§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).

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