate the cannabis

establishment and the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located may not accept as complete the person's request for local authorization unless:

A. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of cannabis establishments within the town or plantation, including the type of cannabis establishment the person seeks to operate and the person has been issued by the office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3; or [PL 2023, c. 679, Pt. B, §56 (AMD).]

B. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of cannabis establishments within the township, including the type of cannabis establishment the person seeks to operate and the person has been issued by the office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3. [PL 2023, c. 679, Pt. B, §56 (AMD).]

[PL 2023, c. 679, Pt. B, §56 (AMD).]

2. Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the office local authorization of a cannabis establishment within a town, plantation or township located within the unorganized and deorganized areas pursuant to subsection 3 if:

A. The cannabis establishment is proposed to be located within 1,000 feet of the property line of a preexisting public or private school, except that, if the Maine Land Use Planning Commission prohibits the location of cannabis establishments within a town, plantation or township at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. For the purposes of this paragraph, "school" has the same meaning as in section 402, subsection 2, paragraph A; or [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The person requesting local authorization to operate the cannabis establishment fails to demonstrate possession or entitlement to possession of the proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §57 (AMD).]

3. Local authorization required for operation of cannabis establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a cannabis establishment within a town, plantation or township located within the unorganized and deorganized areas unless:

A. The legislative body of the town or plantation has voted to allow some or all types of cannabis establishments within the town or plantation, including that type of cannabis establishment, or, in the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of cannabis establishments within the township, including that type of cannabis establishment; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development that are required for the operation of the cannabis establishment by the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. The person has obtained all applicable approvals, permits or licenses relating to land use planning and development that are required by the Maine Land Use Planning Commission for the

development and operation of the cannabis establishment; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. The person has been issued by the office an active license to operate the cannabis establishment pursuant to section 205, subsection 4. [PL 2023, c. 679, Pt. B, §58 (AMD).]

The town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, shall certify to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development as required under paragraph B. The Maine Land Use Planning Commission may certify to the office a person's compliance with the requirements of paragraphs B and C on the form prepared and furnished by the office pursuant to section 205, subsection 4, paragraph B.
[PL 2023, c. 679, Pt. B, §§58, 59 (AMD).]

4. Failure to act on request for local authorization. This subsection governs a failure to act on a request for local authorization by a town or a plantation or, in the case of a township, by the county commissioners of the county in which the township is located, or by the Maine Land Use Planning Commission.

A. If a town or plantation whose legislative body has voted to allow some or all types of cannabis establishments within the town or plantation fails to act on a person's request for local authorization under subsection 3, paragraph B, the town or plantation's failure to act does not satisfy the local authorization requirement of subsection 3, paragraph B. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. If the county commissioners of the county in which a township is located, who have voted to allow some or all types of cannabis establishments within the township, fail to act on a person's request for local authorization under subsection 3, paragraph B, the county commissioners' failure to act does not satisfy the local authorization requirement of subsection 3, paragraph B. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. If the Maine Land Use Planning Commission fails to act on a person's request for local authorization under subsection 3, paragraph C, the commission's failure to act does not satisfy the local authorization requirement of subsection 3, paragraph C. [PL 2017, c. 409, Pt. A, §6 (NEW).]
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

5. Appeal of failure to act on request for local authorization. This subsection governs the appeal of a failure to act on a request for local authorization by a town or a plantation or, in the case of a township, by the county commissioners of the county in which the township is located, or by the Maine Land Use Planning Commission.

A. If a town or plantation whose legislative body has voted to allow some or all types of cannabis establishments within the town or plantation fails to act on a person's request for local authorization under subsection 3, paragraph B within 90 days after the date the person submitted the request to the town or plantation, the request is deemed denied and the denial constitutes a final government action that may be appealed to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure, except that, if the town or plantation notifies the person in writing prior to the expiration of the 90-day period that the request cannot be processed prior to the expiration of the 90-day period, the request is deemed denied and the denial constitutes a final government action only if the town or plantation fails to act on the request within 180 days after the date the person submitted the request to the town or plantation. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. If the county commissioners of the county in which a township is located, who have voted to allow some or all types of cannabis establishments within the township, fail to act on a person's

request for local authorization under subsection 3, paragraph B within 90 days after the date the person submitted the request to the county commissioners, the request is deemed denied and the denial constitutes a final government action that may be appealed to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure, except that, if the county commissioners notify the person in writing prior to the expiration of the 90-day period that the request cannot be processed prior to the expiration of the 90-day period, the request is deemed denied and the denial constitutes a final government action only if the county commissioners fail to act on the request within 180 days after the date the person submitted the request to the county commissioners. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. If the Maine Land Use Planning Commission fails to act on a person's request for local authorization under subsection 3, paragraph C within 90 days after the date the person submitted the request to the commission, the request is deemed denied and the denial constitutes a final agency action that may be appealed to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure, except that, if the commission notifies the person in writing prior to the expiration of the 90-day period that the request cannot be processed prior to the expiration of the 90-day period, the request is deemed denied and the denial constitutes a final agency action only if the commission fails to act on the request within 180 days after the date the person submitted the request to the commission. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§56-59 (AMD).

§404. Authority of Maine Land Use Planning Commission

This chapter or rules adopted pursuant to this chapter may not be construed to limit the authority of the Maine Land Use Planning Commission to regulate land use planning and development activities within the unorganized and deorganized areas of the State pursuant to Title 12, chapter 206-A. [PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW).

§405. Information requests

A municipality may request that the office provide any information obtained by the office pursuant to the provisions of subchapter 2 or 3 that the municipality determines necessary for the administration of its local authorization process for cannabis establishments under this subchapter. Unless the information is confidential pursuant to law or rule, the office, in a timely manner, shall provide the information requested pursuant to this section. For the purposes of this section, "municipality" has the same meaning as in section 212. [PL 2023, c. 679, Pt. B, §60 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §60 (AMD).

§406. Notification to department

A municipality shall notify the department within 14 days of the date the municipality authorizes the operation of a cannabis establishment within the municipality; issues or renews a license for the operation of a cannabis establishment within the municipality; withdraws authorization or suspends or revokes a license for the operation of a cannabis establishment within the municipality; approves relocation of the licensed premises of a cannabis establishment to the municipality; or approves a transfer of ownership interests in a license the licensed premises of which are located within the

municipality. For the purposes of this section, "municipality" has the same meaning as in section 212. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

The department shall provide the Bureau of Revenue Services with any information received pursuant to this section within 14 days of the date the department receives that information. [PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

SUBCHAPTER 5

OPERATING REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

§501. Operation of cultivation facilities

A cultivation facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Cultivation of adult use cannabis only for sale and distribution to other licensees. Except as otherwise provided in this section, a cultivation facility may cultivate adult use cannabis only for sale and distribution to products manufacturing facilities, cannabis stores or other cultivation facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Retail sale of adult use cannabis without separate cannabis store license prohibited. Except as provided in subsection 3, a cultivation facility may not sell or offer to sell adult use cannabis, immature cannabis plants or seedlings to consumers unless the cultivation facility licensee obtains from the office a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A cultivation facility may not give away adult use cannabis, adult use cannabis products or cannabis plants to a consumer.
[PL 2023, c. 679, Pt. B, §61 (AMD).]

3. Operation of nursery cultivation facilities. A nursery cultivation facility as described in section 301, subsection 5 must be operated in accordance with the provisions of this subsection and must comply with all other applicable requirements of this chapter and the rules adopted pursuant to this chapter.

A. A nursery cultivation facility may cultivate immature cannabis plants, seedlings and cannabis seeds only for sale and distribution to cannabis stores and to other cultivation facilities pursuant to paragraph C and to consumers pursuant to paragraph D. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A nursery cultivation facility may cultivate mature cannabis plants only for the propagation of those mature cannabis plants or for the production of cannabis seeds by those mature cannabis plants, but the area within a nursery cultivation facility in which mature cannabis plants are cultivated must be physically separated from the area within the facility in which immature cannabis plants and seedlings are cultivated. A nursery cultivation facility may not sell, distribute or otherwise transfer to any person mature cannabis plants, cannabis flower or cannabis trim. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. A nursery cultivation facility may sell and distribute to cannabis stores and other cultivation facilities only immature cannabis plants, seedlings and cannabis seeds. Adult use cannabis sold by a nursery cultivation facility to cannabis stores and other cultivation facilities is subject to the excise

tax imposed pursuant to Title 36, chapter 723, which must be paid to the State Tax Assessor as required by subsection 9. [PL 2019, c. 231, Pt. B, §2 (AMD); PL 2021, c. 669, §5 (REV).]

D. A nursery cultivation facility may sell to consumers only immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis pursuant to subsection 11 or from the nursery cultivation facility under this paragraph. Sales to consumers from a nursery cultivation facility:

(1) Must be conducted within a portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales of immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis. A nursery cultivation facility licensee shall ensure that the portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales complies with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores; and

(2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and must be collected and remitted as required by subsection 9. [PL 2023, c. 396, §4 (AMD).]

E. The office may adopt rules regulating the operation of nursery cultivation facilities. [PL 2023, c. 679, Pt. B, §62 (AMD).]

[PL 2023, c. 679, Pt. B, §62 (AMD).]

4. Cannabis extraction without separate products manufacturing facility license prohibited. A cultivation facility may not engage in the manufacture of cannabis concentrate by cannabis extraction unless the cultivation facility licensee has obtained from the office a separate license to operate a products manufacturing facility and otherwise meets the requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of a products manufacturing facility and concerning cannabis extraction. A cultivation facility licensee with a separate license to operate a products manufacturing facility may share hallways or other common areas with the products manufacturing facility.

[PL 2023, c. 679, Pt. B, §63 (AMD).]

5. Use of shared facility for cultivation of adult use cannabis and cannabis for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a cultivation facility licensee that is also a registered caregiver or a registered dispensary may cultivate adult use cannabis pursuant to this chapter within the same facility in which the licensee also cultivates cannabis for medical use pursuant to the Maine Medical Use of Cannabis Act. A cultivation facility licensee may share a facility for cultivation with a registered caregiver or registered dispensary pursuant to this subsection as long as at least one owner of the cultivation facility is also the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

A. A cultivation facility licensee that cultivates cannabis under this subsection must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Except as provided in paragraph C, the areas of the shared facility in which adult use cannabis is cultivated must be separated from the areas of the shared facility in which cannabis for medical use is cultivated in a manner that provides for a visually conspicuous delineation of the physical space between the cultivation area for adult use cannabis and the cultivation area for cannabis for medical use. For the purposes of this paragraph, "visually conspicuous delineation" means a permanently constructed physical barrier including, but not limited to, a wall or fencing. [PL 2023, c. 679, Pt. B, §64 (AMD).]

C. The following items or areas within the shared facility may be shared for both the cultivation of adult use cannabis and the cultivation of cannabis for medical use:

(1) Cultivation-related and noncultivation-related equipment, except that cultivation-related equipment may not be simultaneously used for the cultivation of adult use cannabis and the cultivation of cannabis for medical use;

(2) Cultivation-related and noncultivation-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. Each cannabis plant within the shared facility must be tagged or otherwise identified as an adult use cannabis plant or a cannabis plant for medical use. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

E. [PL 2023, c. 679, Pt. B, §64 (RP).]

F. The office may require a cultivation facility licensee to provide a colocation plan describing how the licensee will ensure that cultivation-related equipment will not be simultaneously used for the cultivation of adult use cannabis and cannabis for medical use and how the licensee will ensure that adult use cannabis will be kept separate from cannabis for medical use pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §64 (NEW).]

[PL 2023, c. 679, Pt. B, §64 (AMD).]

6. Limited authorization for sale of cannabis plants and cannabis seeds by registered caregiver or registered dispensary to cultivation facility licensee.

[PL 2023, c. 679, Pt. B, §65 (RP).]

7. Requirements for outdoor cultivation. This subsection governs outdoor cultivation operations by a cultivation facility licensee.

A. An outdoor cultivation area within the licensed premises of a cultivation facility may not share a common wall or fence with an outdoor cultivation area within the licensed premises of a different cultivation facility. [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. The outer boundary of an outdoor cultivation area within the licensed premises of a cultivation facility must be separated by at least 20 feet from the outer boundary of an outdoor cultivation area within the licensed premises of a different cultivation facility. [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. The office may adopt rules regarding the outdoor cultivation of adult use cannabis by a cultivation facility licensee, including, but not limited to, security requirements specific to outdoor cultivation operations and requirements for shielding outdoor cultivation operations from public view. [PL 2023, c. 679, Pt. B, §66 (AMD).]

[PL 2023, c. 679, Pt. B, §66 (AMD).]

8. Sampling by other licensees. A cultivation facility licensee may provide samples of adult use cannabis cultivated at the licensed premises to a products manufacturing facility licensee or a cannabis store licensee for business or marketing purposes only. Samples provided by a cultivation facility licensee to another licensee under this subsection may not be consumed within the licensed premises of the cultivation facility. This subsection does not apply to a nursery cultivation facility licensee.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

9. Excise tax; sales tax. A cultivation facility licensee shall ensure that the tax imposed on the sale of adult use cannabis pursuant to Title 36, chapter 723 is paid to the State Tax Assessor. A nursery

cultivation facility licensee shall ensure that the tax imposed on the sale of adult use cannabis and adult use cannabis products under Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.
[PL 2019, c. 231, Pt. B, §4 (AMD); PL 2021, c. 669, §5 (REV); PL 2021, c. 669, §5 (REV).]

10. Tracking. In accordance with the requirements of section 105, a cultivation facility licensee shall track the adult use cannabis it cultivates from immature cannabis plant to the point at which the cannabis plant or the cannabis produced by the cannabis plant is delivered or transferred to a products manufacturing facility, a testing facility, a cannabis store or another cultivation facility or is disposed of or destroyed. If a cultivation facility receives a return of a cannabis plant, cannabis flower or cannabis trim from a products manufacturing facility, a cannabis store or another cultivation facility, the cultivation facility licensee receiving the return shall track the returned cannabis plant, cannabis flower or cannabis trim to the point at which the return is transferred to a products manufacturing facility, a testing facility, a cannabis store or a cultivation facility or is disposed of or destroyed.
[PL 2023, c. 396, §5 (AMD).]

11. Delivery service. A tier 1 cultivation facility under section 301, subsection 1, a tier 2 cultivation facility under section 301, subsection 2 and a nursery cultivation facility may sell to consumers through a delivery service operated under the same requirements as for cannabis stores under section 504, subsection 9, but a nursery cultivation facility may sell under this subsection only those items authorized for sale under subsection 3, paragraph D. A cultivation facility authorized to conduct retail sales under this subsection shall ensure that the tax imposed on the sale of adult use cannabis and adult use cannabis products to a consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.
[PL 2023, c. 396, §6 (NEW).]

12. Acquisition of seeds and seedlings. Notwithstanding any provision of law to the contrary, a cultivation facility licensee or nursery cultivation facility licensee may acquire seeds or seedlings as follows:

A. By lawful purchase from another cultivation facility licensee, including a nursery cultivation facility licensee; or [PL 2023, c. 679, Pt. B, §67 (NEW).]

B. By gift from an individual, who must be at least 21 years of age and a resident of the State:

(1) A licensee may not accept, during a 90-day period, more than one transfer of 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting seeds or seedlings to that licensee during that 90-day period;

(2) Before accepting a gift of seeds or seedlings from an individual, the licensee must receive approval from the office, in writing, to accept the gift of seeds or seedlings. A licensee that receives seeds or seedlings as a gift from an individual shall record on forms made available by the office the full name, contact telephone number and the identification number of a valid state identification belonging to each individual;

(3) The individual gifting the seeds or seedlings to the licensee may not receive remuneration of any kind in return; and

(4) The gift of the seeds or seedlings must not be conditional or contingent upon any other terms or requirements of the licensee. [PL 2023, c. 679, Pt. B, §67 (NEW).]

Any seeds or seedlings acquired pursuant to this subsection must be tracked pursuant to section 105.
[PL 2023, c. 679, Pt. B, §67 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2019, c. 231, Pt. B, §§2-4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§4-6 (AMD). PL 2023, c. 679, Pt. B, §§61-67 (AMD).

§502. Operation of products manufacturing facilities

A products manufacturing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Manufacture only for sale or distribution to other licensees. Except as otherwise provided in this section, a products manufacturing facility may manufacture adult use cannabis and adult use cannabis products only for sale or distribution to cannabis stores or other products manufacturing facilities.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

1-A. Manufacture of products not containing cannabis. Notwithstanding subsection 1, a products manufacturing facility licensee that also has a license issued from the Department of Agriculture, Conservation and Forestry pursuant to subsection 10 may manufacture for sale or distribution any products that the facility is authorized to manufacture or distribute pursuant to the provisions of that license, including products that do not contain cannabis, except that a products manufacturing facility licensee is prohibited from extracting hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or manufacturing products that contain hemp or ingredients derived from hemp that do not also contain cannabis. Nothing in this subsection may be construed to prohibit a products manufacturing facility licensee from using ingredients derived from hemp in the manufacture of cannabis products.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures products that do not contain cannabis must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2023, c. 679, Pt. B, §68 (NEW).]

B. The following items or areas within the facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis:

(1) Manufacturing-related and nonmanufacturing-related equipment and supplies, except that manufacturing-related equipment and supplies may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis;

(2) Manufacturing-related and nonmanufacturing-related supplies or products that do not contain cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2023, c. 679, Pt. B, §68 (NEW).]

C. A products manufacturing facility licensee must ensure that:

(1) Manufacturing-related equipment and supplies are not simultaneously used for the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;

(2) Manufacturing-related equipment is sanitized between the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;

(3) Cannabis and cannabis products are kept separate from products that do not contain cannabis;

(4) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter;

(5) Products that do not contain cannabis are packaged and labeled accurately pursuant to the provisions of the license issued by another department to manufacture products that do not contain cannabis; and

(6) Any person manufacturing products that do not contain cannabis in a licensed manufacturing facility obtains an individual identification card from the office pursuant to section 106, except that the person is not required to submit to a criminal history record check. [PL 2023, c. 679, Pt. B, §68 (NEW).]

[PL 2023, c. 679, Pt. B, §68 (NEW).]

2. Retail sale of adult use cannabis or adult use cannabis products without separate cannabis store license prohibited. A products manufacturing facility may not sell or offer to sell adult use cannabis or adult use cannabis products to consumers unless the products manufacturing facility licensee obtains from the office a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A products manufacturing facility may not give away adult use cannabis, adult use cannabis products or cannabis plants to a consumer.
[PL 2023, c. 679, Pt. B, §69 (AMD).]

3. Cultivation of cannabis without separate cultivation facility license prohibited. A products manufacturing facility shall purchase all cannabis necessary for its manufacturing processes from a cultivation facility and may not engage in the cultivation of cannabis unless the products manufacturing facility licensee obtains from the office a separate license to operate a cultivation facility and otherwise meets all applicable requirements under this chapter and under the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. A products manufacturing facility licensee with a separate license to operate a cultivation facility may share hallways or other common areas with the cultivation facility.
[PL 2023, c. 679, Pt. B, §70 (AMD).]

4. Use of shared facility for manufacture of adult use cannabis products and cannabis products for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary may manufacture adult use cannabis and adult use cannabis products pursuant to this chapter within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act. A products manufacturing facility licensee that shares a facility for products manufacturing with a registered caregiver or registered dispensary pursuant to this subsection must have at least one owner that is the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The following items or areas within the shared facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use:

(1) Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for the manufacturing of

adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;

(2) Manufacturing-related and nonmanufacturing-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. [PL 2023, c. 679, Pt. B, §71 (RP).]

D. A manufacturing facility licensee must ensure that:

(1) Manufacturing-related equipment is not simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;

(2) Adult use cannabis and adult use cannabis products are kept separate from cannabis concentrate and cannabis products for medical use; and

(3) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §71 (NEW).]

[PL 2023, c. 679, Pt. B, §71 (AMD).]

5. Sampling by employees. A products manufacturing facility licensee and its employees may sample adult use cannabis and adult use cannabis products manufactured at the licensed premises of the products manufacturing facility for the purposes of product quality control and product research and development only. The licensee may not otherwise allow the consumption of adult use cannabis or adult use cannabis products within the licensed premises. The sampling of adult use cannabis and adult use cannabis products authorized under this subsection may not involve the consumption of cannabis or cannabis products by means of smoking the cannabis or cannabis products. For the purposes of this subsection, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

6. Sampling by other licensees. A products manufacturing facility licensee may provide samples of adult use cannabis and adult use cannabis products manufactured at the licensed premises to another products manufacturing facility licensee or to a cannabis store licensee for business or marketing purposes only. Samples provided by a products manufacturing facility to other licensees under this subsection may not be consumed within the licensed premises of the products manufacturing facility.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

7. Cannabis extraction. Subject to the requirements and restrictions of this subsection, a products manufacturing facility licensee may manufacture cannabis concentrate by cannabis extraction using water, lipids, gases, solvents or other chemicals or chemical processes.

A. A products manufacturing facility licensee may engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance if:

(1) The solvent or other chemical or chemical process is listed by the office by rule as approved for use in cannabis extraction; or

(2) The products manufacturing facility licensee requests and obtains from the office written approval to engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance and that is not listed by the office by rule as approved for use in cannabis extraction.

The office shall adopt by rule a list of those solvents or other chemicals or chemical processes that are not and do not contain an inherently hazardous substance that the office approves for use in cannabis extraction by products manufacturing facilities. [PL 2023, c. 679, Pt. B, §72 (AMD).]

B. A products manufacturing facility licensee may not engage in cannabis extraction involving the use of any inherently hazardous substance unless:

(1) The licensee submits to the office a request for approval of the cannabis extraction method the facility plans to engage in that includes a description of the proposed cannabis extraction method and a certification from an industrial hygienist or professional engineer following a review of the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems; and

(2) The office approves in writing the proposed cannabis extraction method.

The office, within 14 days of receipt of a request for approval under this paragraph, shall notify the products manufacturing facility licensee in writing whether the request is approved or denied. [PL 2023, c. 679, Pt. B, §72 (AMD).]

[PL 2023, c. 679, Pt. B, §72 (AMD).]

8. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or distributed by a products manufacturing facility must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted pursuant to subchapter 7.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

9. Compliance with sanitary standards. All areas within the licensed premises of a products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured must meet all sanitary standards specified in rules adopted by the office.

[PL 2023, c. 679, Pt. B, §73 (AMD).]

10. Food establishment license. A products manufacturing facility licensee must obtain a food establishment license from the Department of Agriculture, Conservation and Forestry pursuant to Title 22, chapter 551 for any area within the licensed premises of the products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured and for which the office requires a products manufacturing facility licensee to obtain a food establishment license. The office shall adopt rules requiring certain areas within the licensed premises of a products manufacturing facility to be licensed as food establishments based upon the types of manufacturing processes conducted within those areas.

[PL 2023, c. 679, Pt. B, §74 (AMD).]

11. Refrigeration. A products manufacturing facility licensee shall store and transport in a refrigerated environment all adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage. The office shall adopt rules regarding the storage and transportation of adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage.

[PL 2023, c. 679, Pt. B, §75 (AMD).]

12. Testing. A products manufacturing facility licensee may test cannabis and cannabis products within its licensed premises for research and development purposes, quality control purposes and health and safety purposes. Testing performed by a products manufacturing facility licensee within its licensed premises is not subject to the requirements for testing facilities under section 503 but does not satisfy the mandatory testing requirements of subchapter 6.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

13. Tracking. In accordance with the requirements of section 105, a products manufacturing facility licensee shall track the adult use cannabis it uses in its manufacturing processes from the point the cannabis is delivered or transferred to the products manufacturing facility by a cultivation facility

to the point the cannabis or cannabis concentrate or an adult use cannabis product produced using the cannabis or cannabis concentrate is delivered or transferred to another products manufacturing facility, a testing facility or a cannabis store or is disposed of or destroyed. If a products manufacturing facility licensee receives a return of cannabis, cannabis concentrate or an adult use cannabis product from another products manufacturing facility or a cannabis store, the products manufacturing facility licensee shall track the cannabis, cannabis concentrate or adult use cannabis product until transferred, whether in its original form or as a cannabis product, to another products manufacturing facility or a cannabis store or disposed of or destroyed.
[PL 2023, c. 396, §7 (AMD).]

14. Return of cannabis plant, flower or trim. Notwithstanding any provision of law to the contrary, a products manufacturing facility licensee may return a cannabis plant, cannabis flower or cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or cannabis trim was received, as long as the products manufacturing facility licensee tracks the cannabis plant, cannabis flower or cannabis trim until transferred to the cultivation facility and as long as the cultivation facility accepts returns.
[PL 2023, c. 396, §8 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§7, 8 (AMD). PL 2023, c. 679, Pt. B, §§68-75 (AMD).

§503. Operation of testing facilities

A testing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Development, research and testing of cannabis, cannabis products and other substances. A testing facility may develop, research and test cannabis and cannabis products for:

A. That facility; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Another licensee; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. A person who intends to use the cannabis or cannabis product for personal use as authorized under chapter 3; or [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. A qualifying patient, a caregiver, a registered caregiver or a registered dispensary. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV).]

Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing facility from developing, researching or testing substances or products that are not cannabis or cannabis products for that facility or for another person.
[PL 2023, c. 679, Pt. B, §76 (AMD).]

2. Certification; accreditation and provisional licensure; compliance with operational and technical requirements. A testing facility may not commence or continue operation unless the testing facility:

A. Is certified for operation under the certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention established pursuant to Title 22, section 569 and, in accordance with rules adopted by the office after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, which must allow for inspection of the proposed or operational testing facility by the office and the Department of Health and Human Services, Maine Center for Disease Control and Prevention; [PL 2023, c. 679, Pt. B, §77 (AMD).]

B. Except as otherwise provided in this paragraph, is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the office. The office shall adopt rules regarding the scope of certification, registration or accreditation required for licensure of a testing facility.

(1) The office may issue a full testing facility license to an applicant that meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has obtained accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization from a 3rd-party accrediting body or that is certified, registered or accredited by an approved organization.

(2) The office may issue a provisional testing facility license to an applicant that otherwise meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has applied for but not yet obtained accreditation from a 3rd-party accrediting body or that has applied for but not yet obtained certification, registration or accreditation from an approved organization. The office may not renew a provisional testing facility license more than once.

An active full or provisional testing facility license may not be issued by the office to an applicant until the applicant satisfies all applicable requirements of section 205, subsection 4; and [PL 2023, c. 679, Pt. B, §77 (AMD).]

C. Is determined by the office to meet all operational and technical requirements for testing facilities under this chapter and the rules adopted under this chapter. [PL 2023, c. 679, Pt. B, §77 (AMD).]

[PL 2023, c. 679, Pt. B, §77 (AMD).]

3. Compliance with testing protocols, standards and criteria. A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the office for the testing of different forms of cannabis and cannabis products; determining batch size; sampling; testing validity; and approval and disapproval of tested cannabis and cannabis products. A testing facility may use a sample collector for the collection of samples for mandatory testing as long as the testing facility's operating plan and standard operating procedures indicate the use of a sample collector for that purpose.
[RR 2023, c. 2, Pt. A, §43 (COR).]

4. Remediation and retesting. If a testing facility determines that a sample of adult use cannabis or an adult use cannabis product has failed a mandatory test required under section 602, the testing facility shall offer to the owner of that sample an opportunity for remediation and retesting in accordance with rules adopted by the office.
[PL 2023, c. 679, Pt. B, §79 (AMD).]

4-A. Retesting for potency. If requested by the licensee, a testing facility may retest for potency a sample of adult use cannabis or an adult use cannabis product from the same batch the testing facility initially tested. The retest for potency may be completed only once after the initial test, and the sample must be from the remaining representative sample of the same batch that was initially received by the testing facility. The results of the initial test and the retest must be reported by the testing facility in accordance with subchapter 6 and the rules governing testing facilities. A licensee that chooses to retest for potency shall include the potency values reported for the retest instead of the initial potency value reported by the testing facility.
[PL 2023, c. 679, Pt. B, §80 (NEW).]

5. Record keeping. A testing facility shall maintain records of all business transactions and testing results in accordance with the record-keeping requirements of section 511 and section 602, subsection 2 and in accordance with applicable standards for licensing and accreditation under subsection 2 and testing protocols, standards and criteria adopted by the office under subsection 3.
[PL 2023, c. 679, Pt. B, §81 (AMD).]

6. Disposal of cannabis and cannabis products. A testing facility shall dispose of or destroy used, unused and waste cannabis and cannabis products in accordance with rules adopted by the office.
[PL 2023, c. 679, Pt. B, §82 (AMD).]

7. Notification of test results. A testing facility shall notify the office of test results in accordance with section 603.
[PL 2023, c. 679, Pt. B, §83 (AMD).]

8. Independence of testing facility interest. A person with an interest in a testing facility may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a cannabis store license, a cultivation facility license or a products manufacturing facility license, but may hold or have an interest in multiple testing facility or sample collector licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a cannabis store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a testing facility or sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.
[PL 2019, c. 676, §12 (AMD); PL 2021, c. 669, §5 (REV).]

9. Tracking. In accordance with the requirements of section 105, a testing facility licensee shall track all adult use cannabis and adult use cannabis products it receives from a licensee for testing purposes from the point at which the cannabis or cannabis products are delivered or transferred to the testing facility to the point at which the cannabis or cannabis products are disposed of or destroyed.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

10. Rules. The office shall adopt rules regarding the provisional licensure, licensure, certification and accreditation of testing facilities and the testing of cannabis and cannabis products by testing facilities pursuant to this chapter, including, but not limited to, rules establishing acceptable testing and research practices for testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; testing facility record-keeping, documentation and business practices; disposal of used, unused and waste cannabis and cannabis products; and reporting of test results. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §84 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2019, c. 354, §8 (AMD). PL 2019, c. 491, §3 (AMD). PL 2019, c. 676, §§11, 12 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§76, 77, 79-84 (AMD). RR 2023, c. 2, Pt. A, §43 (COR).

§503-A. Operation of sample collectors

A sample collector shall operate in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2019, c. 676, §13 (NEW).]

1. Authorized operation. A sample collector is authorized to collect samples of cannabis and cannabis products from a cannabis establishment for mandatory and other testing by a testing facility and to transport and deliver those samples to the testing facility for those purposes. A sample collector may operate as an independent contractor or employee of a testing facility or as an employee of a business entity that employs 2 or more sample collectors and that is not a cultivation facility, a products manufacturing facility, a cannabis store, a registered caregiver, a registered dispensary or a manufacturing facility as defined in Title 22, section 2421-A, subsection 27.
[PL 2023, c. 679, Pt. B, §85 (AMD).]

2. Compliance with sampling protocols, standards and criteria. A sample collector shall follow all sampling protocols, standards and criteria adopted by rule or otherwise approved by the office for the sampling of different forms of cannabis and cannabis products.
[PL 2023, c. 679, Pt. B, §86 (AMD).]

3. Record keeping. A sample collector shall maintain records of all business transactions in accordance with the record-keeping requirements of section 511 and section 602, subsections 2 and 3.
[PL 2019, c. 676, §13 (NEW).]

4. Disposal of cannabis and cannabis products. A sample collector shall dispose of or destroy used, unused and waste cannabis and cannabis products in accordance with rules adopted by the office.
[PL 2023, c. 679, Pt. B, §87 (AMD).]

5. Independence of sample collector interest. A person with an interest in a sample collector license may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a cannabis store license, a cultivation facility license or a products manufacturing facility license but may hold or have an interest in a business entity that employs 2 or more sample collectors, in a testing facility license or in multiple testing facility licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a cannabis store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.
[PL 2019, c. 676, §13 (NEW); PL 2021, c. 669, §5 (REV).]

6. Tracking. In accordance with the requirements of section 105, a sample collector shall track all adult use cannabis and adult use cannabis products it collects from a licensee for testing purposes from the point at which the cannabis or cannabis products are collected from a licensee to the point at which the cannabis or cannabis products are delivered to a testing facility or the cannabis or cannabis products are disposed of or destroyed.
[PL 2019, c. 676, §13 (NEW); PL 2021, c. 669, §5 (REV).]

7. Rules. The office shall adopt rules regarding the licensing and operation of sample collectors pursuant to this chapter, including, but not limited to, rules establishing licensing requirements, acceptable sample collection methods, sample collector record keeping, documentation and business practices and standards for the disposal of used, unused and waste cannabis and cannabis products. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §88 (AMD).]

SECTION HISTORY

PL 2019, c. 676, §13 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§85-88 (AMD).

§504. Operation of cannabis stores

A cannabis store must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

1. Products authorized for sale. Except as provided in subsection 2, a cannabis store may sell:

A. Adult use cannabis or adult use cannabis products; [PL 2023, c. 6, §16 (AMD).]

B. Immature cannabis plants and seedlings; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Consumable products not containing cannabis, including, but not limited to, sodas, candies and baked goods; [PL 2023, c. 6, §17 (AMD).]

D. Any other nonconsumable products, including, but not limited to, apparel and cannabis-related products; and [PL 2023, c. 6, §18 (AMD).]

E. Notwithstanding Title 22, chapter 262-A, cannabis paraphernalia for adult use cannabis or adult use cannabis products. [PL 2023, c. 6, §19 (NEW).]

[PL 2023, c. 6, §§16-19 (AMD).]

2. Prohibitions. A cannabis store may not:

A. Except as otherwise provided in subsection 12, give away adult use cannabis, adult use cannabis products or cannabis plants or sell or give away mature cannabis plants or consumable products containing tobacco or alcohol that do not contain cannabis; [PL 2023, c. 679, Pt. B, §89 (AMD).]

B. Except for nonedible adult use cannabis products that do not contain THC, sell to any person in any individual sales transaction an amount of adult use cannabis, adult use cannabis products or immature cannabis plants or seedlings that exceeds the personal adult use limitations of section 1501, subsection 1; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Sell adult use cannabis, adult use cannabis products or cannabis plants using:

(1) An automated dispensing or vending machine;

(2) A drive-through sales window, except as provided by subsection 10;

(3) An Internet-based sales platform; or

(4) A delivery service, except as provided by subsection 9; or [PL 2021, c. 667, §1 (AMD); PL 2021, c. 669, §5 (REV).]

D. Sell adult use cannabis or adult use cannabis products to a person who is visibly intoxicated. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §89 (AMD).]

3. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or offered for sale by a cannabis store must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted under subchapter 7.

[PL 2023, c. 408, §4 (AMD).]

4. Verification of purchaser's age. A person must be 21 years of age or older to make a purchase from a cannabis store. A cannabis store may not sell any item to a minor.

A. Prior to initiating a sale in a cannabis store, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older. [PL 2021, c. 667, §2 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Prior to concluding a sale by delivery under subsection 9 or curbside pickup under subsection 10, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older. [PL 2021, c. 667, §2 (NEW); PL 2021, c. 669, §5 (REV).]

B. The department shall by rule determine the forms of photographic identification that a cannabis store licensee may accept when verifying a purchaser's age. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §90 (AMD).]

4-A. Controlled, indoor entry area.

[PL 2023, c. 679, Pt. B, §91 (RP).]

5. Prohibition on use of shared facility for retail sale of adult use cannabis and adult use cannabis products and cannabis and cannabis products for medical use. A cannabis store licensee that is also a registered caregiver or a registered dispensary may not sell or offer for sale to consumers adult use cannabis and adult use cannabis products pursuant to this chapter within the same facility or building in which the licensee also sells or offers for sale to qualifying patients cannabis and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV); PL 2021, c. 669, §5 (REV).]

6. Signs, marketing and advertising. All signs used by and all marketing and advertising conducted by or on behalf of a cannabis store must comply with the requirements of section 702 and the rules adopted pursuant to section 702.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

7. Sales tax. A cannabis store licensee shall ensure that the tax imposed on the sale of adult use cannabis and adult use cannabis products to a consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

8. Tracking. In accordance with the requirements of section 105, a cannabis store licensee shall track all adult use cannabis and adult use cannabis products from the point at which the cannabis or cannabis products are delivered or transferred to the cannabis store by a cultivation facility or a products manufacturing facility to the point at which the cannabis or cannabis products are sold to a consumer, are delivered or transferred to a testing facility, are returned to a cultivation facility or a products manufacturing facility from which the cannabis or cannabis products were received or are disposed of or destroyed.
[PL 2023, c. 396, §9 (AMD).]

9. Limited delivery service. A cannabis store, cultivation facility or products manufacturing facility may operate a limited delivery service for the delivery of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products in accordance with the requirements of this subsection. A cannabis store may not deliver adult use cannabis or an immature cannabis plant, seedling or adult use cannabis product to a minor. A municipality may not prohibit delivery of adult use cannabis and adult use cannabis products authorized under this subsection.

A. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service shall ensure that cannabis store employees engaging in delivery have received training, prescribed by the office by rule, on how to properly verify the age of a person making a purchase for delivery and how to ensure that no deliveries are made to a person under 21 years of age. [PL 2023, c. 679, Pt. B, §92 (AMD).]

B. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to any location in a municipality, except locations within a safe zone designated by a municipality under Title 30-A, section 3253. [PL 2023, c. 396, §10 (AMD).]

C. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to a hotel or business as long as the cannabis store, cultivation facility or products manufacturing facility has received written consent for delivery to the hotel or business from an authorized employee of the hotel or business and the cannabis store, cultivation facility or products manufacturing facility retains a copy of the written consent. The written consent must be maintained and open to inspection by the office in accordance with section 511. [PL 2023, c. 679, Pt. B, §92 (AMD).]

The office may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §92 (AMD).]

10. Curbside pickup. A cannabis store may allow curbside pickup of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products at a designated location outside of the cannabis store in accordance with the requirements of this subsection and any additional requirements imposed by the office by rule.

A. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall designate a curbside pickup location outside of the cannabis store and near the entrance to the cannabis store and mark the location in a manner designated by the office by rule. [PL 2023, c. 679, Pt. B, §93 (AMD).]

B. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall implement security and record-keeping requirements for all sales concluded by curbside pickup as established by the office by rule. [PL 2023, c. 679, Pt. B, §93 (AMD).]

The office may adopt rules to implement this subsection, including, but not limited to, rules establishing security and record-keeping requirements for sales concluded by curbside pickup. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §93 (AMD).]

11. Return of adult use cannabis. Notwithstanding any provision of law to the contrary, a cannabis store licensee may return a cannabis plant, cannabis flower and cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or cannabis trim was received, or return cannabis or cannabis products to the products manufacturing facility from which the cannabis or cannabis product was received, as long as the cannabis store licensee tracks the return as required in subsection 8 until transferred to the cultivation facility or products manufacturing facility and as long as the cultivation facility or products manufacturing facility accepts returns.
[PL 2023, c. 396, §11 (NEW).]

12. Samples for consumers. Notwithstanding subsection 2, paragraph A, and in accordance with all other provisions of this chapter applicable to the sale by a cannabis store of adult use cannabis or adult use cannabis products, a cannabis store may give away samples of adult use cannabis or adult use cannabis products to persons at least 21 years of age as follows:

A. No more than 1/2 gram of flower; [PL 2023, c. 679, Pt. B, §94 (NEW).]

B. No more than 10 milligrams of an edible; [PL 2023, c. 679, Pt. B, §94 (NEW).]

C. No more than one 1/2 gram vape cartridge; and [PL 2023, c. 679, Pt. B, §94 (NEW).]

D. No more than 2 samples in any combination per person per day. [PL 2023, c. 679, Pt. B, §94 (NEW).]

A cannabis store shall package and label samples in accordance with the applicable provisions of this chapter and the rules adopted pursuant to this chapter. A cannabis store may not provide samples to a person who is visibly intoxicated. The total amount of samples, adult use cannabis and adult use cannabis products given or sold to a person in any one 24-hour period may not exceed the maximum amount of adult use cannabis or adult use cannabis products allowed under section 1501, subsection 1, paragraph F.
[PL 2023, c. 679, Pt. B, §94 (NEW).]

13. Special retail sales prices. A cannabis store may establish special retail sales prices on adult use cannabis or adult use cannabis products, except that products may not be sold at a retail price that is significantly less than the wholesale price or the price paid by the cannabis store.
[PL 2023, c. 679, Pt. B, §95 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 314, §1 (AMD). PL 2021, c. 667, §§1-4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§16-19 (AMD). PL 2023, c. 396, §§9-11 (AMD). PL 2023, c. 408, §4 (AMD). PL 2023, c. 679, Pt. B, §§89-95 (AMD).

§504-A. Specified event sales

Notwithstanding any provision of law to the contrary, the office shall issue a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis products on the permitted premises for a specified event in accordance with the requirements of this section. Transportation of adult use cannabis and adult use cannabis products between the licensed premises and the permitted premises for a specified event is subject to the requirements of section 505. A cannabis store authorized to sell adult use cannabis and adult use cannabis products under this section is subject to the provisions of section 504. [PL 2023, c. 679, Pt. B, §96 (AMD).]

1. Permit application. At least 30 days prior to a specified event, a cannabis store seeking authorization to sell adult use cannabis and adult use cannabis products at a specified event shall submit a permit application, on a form issued by the office, and a nonrefundable $200 permit application fee to the office. The application must include or be appended with:

A. Proof of approval, in accordance with subsection 2, from the municipality where the specified event will occur to sell adult use cannabis or adult use cannabis products at the specified event; [PL 2023, c. 408, §7 (AMD).]

B. The location and description of the specified event, including the date of the event, the date the cannabis store intends to sell adult use cannabis and adult use cannabis products and the name and description of the organization sponsoring the event; [PL 2023, c. 408, §7 (AMD).]

C. If the specified event is held on private property, the written permission of the property owner for the cannabis store to sell adult use cannabis and adult use cannabis products on the property; [PL 2023, c. 408, §7 (AMD).]

D. A description of the adult use cannabis and adult use cannabis products the cannabis store intends to sell at the specified event; [PL 2023, c. 408, §7 (NEW).]

E. The number of cannabis store employees required to work at the specified event; [PL 2023, c. 408, §7 (NEW).]

F. A diagram and description of the permitted premises for the specified event; and [PL 2023, c. 408, §7 (NEW).]

G. As applicable, a diagram and description of the security measures the cannabis store intends to implement on the permitted premises for the specified event to prevent unauthorized access to adult use cannabis and adult use cannabis products, including access by persons under 21 years of age. [PL 2023, c. 408, §7 (NEW).]

[PL 2023, c. 679, Pt. B, §97 (AMD).]

1-A. Permit issuance. Within 14 calendar days of receipt of a permit application that meets the requirements of subsection 1, the office shall review the application and issue a specified event permit to the cannabis store or deny the application for good cause in accordance with section 206, subsection 2.

[PL 2023, c. 679, Pt. B, §98 (AMD).]

2. Municipal approval. At least 45 days prior to a specified event, a cannabis store shall submit a request for municipal approval to the municipality where the specified event will occur. The cannabis store shall include in the request the information required under subsection 1, paragraphs B to G and any other information or fee required by the municipality. The municipality may restrict the sale of certain adult use cannabis or adult use cannabis products at the specified event. Proof of municipal

approval required under subsection 1, paragraph A must be in a form approved by a municipal official or the municipal legislative body of the municipality where the specified event will occur. As used in this subsection, "municipal official" and "municipal legislative body" have the same meanings as in Title 30-A, section 2001. Local authorization for the operation of a cannabis establishment within a municipality, pursuant to section 401, is not required for a municipality to approve a specified event permit.

A. [PL 2023, c. 408, §9 (RP).]

B. [PL 2023, c. 408, §9 (RP).]

C. [PL 2023, c. 408, §9 (RP).]

D. [PL 2023, c. 408, §9 (RP).]

[PL 2023, c. 408, §9 (RPR).]

3. Limitations. A cannabis store issued a specified event permit under this section may sell adult use cannabis and adult use cannabis products at a specified event only as authorized under the permit. A specified event permit issued by the office under this section for a specified event may not authorize:

A. Sales at the specified event for a period greater than the duration of the event; [PL 2021, c. 735, §1 (NEW).]

B. Sales anywhere other than on the permitted premises for the specified event; or [PL 2023, c. 408, §10 (AMD).]

C. The consumption of adult use cannabis or adult use cannabis products on the permitted premises for the specified event. [PL 2023, c. 408, §10 (AMD).]

D. [PL 2023, c. 408, §10 (RP).]

[PL 2023, c. 679, Pt. B, §99 (AMD).]

4. Conditions. Sales of adult use cannabis and adult use cannabis products under a specified event permit are subject to the following conditions.

A. A cannabis store shall conduct all sales in a tent or similar structure with a single point of entry into the tent or structure to view or purchase adult use cannabis or adult use cannabis products. [PL 2023, c. 408, §11 (AMD).]

B. A cannabis store shall verify that a person entering the tent or structure is at least 21 years of age in the same manner as required under section 504, subsection 4. [PL 2023, c. 408, §11 (AMD).]

C. A cannabis store shall provide signs notifying customers that adult use cannabis and adult use cannabis products may not be consumed on the permitted premises of the specified event. [PL 2023, c. 408, §11 (AMD).]

D. A cannabis store shall ensure that all adult use cannabis and adult use cannabis products are secured when not under the direct control and supervision of the cannabis store or the cannabis store's employee. [PL 2023, c. 408, §11 (AMD).]

E. A cannabis store shall record all sales conducted at the specified event using a video recording device in a manner that captures, to the extent practicable, only the individual making the purchase. The recording must be retained by the cannabis store for 45 days, and the cannabis store shall make it available for inspection at the office's request. [PL 2023, c. 679, Pt. B, §100 (AMD).]

[PL 2023, c. 679, Pt. B, §100 (AMD).]

5. Guidance. The office shall develop and publish on a publicly accessible website guidance documents to assist cannabis stores in applying for a specified event permit under this section and to

establish best practices for conducting sales of adult use cannabis and adult use cannabis products at a specified event.
[PL 2023, c. 679, Pt. B, §101 (AMD).]

5-A. Suspension or revocation. On the office's own initiative or upon complaint and after investigation, the office, by written order, may for good cause as described in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis store. The office shall revoke a specified event permit if:

A. Municipal approval granted in accordance with subsection 2 is revoked by the municipality; or [PL 2023, c. 408, §13 (NEW).]

B. As applicable, the owner of the property where the specified event will occur revokes the property owner's written permission required under subsection 1, paragraph C. [PL 2023, c. 408, §13 (NEW).]
[PL 2023, c. 679, Pt. B, §102 (AMD).]

6. Rulemaking.
[PL 2023, c. 408, §14 (RP).]

7. Effective date.
[PL 2023, c. 408, §15 (RP).]

SECTION HISTORY

PL 2021, c. 735, §1 (NEW). PL 2021, c. 759, Pt. C, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 408, §§5-15 (AMD). PL 2023, c. 679, Pt. B, §§96-102 (AMD).

§505. Transportation of adult use cannabis and adult use cannabis products

A licensee and its employees may transport adult use cannabis and adult use cannabis products between the licensed premises of the licensee and: [PL 2023, c. 408, §16 (NEW).]

1. Other licensed premises. The licensed premises of any other cannabis establishment;
[PL 2023, c. 408, §16 (NEW).]

2. Delivery location. The location of a delivery in accordance with section 504, subsection 9; and
[PL 2023, c. 408, §16 (NEW).]

3. Permitted premises. The permitted premises for a specified event in accordance with section 504-A.
[PL 2023, c. 408, §16 (NEW).]

All transportation of adult use cannabis and adult use cannabis products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the office. [PL 2023, c. 679, Pt. B, §103 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 667, §5 (AMD). PL 2021, c. 735, §2 (AMD). PL 2021, c. 759, Pt. C, §3 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 408, §16 (RPR). PL 2023, c. 679, Pt. B, §103 (AMD).

§506. Employment of minors

A licensee may not employ minors. [PL 2023, c. 679, Pt. B, §104 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §104 (AMD).

§507. Entry into cannabis establishment by minors

A minor may not enter the licensed premises of a cannabis store unless accompanied by the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002, subsection 5. An individual identification card holder who is the parent, legal guardian or custodian of a minor may bring that minor into the licensed premises of a cultivation facility, products manufacturing facility or cannabis testing facility in an emergency. [PL 2023, c. 679, Pt. B, §105 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 314, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §105 (RPR).

§508. Use of cannabis and cannabis products within licensed premises

1. Employee use of cannabis or cannabis products for medical use. A licensee may allow an employee who is a qualifying patient pursuant to the Maine Medical Use of Cannabis Act to privately consume cannabis and cannabis products for medical use within its licensed premises.
[PL 2023, c. 679, Pt. B, §107 (AMD).]

2. Employee use of adult use cannabis or adult use cannabis products. Except as otherwise provided in this chapter, a licensee may not allow an employee to consume adult use cannabis or adult use cannabis products within its licensed premises or while the employee is otherwise engaged in activities within the course and scope of employment.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Other use of adult use cannabis or adult use cannabis products. Except as otherwise provided in this chapter:

A. A person may not consume adult use cannabis or adult use cannabis products within the licensed premises of a cannabis establishment; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A licensee may not allow any person to consume adult use cannabis or adult use cannabis products within its licensed premises. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §§106, 107 (AMD).

§509. License to be conspicuously displayed

A licensee shall ensure that the licensee's license, or a copy of that license, is at all times conspicuously displayed within its licensed premises. [PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW).

§510. Limited access areas

Except as provided in subsection 1, a person may not enter or remain in any limited access area unless the person displays an individual identification card issued by the office pursuant to section 106.
[PL 2023, c. 679, Pt. B, §108 (AMD).]

1. Contractors. A licensee may allow a person to enter or remain in any limited access area without displaying an individual identification card if the person is a contractor of the licensee, including, but not limited to, an electrician, a plumber, an engineer or an alarm technician, whose scope of work will not involve the handling of cannabis or cannabis products and the person signs a visitor

entry log provided and maintained by the licensee and is issued a visitor identification badge by the licensee.
[PL 2023, c. 679, Pt. B, §108 (AMD).]

1-A. Visitors. A licensee may allow a visitor who is not a minor to enter or remain in any limited access area without displaying an individual identification card if the visitor signs a visitor entry log provided and maintained by the licensee, the visitor is issued a visitor identification badge by the licensee and, if the visitor is visiting in a limited access area with immediate access to cannabis or cannabis products, the visitor is accompanied at all times by the licensee or an employee of the licensee.
[PL 2023, c. 679, Pt. B, §108 (NEW).]

2. Licensee compliance. A licensee shall ensure that all areas of ingress to and egress from limited access areas within its licensed premises are conspicuously marked and that a person is not allowed to enter or remain in any limited access area without displaying the person's individual identification card issued by the office pursuant to section 106.
[PL 2023, c. 679, Pt. B, §108 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 491, §4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §108 (AMD).

§511. Record keeping and inspection of records; audits

1. Record keeping; inspection of records. A licensee shall maintain a complete set of all records of the licensee's business transactions, which may be stored electronically. Upon providing at least 24 hours' notice, the office may inspect or audit the licensee's records during regular business hours. The office may not conduct an audit of a licensee's records more than twice in any 6-month period. The cost of any audit must be paid by the office from the Adult Use Cannabis Regulatory Coordination Fund under section 1102. Nothing in this subsection may be construed to prevent the office from reviewing at any time business records submitted through the tracking system in accordance with section 105. Records must be maintained by a licensee at a minimum for a period comprising the current tax year and the 6 immediately preceding tax years in accordance with Title 36, section 135.
[PL 2023, c. 679, Pt. B, §109 (AMD).]

2. Additional information may be required.
[PL 2023, c. 679, Pt. B, §109 (RP).]

3. Audit. The office may require a licensee to submit to an audit of the licensee's business records. If the office requires a licensee to submit to an audit, the licensee shall provide the auditor selected by the office with access to all business records of the licensee and the cost of the audit must be paid by the office from the Adult Use Cannabis Regulatory Coordination Fund under section 1102.
[PL 2023, c. 679, Pt. B, §109 (AMD).]

4. Confidentiality. This subsection governs the confidentiality of records under this section.

A. Documents of a licensee inspected or examined by the office pursuant to this section are confidential and may not be disclosed except as needed in a civil or criminal proceeding to enforce any provision of this chapter and the rules adopted pursuant to this chapter or any criminal law.
[PL 2023, c. 679, Pt. B, §109 (AMD).]

B. Audit working papers are confidential and may not be disclosed to any person outside the office, except that audit working papers may be disclosed to the licensee subject to the audit. A final audit report is a public record for the purposes of Title 1, chapter 13, subchapter 1. For the purposes of this paragraph, "audit working papers" means all documentation and other information acquired, prepared or maintained by the office and the auditor selected by the office during the conduct of

the audit, including, but not limited to, draft reports and portions of draft reports. [PL 2023, c. 679, Pt. B, §109 (AMD).]

[PL 2023, c. 679, Pt. B, §109 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 231, Pt. A, §1 (AMD). PL 2023, c. 679, Pt. B, §109 (AMD).

§512. Inspection of licensed premises; testing and sampling for product quality control

1. Inspections. A licensee shall submit to an inspection of its licensed premises, including, but not limited to, any places of storage and any locked areas, upon demand and without notice during the licensee's business hours by the office, a criminal justice agency or an official authorized by the municipality in which the licensed premises are located.

For the purposes of this subsection, "municipality" has the same meaning as in section 212.

[PL 2023, c. 679, Pt. B, §110 (AMD).]

2. Testing and sampling for product quality control. A licensee shall submit to the sampling and testing of adult use cannabis or adult use cannabis products within its possession, upon demand and without notice during all business hours by the office for the purposes of product quality control. The office may not collect more than a random, representative sample necessary to test the batch of cannabis or cannabis products cultivated, manufactured or sold to consumers by a licensee. The office may not sample more than 3 samples of adult use cannabis or adult use cannabis products per 60-day period unless the cannabis or cannabis products sampled continue to fail tests or such samples are taken as part of an investigation by the office in response to a complaint. The office shall adopt rules governing the sampling and testing of adult use cannabis and adult use cannabis products under this subsection, consistent with the requirements of subchapter 6. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 679, Pt. B, §110 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §110 (AMD).

§513. Licensee compliance with regulatory requirements

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §111 (RP).

SUBCHAPTER 6

TESTING OF CANNABIS AND CANNABIS PRODUCTS

§601. Testing program established

The office shall establish a testing program for adult use cannabis and adult use cannabis products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use cannabis or an adult use cannabis product to a consumer, to submit the cannabis or cannabis product to a testing facility for testing to ensure that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and to ensure correct labeling. The office shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that

are injurious to health for which cannabis and cannabis products must be tested under this subchapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 679, Pt. B, §112 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 612, §1 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §112 (AMD).

§602. Mandatory testing

A licensee may not sell or distribute adult use cannabis or an adult use cannabis product to a consumer under this chapter unless the cannabis or cannabis product has been tested pursuant to this subchapter and the rules adopted pursuant to this subchapter and that mandatory testing has demonstrated that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required. [PL 2021, c. 612, §2 (AMD); PL 2021, c. 669, §5 (REV).]

1. Scope of mandatory testing. Mandatory testing of adult use cannabis and adult use cannabis products under this section must include, but is not limited to, testing for:

A. Residual solvents, poisons and toxins; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Harmful chemicals; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Dangerous yeasts, molds and mildew as specified in rules adopted by the office; [PL 2023, c. 679, Pt. B, §113 (AMD).]

D. Harmful microbes, including, but not limited to, Escherichia coli and salmonella; [PL 2017, c. 409, Pt. A, §6 (NEW).]

E. Pesticides, fungicides and insecticides; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling. [PL 2017, c. 409, Pt. A, §6 (NEW).]

The office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the office has determined that there exists no licensed testing facility in the State capable of and certified to perform such testing.
[PL 2023, c. 679, Pt. B, §§113, 114 (AMD).]

1-A. Testing of returns. Cannabis and cannabis products returned pursuant to section 502, subsection 14 or section 504, subsection 11 may be resold or redistributed without retesting if the tamper-evident packaging indicates that the cannabis or cannabis products have not been tampered with. Cannabis and cannabis products returned by a consumer to any licensee may not be resold.
[PL 2023, c. 679, Pt. B, §115 (AMD).]

2. Record keeping. A licensee shall maintain a record of all mandatory testing that includes a description of the adult use cannabis or adult use cannabis product provided to the testing facility, the identity of the testing facility and the results of the mandatory test. A licensee that chooses to retest any adult use cannabis or adult use cannabis products for potency in accordance with section 503, subsection 4-A shall maintain a record of all mandatory potency test results.
[PL 2023, c. 679, Pt. B, §116 (AMD).]

3. Testing process, protocols and standards. The office shall establish by rule processes, protocols and standards for mandatory and other testing of cannabis and cannabis products that conform with the best practices generally used within the cannabis industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products.

[PL 2023, c. 679, Pt. B, §117 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 558, §1 (AMD). PL 2021, c. 612, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§12, 13 (AMD). PL 2023, c. 679, Pt. B, §§113-117 (AMD).

§603. Notification requirements

1. Notification of testing results required. If the results of a mandatory test conducted pursuant to section 602 indicate that the tested adult use cannabis or adult use cannabis product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall quarantine, document and properly destroy the cannabis or cannabis product, except when the owner of the tested cannabis or cannabis product has successfully undertaken remediation and retesting, and within 30 days of completing the test shall notify the office of the test results.
[PL 2023, c. 679, Pt. B, §118 (AMD).]

1-A. Notification of retesting results required. If a licensee chooses to retest any cannabis or cannabis product for potency in accordance with section 503, subsection 4-A, the testing facility shall provide to the office and the licensee the results of the initial test for potency as well as the results of the retest for potency.
[PL 2023, c. 679, Pt. B, §118 (NEW).]

2. Notification of testing results not required. A testing facility is not required to notify the office of the results of any test:

A. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee pursuant to section 602 that demonstrates that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee for research and development purposes only, so long as the licensee notifies the testing facility prior to the performance of the test that the testing is for research and development purposes only; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Conducted on cannabis or a cannabis product at the direction of a person who is not a licensee; or [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. Conducted on a substance that is not cannabis or a cannabis product. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §118 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §118 (AMD).

§604. Sample collection for testing

Except as provided in section 604-A, if a test to be performed by a testing facility is a mandatory test under section 602, an employee or designee of the testing facility or a sample collector must collect the sample required for the test. If a test to be performed by a testing facility is not a mandatory test, the owner of the cannabis or cannabis product, or a designee of the owner, may collect the sample required for the test. [PL 2019, c. 676, §14 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 676, §14 (AMD). PL 2021, c. 669, §5 (REV).

§604-A. Sample collecting for mandatory testing by licensee

1. Sample collecting by licensee authorized; rules. Notwithstanding any provision of this chapter to the contrary, a cultivation facility licensee, products manufacturing facility licensee or cannabis store licensee, or an employee of such licensee, may collect samples of the licensee's adult use cannabis or adult use cannabis products for mandatory testing under section 602 and may deliver those samples to a testing facility for testing. The office shall adopt rules regarding the collection of representative samples of adult use cannabis and adult use cannabis products for mandatory testing by a licensee or an employee of a licensee as authorized under this section, which must include, but are not limited to:

A. The establishment of sample collecting processes, protocols and standards, which must be complied with by the licensee and its employees in collecting samples of adult use cannabis and adult use cannabis products for testing purposes; [PL 2019, c. 676, §15 (NEW); PL 2021, c. 669, §5 (REV).]

B. Requirements for the licensee to provide video, onsite or other demonstration of its sample collecting practices to ensure compliance with paragraph A; [PL 2019, c. 676, §15 (NEW).]

C. Provisions authorizing the office to conduct audits of adult use cannabis or adult use cannabis products that were tested using samples collected by the licensee or its employees pursuant to this section, with all costs of the audits to be paid for by the licensee. The licensee may not be required to submit more than 3 representative samples of adult use cannabis or adult use cannabis products per 60-day period unless the cannabis or cannabis products continue to fail tests or pursuant to a complaint; [PL 2023, c. 679, Pt. B, §119 (AMD).]

D. Requirements for the transportation, delivery and transfer of samples of adult use cannabis and adult use cannabis products collected by the licensee or an employee of the licensee to a testing facility, which must require the in-person transfer of the samples by the licensee or an employee of the licensee to the testing facility licensee or an employee of the testing facility licensee; [PL 2019, c. 676, §15 (NEW); PL 2021, c. 669, §5 (REV).]

E. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process by a licensee or an employee of the licensee, which, notwithstanding any provision of this chapter to the contrary, may be treated by the office as constituting a major license violation affecting public safety and as a basis for imposition of administrative penalties pursuant to section 802-A; and [PL 2023, c. 679, Pt. B, §119 (AMD).]

F. Authorization for the office to suspend or revoke the licensee's license following 2 or more failed sample collecting audits conducted by the office pursuant to this section. [PL 2023, c. 679, Pt. B, §119 (AMD).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §119 (AMD).]

2. Repeal.
[PL 2021, c. 226, §6 (RP).]

SECTION HISTORY

PL 2019, c. 676, §15 (NEW). PL 2021, c. 226, §6 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §119 (AMD).

§605. Additional testing not required

Notwithstanding section 602, a licensee may sell or furnish to a consumer adult use cannabis or an adult use cannabis product that the licensee has not submitted for testing in accordance with this subchapter and rules adopted pursuant to this subchapter if: [PL 2021, c. 612, §3 (AMD); PL 2021, c. 669, §5 (REV).]

1. Prior testing. The cannabis or cannabis product has previously undergone testing in accordance with this subchapter and rules adopted pursuant to this subchapter at the direction of another licensee and that testing demonstrated that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Proper documentation. The mandatory testing process and the test results for the cannabis or cannabis product are documented in accordance with the requirements of this chapter and all applicable rules adopted pursuant to this chapter;
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Tracking maintained. Tracking from immature cannabis plant to the point of retail sale has been maintained for the cannabis or cannabis product and transfers of the cannabis or cannabis product to another licensee or to a consumer can be easily identified; and
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

4. No further processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the cannabis or cannabis product has not undergone any further processing, manufacturing or alteration that would result in an increase in the concentration of any contaminants or factors identified in section 602, subsection 1 or in any rules adopted by the office pursuant to that section. For the purposes of this subsection, "further processing, manufacturing or alteration" does not include the use of cannabis concentrate in the creation of an edible cannabis product, except for testing under section 602, subsection 1, paragraph F.
[PL 2025, c. 764, §1 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 612, §§3, 4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §120 (AMD). PL 2025, c. 764, §1 (AMD).

§606. Coordination with testing program and rules for cannabis and cannabis products for medical use

In adopting rules and regulating the testing of adult use cannabis and adult use cannabis products under this subchapter, the office shall ensure that, when necessary and practicable, the regulation of the testing of adult use cannabis and adult use cannabis products under this subchapter is consistent with the regulation of the testing of cannabis and cannabis products for medical use under the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §121 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §121 (AMD).

SUBCHAPTER 7

LABELING AND PACKAGING; SIGNS, ADVERTISING AND MARKETING; HEALTH AND SAFETY

§701. Labeling and packaging

1. Labeling requirements. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter must be labeled with the following information, as applicable based on the cannabis or cannabis product to be sold:

A. The license numbers of the cultivation facility, the products manufacturing facility and the cannabis store where the adult use cannabis or adult use cannabis product was cultivated, manufactured and offered for sale; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. An identity statement and universal symbol; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Health and safety warning labels as required by rules adopted by the office after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention; [PL 2023, c. 679, Pt. B, §122 (AMD).]

D. The batch number; [PL 2017, c. 409, Pt. A, §6 (NEW).]

E. A net weight statement; [PL 2017, c. 409, Pt. A, §6 (NEW).]

F. Information on the THC potency of the cannabis or cannabis product and the potency of such other cannabinoids or other chemicals in the cannabis or cannabis product, including, but not limited to, cannabidiol. If a licensee chooses to retest any cannabis or cannabis product for potency in accordance with section 503, subsection 4-A, the licensee shall include the THC potency information of the cannabis or cannabis product from the retest results. For edible cannabis products, the information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraphs F and F-1; [PL 2023, c. 679, Pt. B, §122 (AMD).]

G. Information on the amount of THC and cannabidiol per serving of the edible cannabis product. The information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraph F and F-1 and contain the number of servings per package; [PL 2023, c. 679, Pt. B, §122 (AMD).]

H. Information on gases, solvents and chemicals used in cannabis extraction; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

I. Instructions on route of administration; [PL 2023, c. 679, Pt. B, §122 (AMD).]

J. For adult use cannabis products:

(1) The amount of cannabis concentrate per serving of the product, as measured in grams or milligrams, and the amount of cannabis concentrate per package of the product, as measured in grams or milligrams;

(2) A list of ingredients and possible allergens; and

(3) A recommended use date or expiration date; [PL 2023, c. 679, Pt. B, §122 (AMD).]

K. For edible cannabis products, a nutritional fact panel; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

L. Any other information required by rule by the office. [PL 2023, c. 679, Pt. B, §122 (AMD).] [PL 2023, c. 679, Pt. B, §122 (AMD).]

2. Packaging requirements. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter must be packaged in the following manner, as applicable based on the cannabis or cannabis product to be sold.

A. Adult use cannabis and adult use cannabis products must be prepackaged in child-resistant and tamper-evident packaging or must be placed in child-resistant and tamper-evident packaging at the final point of sale to a consumer. [PL 2023, c. 679, Pt. B, §122 (AMD).]

B. [PL 2023, c. 679, Pt. B, §122 (RP).]

C. Packaging for liquid adult use cannabis products that contain more than one serving must include an integral measurement component that measures one serving of the adult use cannabis product and a child-resistant cap or closure. [PL 2023, c. 679, Pt. B, §122 (AMD).]

D. [PL 2023, c. 679, Pt. B, §122 (RP).]
[PL 2023, c. 679, Pt. B, §122 (AMD).]

3. Other approved labeling and packaging. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter may include on the label or the packaging of the cannabis or cannabis product:

A. A statement of compatibility with dietary practices; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Depictions of geometric shapes or cannabis leaves; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Use of the terms "organic," "organically cultivated" or "organically grown" in accordance with requirements regarding the use of such terms as adopted by rule by the office; and [PL 2023, c. 679, Pt. B, §122 (AMD).]

D. Any other information that has been preapproved by the office pursuant to subsection 5 or information that is not prohibited. [PL 2023, c. 679, Pt. B, §122 (AMD).]
[PL 2023, c. 679, Pt. B, §122 (AMD).]

4. Labeling and packaging prohibitions. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter:

A. May not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the cannabis or cannabis product was a trademarked product; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. May not be labeled or packaged in a manner that targets minors or contains subject matter or an illustration that targets minors; [PL 2023, c. 679, Pt. B, §122 (AMD).]

C. May not be labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; [PL 2017, c. 409, Pt. A, §6 (NEW).]

D. May not be sold or offered for sale using a label or packaging that depicts a human, animal or fruit; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

E. May not be labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the office. [PL 2023, c. 679, Pt. B, §122 (AMD).]
[PL 2023, c. 679, Pt. B, §122 (AMD).]

5. Voluntary labeling and packaging approval. A licensee may submit to the office a request for approval of any labeling or packaging the licensee intends to use. The request must include the following information as applicable:

A. A digital or physical sample of the label for which approval is requested or a physical sample of any package for which approval is requested; [PL 2023, c. 679, Pt. B, §122 (NEW).]

B. A description of any additional labels that will be affixed to the label or package and the information contained on these additional labels; and [PL 2023, c. 679, Pt. B, §122 (NEW).]

C. Any additional information required on an approval request form provided by the office and available on the office's publicly accessible website. [PL 2023, c. 679, Pt. B, §122 (NEW).]

The office may not refuse to review any voluntary request for approval. The office may deny any label or package it determines does not comply with this chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of the request, the office shall issue a written decision either approving

or denying the request, including the reason for denial, if applicable. If the request is approved, the office may not take any enforcement action of any kind against the licensee solely for using the approved labeling or packaging.
[PL 2023, c. 679, Pt. B, §122 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 558, §§2, 3 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §122 (AMD).

§702. Signs, advertising and marketing

1. Prohibitions. Signs, advertising and marketing used by or on behalf of a licensee:

A. May not be misleading, deceptive or false; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. [PL 2023, c. 396, §14 (RP).]

C. May not be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality by ordinance or other regulation, or, in the case of a town, plantation or township located in the unorganized and deorganized areas, the Maine Land Use Planning Commission, chooses to prohibit the placement or use of signs or advertising by or on behalf of a cannabis establishment at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies. As used in this paragraph, "school" has the same meaning as in section 402, subsection 2, paragraph A; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. May not violate any other requirement or restriction on signs, advertising and marketing imposed by the office by rule pursuant to subsection 2. [PL 2023, c. 679, Pt. B, §123 (AMD).]
[PL 2023, c. 679, Pt. B, §123 (AMD).]

2. Rules on signs, advertising and marketing. The office may adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a licensee, which may include, but are not limited to:

A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of adult use cannabis or an adult use cannabis product; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; [PL 2023, c. 396, §15 (AMD).]

D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature; and [PL 2023, c. 396, §16 (AMD).]

E. Limitations on signs, advertising and marketing specifically designed to target minors regarding adult use cannabis and adult use cannabis products. [PL 2023, c. 679, Pt. B, §124 (AMD).]
[PL 2023, c. 679, Pt. B, §124 (AMD).]

3. Restrictions on signs, advertising and marketing. A licensee may advertise or market the promotion of the licensee's business and adult use cannabis and adult use cannabis products sold by the licensee, including the display of a sign on the licensed premises and off the licensed premises on the exterior of a motor vehicle in accordance with this section.
[PL 2023, c. 396, §18 (NEW).]

4. Voluntary sign, advertising and marketing approval. A licensee may submit to the office a request for approval of any sign, advertisement or marketing materials the licensee intends to use. The request must include the following information as applicable:

A. A digital or physical sample of the sign, advertisement or marketing materials for which approval is requested; and [PL 2023, c. 679, Pt. B, §125 (NEW).]

B. Any additional information required on the sign, advertisement or marketing materials approval request form provided by the office and available on the office's publicly accessible website. [PL 2023, c. 679, Pt. B, §125 (NEW).]

The office may not refuse to review any voluntary request for approval. The office may deny any sign, advertisement or marketing materials it determines do not comply with this chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of the request, the office shall issue a written decision either approving or denying the request, including the reason for denial, if applicable. If the request is approved, the office may not take any enforcement action of any kind against the licensee solely for using the approved sign, advertisement or marketing materials.
[PL 2023, c. 679, Pt. B, §125 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§14-18 (AMD). PL 2023, c. 679, Pt. B, §§123-125 (AMD).

§703. Other health and safety requirements and restrictions; rules

1. Requirements and restrictions for edible cannabis products. In addition to all other applicable provisions of this subchapter, edible cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter:

A. [PL 2023, c. 679, Pt. B, §126 (RP).]

B. Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Must be manufactured in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. Unless determined impracticable by the office by rule, must be stamped or embossed with a universal symbol on each serving of the edible cannabis product or each serving must be individually wrapped or blister packaged with a universal symbol clearly included on the wrapping or packaging. In the event the office determines by rule that stamping, embossing, individual wrapping or blister packaging for a particular type of edible cannabis product is impracticable, each serving of the product must be packaged together with the universal symbol affixed to the packaging. For purposes of this chapter, edible cannabis products that are determined to be impracticable to stamp, emboss, individually wrap or blister package include but are not limited to:

(1) Potato or corn chips;

(2) Popcorn;

(3) Pretzels;

(4) Loose granola; and

(5) Gummies; [PL 2025, c. 390, Pt. A, §51 (RPR).]

E. May not be manufactured in the distinct shape of a human, animal or fruit; [PL 2017, c. 409, Pt. A, §6 (NEW).]

F. May not contain more than 10 milligrams of THC per serving of the product and may not contain more than 200 milligrams of THC per package of the product, with an allowable variance rate of 10%, except that the allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount of THC allowed under this paragraph, the allowable variance rate must be in addition to the allowable variance rate applicable to a testing facility pursuant to section 602, subsection 3; [PL 2023, c. 396, §19 (AMD).]

F-1. May, except as provided in paragraph F, have the amount or potency of cannabinoids calculated using an allowable variance rate of 10%, except that the allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount or potency of cannabinoids allowed under this paragraph, the allowable variance rate may be in addition to the allowable variance rate applicable to a testing facility pursuant to section 602, subsection 3; [PL 2021, c. 558, §5 (NEW).]

G. [PL 2023, c. 679, Pt. B, §128 (RP).]

G-1. May not be adulterated or misbranded as described in Title 22, sections 2156 and 2157, respectively, or contain additives specifically formulated to increase the addictiveness of the edible cannabis product; and [PL 2023, c. 679, Pt. B, §129 (NEW).]

H. May not involve the addition of cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2025, c. 390, Pt. A, §51 (AMD).]

2. Health and safety rules. The office shall adopt labeling, packaging and other necessary health and safety rules for adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter. Rules adopted pursuant to this subsection must establish mandatory health and safety standards applicable to the cultivation of adult use cannabis, the manufacture of adult use cannabis products and the labeling and packaging of adult use cannabis and adult use cannabis products sold by a licensee to a consumer. Such rules must address, but are not limited to:

A. Requirements for the storage, warehousing and transportation of adult use cannabis and adult use cannabis products by licensees; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Sanitary standards for cannabis establishments, including, but not limited to, sanitary standards for the manufacture of adult use cannabis and adult use cannabis products; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Limitations on the display of adult use cannabis and adult use cannabis products at cannabis stores. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §130 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 491, §5 (AMD). PL 2021, c. 558, §§4, 5 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §19 (AMD). PL 2023, c. 641, §1 (AMD). PL 2023, c. 679, Pt. B, §§126-130 (AMD). PL 2025, c. 390, Pt. A, §51 (AMD).

§704. Coordination with labeling and packaging rules for cannabis and cannabis products for medical use

In adopting rules and regulating the labeling and packaging of adult use cannabis and adult use cannabis products under this subchapter, the office shall ensure that, when necessary and practicable, the regulation of the labeling and packaging of adult use cannabis and adult use cannabis products under this subchapter is consistent with the regulation of the labeling and packaging of cannabis and cannabis products for medical use under the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §131 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §131 (AMD).

SUBCHAPTER 8

LICENSE VIOLATIONS; PENALTIES

§801. Department may impose penalty on licensee for license violation; Maine Administrative Procedure Act applies

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §132 (RP).

§802. Penalties

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §133 (RP).

§802-A. Administrative or monetary penalties; appeals

1. Penalties. The office, in accordance with this section, on its own initiative or on complaint and after investigation, notification and the opportunity for a public hearing, may, by written order:

A. Impose an administrative penalty in accordance with this section for a license violation; [PL 2023, c. 679, Pt. B, §134 (NEW).]

B. Seize and destroy cannabis or cannabis products; and [PL 2023, c. 679, Pt. B, §134 (NEW).]

C. Suspend or revoke a license issued under this chapter for a license violation. [PL 2023, c. 679, Pt. B, §134 (NEW).]

For a first violation of any minor license violation as defined in subsection 2, paragraph C or for a first violation of this chapter or rules adopted pursuant to this chapter, the office may only provide technical assistance to the licensee and may not impose a penalty, suspend or revoke a license or seize and destroy cannabis or cannabis products.
[PL 2023, c. 679, Pt. B, §134 (NEW).]

2. License violation types. The following license violation types are established.

A. "Major license violation affecting public safety" means an intentional or knowing violation that imminently jeopardizes public health and safety or conduct that indicates a willful or reckless disregard for public health and safety. "Major license violation affecting public safety" is limited to:

(1) Intentionally or recklessly selling cannabis or cannabis products containing any scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;

(2) Intentionally or recklessly using prohibited agricultural chemicals that pose a threat to public health and concealing their use from the office, other licensees or consumers;

(3) Intentionally or knowingly treating or otherwise adulterating cannabis or cannabis products with a scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;

(4) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so;

(5) Intentionally or knowingly purchasing cannabis plants, cannabis or cannabis products from outside the State, from a person not authorized pursuant to this chapter or from the illicit market;

(6) Three or more instances of a licensee failing to have on the premises at all times during business hours an individual identification card holder who is authorized to allow and cooperate with the office requests to inspect the premises;

(7) Intentionally or knowingly tampering with or interfering with mandatory testing processes, including sample collection or the auditing of test results; or

(8) Other intentional or knowing egregious conduct that imminently threatens public health and safety or conduct that shows a willful or reckless disregard for public health and safety that poses an imminent risk to public health and safety. [PL 2023, c. 679, Pt. B, §134 (NEW).]

B. "Major license violation" means a serious violation that does not imminently jeopardize public safety. "Major license violation" is limited to:

(1) Intentionally or recklessly misleading the office for the purposes of involving a person with a disqualifying drug offense in the operation of a cannabis establishment;

(2) Intentionally or knowingly diverting cannabis or cannabis products to the illicit market;

(3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or otherwise adulterating cannabis or cannabis products with any chemical that alters the color, appearance, weight or smell of the cannabis or cannabis product or that increases its potency, toxicity or addictiveness in a manner not authorized under this chapter;

(4) Selling cannabis plants, cannabis or cannabis products to a person under 21 years of age by failing to take all necessary steps to verify age;

(5) Intentionally or knowingly making deliveries of adult use cannabis or adult use cannabis products to safe zones designated by a municipality pursuant to Title 30-A, section 3253;

(6) Allowing any individual under 21 years of age to engage in any cannabis-related activity;

(7) Cultivating cannabis plants for adult use in an amount that is equal to or greater than 150% of the total number of cannabis plants or plant canopy the licensee is authorized to cultivate under this chapter;

(8) Intentionally or knowingly misrepresenting any cannabis product to a consumer, licensee or the public, including:

(a) Its contents;

(b) Its testing results; or

(c) Its potency;

(9) Two or more instances of refusing to permit the office to inspect the licensed premises during the licensee's business hours;

(10) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so;

(11) Selling or transferring cannabis plants, cannabis or cannabis products outside of the tracking system;

(12) Conduct that demonstrates a pattern of willful or reckless disregard for the tracking system requirements, sales tax obligations, excise tax obligations, mandatory testing obligations or facility requirements;

(13) Intentionally making false statements to the office in order to obtain or maintain a license; or

(14) Any violation in paragraph C that is a knowing violation that the licensee has committed 3 or more times. [PL 2023, c. 679, Pt. B, §134 (NEW).]

C. "Minor license violation" means a negligent violation. "Minor license violation" is limited to:

(1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or delivering cannabis or cannabis products for or to a minor;

(2) Cultivating more cannabis plants for adult use than the licensee is authorized to cultivate under this chapter, but less than 150% of the total number of cannabis plants or plant canopy authorized;

(3) Supplying adulterated or misbranded cannabis or cannabis products;

(4) Intentionally or knowingly purchasing, receiving, selling or transferring any cannabis, cannabis plant or cannabis product that was fraudulently entered into the tracking system;

(5) Failing to request and obtain from the office an approval for a change in ownership or principals prior to making the change in ownership or principals;

(6) Subletting any portion of the licensed premises;

(7) Making representations or claims that the cannabis or cannabis product has curative or therapeutic effects;

(8) Not operating in accordance with operations, cultivation or facility plans of record filed with the office;

(9) Failing to have on the licensed premises at all times during business hours an individual identification card holder who is authorized to allow inspection and cooperate when the office requests to inspect the premises;

(10) Allowing consumption of cannabis on the licensed premises of a cannabis establishment, except as otherwise provided in this chapter; or

(11) A 2nd violation of any other requirement of this chapter or the rules adopted pursuant to this chapter that is not expressly listed in this subsection. [PL 2023, c. 679, Pt. B, §134 (NEW).]

[PL 2023, c. 679, Pt. B, §134 (NEW).]

3. Monetary penalties. The office may impose monetary penalties for a license violation of this chapter as follows:

A. Not more than $2,500 for each minor license violation; [PL 2023, c. 679, Pt. B, §134 (NEW).]

B. Not more than $10,000 for each major license violation; or [PL 2023, c. 679, Pt. B, §134 (NEW).]

C. Not more than $20,000 for each major license violation affecting public safety. [PL 2023, c. 679, Pt. B, §134 (NEW).]

Monetary penalties collected pursuant to this subsection must be credited to the General Fund. [PL 2023, c. 679, Pt. B, §134 (NEW).]

4. Notification of violation. If, after an inspection or investigation by the office or a criminal justice agency, the office identifies a violation of this chapter or the rules adopted pursuant to this chapter, the office shall, within 5 business days of identifying the violation, provide written notification of the violation to the licensee. The licensee, within 5 days of receiving notification, shall provide the office with a plan of correction, if applicable, for the identified violation, including a time frame for correction. If, after a follow-up inspection, the office decides to impose a monetary penalty on the licensee, the office shall notify the licensee of the monetary penalty in a timely manner after the follow-up inspection. Notice under this subsection does not constitute final agency action. [PL 2023, c. 679, Pt. B, §134 (NEW).]

5. Suspension. The office may suspend a license in accordance with this subsection.

A. The office may suspend a cannabis establishment license, for a period of up to one year, upon a finding of:

(1) A major license violation affecting public safety;

(2) A pattern of major license violations in a 30-month period; or

(3) A violation of subsection 2, paragraph B, subparagraph (7). [PL 2023, c. 679, Pt. B, §134 (NEW).]

B. A licensee whose license has been suspended pursuant to this subsection may not, for the duration of the period of suspension, engage in any activities relating to the operation of the cannabis establishment the licensee is licensed to operate, except that a cultivation facility licensee may harvest any plants currently growing but may not start any new plants. [PL 2023, c. 679, Pt. B, §134 (NEW).]

C. The office may allow a transfer of license for a suspended license and may allow new owners to begin some or all operations prior to the end of the suspension. [PL 2023, c. 679, Pt. B, §134 (NEW).]

[PL 2023, c. 679, Pt. B, §134 (NEW).]

6. Revocation. The office may revoke a license in accordance with this subsection.

A. Upon a finding of any major license violation affecting public safety or upon a finding of a pattern of major license violations in a 60-month period, the office may permanently revoke the cannabis establishment license of the licensee found in violation. [PL 2023, c. 679, Pt. B, §134 (NEW).]

B. A licensee whose license has been revoked pursuant to this subsection shall cease all activities relating to the operation of the cannabis establishment. [PL 2023, c. 679, Pt. B, §134 (NEW).]

C. A license that is permanently revoked may not be transferred or renewed. [PL 2023, c. 679, Pt. B, §134 (NEW).]

[PL 2023, c. 679, Pt. B, §134 (NEW).]

7. Maine Administrative Procedure Act; final agency action; appeals. Except as otherwise provided in this chapter or in the rules adopted pursuant to this chapter, the imposition of a monetary penalty, suspension or revocation on a licensee by the office, including, but not limited to, the provision of notice and the conduct of hearings, is governed by the Maine Administrative Procedure Act. A final order of the office imposing a monetary penalty on a licensee or suspension or revocation of a license is a final agency action, as defined in Title 5, section 8002, subsection 4, and the licensee may appeal that final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.
[PL 2023, c. 679, Pt. B, §134 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §134 (NEW).

§803. Disposition of unauthorized cannabis or cannabis products of licensee

1. Order; destruction of cannabis or cannabis products. If the office issues a final order imposing a monetary penalty on or a license suspension or revocation against a licensee pursuant to this subchapter, the office may specify in the order, in addition to any other penalties imposed in the order, that all or a portion of the cannabis or cannabis products in the possession of the licensee are not authorized under this chapter and are subject to destruction. A licensee subject to a final order directing the destruction of cannabis or cannabis products in the possession of the licensee shall forfeit the cannabis and cannabis products described in the order to the office for destruction.
[PL 2023, c. 679, Pt. B, §135 (AMD).]

2. Investigation. If the office is notified by a criminal justice agency that there is a pending investigation of a licensee subject to an order imposed under subsection 1, the office may not destroy any cannabis or cannabis products of that licensee until the destruction is approved by the criminal justice agency.
[PL 2023, c. 679, Pt. B, §135 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §135 (AMD).

§803-A. Administrative holds

In accordance with the provisions of this section, the office may impose an administrative hold on a licensee’s cannabis plants, cannabis or cannabis products if, as a result of an inspection or investigation of the licensee by the office or a criminal justice agency, the office determines there are reasonable grounds to believe the licensee or an agent or employee of the licensee has committed or is committing a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license regarding labeling and packaging, testing results, contamination of cannabis plants and cannabis or cannabis products or cannabis plants or cannabis products tracking that is not in compliance with the tracking system. [PL 2023, c. 679, Pt. B, §136 (AMD).]

1. Notice. The office shall provide to a licensee subject to an administrative hold notice of the imposition of that hold, which must:

A. Include a concise statement of the basis for the administrative hold; [PL 2019, c. 491, §6 (NEW).]

B. Detail the cannabis, cannabis products or cannabis plants subject to the administrative hold; [PL 2019, c. 491, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Describe any operational restrictions to be placed on the licensee's license during the duration of the administrative hold; and [PL 2019, c. 491, §6 (NEW).]

D. Indicate actions that must be taken by the licensee as a result of the administrative hold. [PL 2019, c. 491, §6 (NEW).]

An administrative hold takes effect at the time that the notice under this subsection is provided by the office to the licensee.
[PL 2023, c. 679, Pt. B, §136 (AMD).]

2. Licensee actions.
[PL 2023, c. 679, Pt. B, §136 (RP).]

3. Operational responsibilities and restrictions.
[PL 2023, c. 679, Pt. B, §136 (RP).]

3-A. Required, permitted or prohibited conduct during administrative holds. For the duration of an administrative hold, a licensee:

A. Shall physically segregate any cannabis, cannabis products or cannabis plants subject to the hold from any other cannabis, cannabis products or cannabis plants not subject to the hold; [PL 2023, c. 679, Pt. B, §136 (NEW).]

B. Shall maintain the licensed premises and otherwise continue to operate the cannabis establishment pursuant to the provisions of this chapter, the rules adopted pursuant to this chapter and the terms, conditions or provisions of the licensee's license and the provisions of the administrative hold; [PL 2023, c. 679, Pt. B, §136 (NEW).]

C. May, as applicable to the license type, cultivate, harvest, manufacture or otherwise maintain the cannabis, cannabis products or cannabis plants subject to the hold, unless specifically restricted by the office pursuant to subsection 1, paragraph C; [PL 2023, c. 679, Pt. B, §136 (NEW).]

D. May cultivate, manufacture, test or sell any cannabis, cannabis products or cannabis plants not subject to the administrative hold; and [PL 2023, c. 679, Pt. B, §136 (NEW).]

E. May not sell, give away, transfer, transport, dispose of or destroy any cannabis, cannabis products or cannabis plants subject to the hold. [PL 2023, c. 679, Pt. B, §136 (NEW).]
[PL 2023, c. 679, Pt. B, §136 (NEW).]

4. Termination; duration. The office may terminate an administrative hold at any time following the imposition of the hold, except that a hold under this section may not be imposed for a period exceeding 30 consecutive days from the date notice is provided to the licensee in accordance with subsection 1. Notice of termination of an administrative hold must be provided by the office to the licensee subject to the hold.
[PL 2023, c. 679, Pt. B, §136 (AMD).]

5. Department action; administrative hold not required prior to imposition of penalty.

[PL 2023, c. 679, Pt. B, §136 (RP).]

6. Administrative hold not required prior to imposition of penalty. The office is not required to impose an administrative hold on a licensee prior to imposing any penalty for any violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.
[PL 2023, c. 679, Pt. B, §136 (NEW).]

SECTION HISTORY

PL 2019, c. 491, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §136 (AMD).

§804. Rules

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 491, §7 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §137 (RP).

SUBCHAPTER 9

CANNABIS ADVISORY COMMISSION

(REPEALED)

§901. Establishment

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 650, §2 (RP).

§902. Membership; chairs; terms; vacancies; quorum

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 363, §§1, 2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 650, §2 (RP).

§903. Duties

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 650, §2 (RP).

§904. Organization; staffing; consultation

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 650, §2 (RP).

§905. Reimbursement of expenses

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 650, §2 (RP).

SUBCHAPTER 10

EXCISE TAX ON ADULT USE MARIJUANA

(REPEALED)

§1001. Excise tax imposed

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 231, Pt. B, §5 (RP).

§1002. Payment of excise tax

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 231, Pt. B, §5 (RP).

§1003. Application of excise tax revenue

(REPEALED)

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 231, Pt. B, §5 (RP).

SUBCHAPTER 11

ADULT USE CANNABIS PUBLIC HEALTH AND SAFETY AND MUNICIPAL OPT-IN FUND; ADULT USE CANNABIS REGULATORY COORDINATION FUND

§1101. Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund

The Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the office for the purposes specified in this section. [PL 2023, c. 679, Pt. B, §138 (AMD).]

1. Sources of fund. The State Controller shall credit to the fund:

A. Money received from the excise tax imposed on the sale of adult use cannabis pursuant to Title 36, chapter 723 in the amount required under Title 36, section 4925; [PL 2019, c. 231, Pt. B, §6 (AMD); PL 2021, c. 669, §5 (REV).]

B. Money received from the sales tax imposed on the sale of adult use cannabis and adult use cannabis products by a cannabis store licensee to a consumer pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

D. Interest earned or other investment income on balances in the fund. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2019, c. 231, Pt. B, §6 (AMD); PL 2021, c. 669, §5 (REV).]

2. Uses of fund. Money credited to the fund pursuant to subsection 1 may be used by the office as provided in this subsection.

A. Money credited to the fund may be expended by the office to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use cannabis and adult use cannabis products conducted in accordance with section 108 by the office, another state agency or department or any other public or private entity. The office may give priority consideration to funding public health and safety awareness and education programs, initiatives and campaigns designed specifically for minors. [PL 2023, c. 679, Pt. B, §139 (AMD).]

B. Money credited to the fund may be expended by the office to fund enhanced law enforcement training programs relating to the sale and use of adult use cannabis and adult use cannabis products

for local, county and state law enforcement officers conducted in accordance with section 109 by the office, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity. [PL 2023, c. 679, Pt. B, §139 (AMD).]

C. Money credited to the fund may be expended by the office to provide reimbursement to a municipality for qualifying expenses incurred as a result of the municipality's opting to permit the operation of some or all adult use cannabis establishments within the municipality. For the purposes of this paragraph, "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, by a municipality that opted to permit the operation of some or all cannabis establishments within the municipality. Each municipality may receive funds, not to exceed $20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph may be construed to require the office to reimburse qualifying expenses incurred by a municipality if the office determines there are insufficient funds available to provide reimbursement. Under no circumstances may a municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use cannabis establishments within the municipality. The office may adopt rules to implement and administer the reimbursement of qualifying expenses to municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may not reimburse qualifying expenses under this paragraph accrued after July 1, 2027. [PL 2023, c. 679, Pt. B, §139 (AMD).]

C-1. Money credited to the fund must be expended to provide a transfer of $2,000,000 by July 31st annually to the Recovery Community Centers Fund established pursuant to Title 5, section 20012 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers. [PL 2023, c. 658, §2 (NEW).]

REVISOR'S NOTE: (Paragraph C-1 as enacted by PL 2023, c. 683, Pt. A, §3 is REALLOCATED TO TITLE 28-B, SECTION 1101, SUBSECTION 2, PARAGRAPH C-2)

C-2. **(REALLOCATED FROM T. 28-B, §1101, sub-§2, ¶C-1)** Money credited to the fund may be expended by the department or transferred by the department to other state agencies to fund the social equity program established in Title 5, chapter 395. [PL 2023, c. 683, Pt. A, §3 (NEW); RR 2023, c. 2, Pt. A, §44 (RAL).]

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C-2 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund. [RR 2023, c. 2, Pt. A, §45 (COR).]

[RR 2023, c. 2, Pt. A, §§44, 45 (COR).]

3. Application of fund to office expenses prohibited. Money in the fund may not be applied to any expenses incurred by the office in implementing, administering or enforcing this chapter. [PL 2023, c. 679, Pt. B, §140 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2019, c. 231, Pt. B, §6 (AMD). PL 2021, c. 645, §4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 444, §1 (AMD). PL 2023, c. 658, §§2, 3 (AMD). PL 2023, c. 679, Pt. B, §§138-140 (AMD). PL 2023, c. 683, Pt. A, §§3, 4 (AMD). RR 2023, c. 2, Pt. A, §§44, 45 (COR).

§1102. Adult Use Cannabis Regulatory Coordination Fund

The Adult Use Cannabis Regulatory Coordination Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the office. The fund is administered and used by the director for the purposes of adopting rules under this chapter, for the purposes of implementing, administering and enforcing this chapter and for the purpose of paying the reimbursement for expenses of the Cannabis Advisory Council established by Title 5, section 12004-I, subsection 2-J. The director may expend money in the fund to enter into contracts with consultants and employ staff, as determined necessary by the director, conduct meetings with stakeholders and conduct any other activities related to the implementation, administration and enforcement of this chapter. [PL 2025, c. 506, §4 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §141 (AMD). PL 2025, c. 506, §4 (AMD).

CHAPTER 3

PERSONAL ADULT USE OF CANNABIS AND CANNABIS PRODUCTS; HOME CULTIVATION OF CANNABIS FOR PERSONAL ADULT USE

§1501. Personal adult use of cannabis and cannabis products

1. Authorized conduct. Except as otherwise authorized by this Title, a person 21 years of age or older may:

A. Use, possess or transport cannabis paraphernalia; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Use, possess or transport at any one time up to 2 1/2 ounces of cannabis or 2 1/2 ounces of a combination of cannabis and cannabis concentrate that includes no more than 10 grams of cannabis concentrate; [PL 2023, c. 396, §20 (AMD).]

C. Transfer or furnish, without remuneration, to a person 21 years of age or older up to 2 1/2 ounces of cannabis or 2 1/2 ounces of a combination of cannabis and cannabis concentrate that includes no more than 10 grams of cannabis concentrate; [PL 2023, c. 396, §21 (AMD).]

D. Transfer or furnish, without remuneration, to a person 21 years of age or older up to 6 immature cannabis plants or seedlings; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

E. Subject to the requirements and restrictions of section 1502, possess, cultivate or transport at any one time up to 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings and possess all the cannabis produced by such plants at the person's place of residence or at the location where the cannabis was cultivated; [PL 2023, c. 220, §1 (AMD).]

F. Subject to the limitations imposed under paragraph B, purchase up to 2 1/2 ounces of adult use cannabis or 2 1/2 ounces of a combination of adult use cannabis and cannabis concentrate that includes no more than 10 grams of cannabis concentrate from a cannabis store; and [PL 2023, c. 396, §22 (AMD).]

G. Subject to the limitations imposed under paragraph E, purchase up to 12 immature cannabis plants or seedlings from a nursery cultivation facility as described in section 301, subsection 5 or from a cannabis store. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

For the purposes of this subsection, "remuneration" includes a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis, cannabis products or cannabis plants are transferred or furnished by that person to another person.
[PL 2023, c. 220, §1 (AMD); PL 2023, c. 396, §§20-22 (AMD).]

2. Consumption of cannabis and cannabis products; violation. The provisions of this subsection apply to the consumption of cannabis or cannabis products by a person 21 years of age or older.

A. A person 21 years of age or older may consume cannabis or cannabis products only if that person is:

(1) In a private residence, including curtilage; or

(2) On private property, not generally accessible by the public, and the person is explicitly permitted to consume cannabis or cannabis products on the property by the owner of the property. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A person 21 years of age or older may not consume cannabis or cannabis products:

(1) If that person is the operator of a vehicle on a public way or a passenger in the vehicle. As used in this subparagraph, "vehicle" has the same meaning as in Title 29-A, section 101, subsection 91;

(2) In a private residence or on private property used as a day care or baby-sitting service during the hours in which the residence or property is being operated as a day care or baby-sitting service;

(3) By means of smoking the cannabis or cannabis product in a designated smoking area as provided under the Workplace Smoking Act of 1985; or

(4) By means of smoking the cannabis or cannabis product in a public place or in a public area where smoking is prohibited under Title 22, chapter 262. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. A person who violates this subsection commits a civil violation for which a fine of not more than $100 may be adjudged in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules. [PL 2017, c. 409, Pt. A, §6 (NEW).]
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 220, §1 (AMD). PL 2023, c. 396, §§20-22 (AMD).

§1502. Home cultivation of cannabis for personal adult use

The provisions of this section apply to the home cultivation of cannabis for personal adult use by a person 21 years of age or older, but do not apply to the cultivation of cannabis for medical use by a qualifying patient, a caregiver, a registered caregiver or a registered dispensary as authorized by the

Maine Medical Use of Cannabis Act. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV); PL 2021, c. 669, §5 (REV).]

1. Cultivation of up to 6 mature cannabis plants per person for personal adult use authorized. Subject to the applicable requirements and restrictions of subsections 2, 3 and 4, a person 21 years of age or older may cultivate up to 6 mature cannabis plants, up to 12 immature cannabis plants and an unlimited number of seedlings for personal adult use:

A. On a parcel or tract of land on which the person is domiciled; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. On a parcel or tract of land owned by the person on which the person is not domiciled; or [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. On a parcel or tract of land not owned by the person and on which the person is not domiciled so long as the owner of the parcel or tract of land by written agreement permits the cultivation and care of the cannabis plants on the parcel or tract of land by that person. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

A person may cultivate the cannabis plants and seedlings authorized under this subsection at multiple locations so long as such cultivation activities otherwise meet all requirements and restrictions of this section.
[PL 2023, c. 220, §2 (AMD).]

2. Cultivation requirements. A person who cultivates cannabis for personal adult use pursuant to this section shall:

A. Ensure that the cannabis is not visible from a public way without the use of aircraft or binoculars or other optical aids; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Take reasonable precautions to prevent unauthorized access by a person under 21 years of age; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Attach to each mature cannabis plant and each immature cannabis plant a legible tag that includes the person's name, driver's license number or identification number, a notation that the cannabis plant is being grown for personal adult use as authorized under this section and, if the cultivation is on a parcel or tract of land owned by another person, the name of that owner; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. Comply with all applicable local regulations relating to the home cultivation of cannabis for personal adult use that have been adopted in accordance with subsection 3 or 4. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Local regulation of home cultivation of cannabis for personal adult use within municipalities. In accordance with this subchapter and pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate the home cultivation of cannabis for personal adult use within the municipality.

A. A municipality may adopt an ordinance or other regulation limiting the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within the municipality so long as that ordinance or regulation allows for the cultivation of 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land. [PL 2023, c. 220, §3 (AMD).]

B. A municipality may not generally prohibit the home cultivation of cannabis for personal adult use within the municipality, restrict the areas within the municipality in which home cultivation of cannabis for personal adult use is allowed or charge a license or other fee to a person relating to the

home cultivation of cannabis for personal adult use within the municipality. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 220, §3 (AMD).]

4. Local regulation of home cultivation of cannabis for personal adult use within town, plantation or township in unorganized and deorganized areas. In accordance with this subchapter and pursuant to the authority granted under Title 12, chapter 206-A, the Maine Land Use Planning Commission may regulate the home cultivation of cannabis for personal adult use within a town, plantation or township in the unorganized and deorganized areas.

A. The Maine Land Use Planning Commission may limit the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within a town, plantation or township in the unorganized and deorganized areas so long as that limitation allows for the cultivation of 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land. [PL 2023, c. 220, §4 (AMD).]

B. The Maine Land Use Planning Commission may not generally prohibit the home cultivation of cannabis for personal adult use within a town, plantation or township in the unorganized and deorganized areas; restrict the areas within the town, plantation or township in which home cultivation of cannabis for personal adult use is allowed; or charge a license or other fee to a person relating to the home cultivation of cannabis for personal adult use within the town, plantation or township. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 220, §4 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 220, §§2-4 (AMD).

§1503. Home extraction of cannabis concentrate by use of inherently hazardous substance prohibited

Except as authorized under section 502, subsection 7 or pursuant to the Maine Medical Use of Cannabis Act, a person may not manufacture cannabis concentrate using an inherently hazardous substance. The owner of a property or a parcel or tract of land may not intentionally or knowingly allow another person to manufacture cannabis concentrate using an inherently hazardous substance within or on that property or land. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

§1504. Violations; penalties

Except as provided in section 1501, subsection 2, a person who violates any provision of this chapter is subject to forfeiture or seizure of any unauthorized cannabis, cannabis products or cannabis plants pursuant to Title 15, chapter 517 and is subject to any additional criminal or civil penalties that may be imposed pursuant to other applicable laws or rules. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

§1505. Limitation

Notwithstanding any provision of law to the contrary, the Office of Cannabis Policy, established in section 104-A, may not enforce any provision of this chapter. [PL 2023, c. 679, Pt. B, §142 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. B, §142 (NEW).

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