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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