§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).

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