

## Maine Marijuana Statutes Cheat Sheet (Current as of August 21, 2019)

Prepared by MMA Legal Services. For more information on marijuana and municipalities, please contact our office at 800-452-8786, or visit our Member Center website at [www.memun.org](http://www.memun.org).

### Marijuana Legalization Act (or Adult Use Marijuana Law) – 28-B M.R.S. §§ 101-1504

- Legalizes the use and commercial sale of marijuana for recreational (adult use) purposes
- Personal use and cultivation allowed state-wide – can grow up to 3 mature plants, 12 immature plants and unlimited seedlings
- Establishes state licensing process for 4 types of adult use marijuana establishments: cultivation facilities (including nurseries), retail stores, products manufacturing facilities, and testing facilities – **NO** social clubs
- **Default is prohibition** – municipality must vote to “opt in” to operation of adult use marijuana establishments within the municipality (if it wants to allow them)
- State licensing through Office of Marijuana Policy (OMP), conditioned on municipal approval - license application submission begins fall 2019
- Municipalities may regulate adult use marijuana establishments locally
- Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity
- State collects sales tax on retail sales and excise tax on wholesale marijuana and marijuana products (20% effective tax rate)– no state-municipal revenue sharing or local option taxation

### Maine Medical Use of Marijuana Act – 22 M.R.S. §§ 2421-2430-H

- Legalizes the use and distribution of marijuana for medical purposes by qualifying patients, medical providers, caregivers, dispensaries, manufacturing facilities, and testing facilities
- Establishes registration requirements through OMP for medical marijuana caregivers, dispensaries, manufacturing facilities, and testing facilities
- Authorizes registered caregivers to operate medical marijuana retail stores (“**retail store**” now defined by statute)
- Allows 6 additional registered dispensaries, and unlimited dispensaries after 2021
- Local code enforcement officers can verify caregiver registration information with OMP
- Municipalities may regulate registered caregivers, registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities, except municipalities cannot prohibit or limit number of caregivers
- **Default is prohibition** – municipality must vote to “opt in” to operation of registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities (if it wants to allow them)
- Medical marijuana establishments already in operation with “municipal approval” as of December 13, 2018 are grandfathered – “municipal approval” means examination/approval of use of premises for medical marijuana purposes
- Most medical marijuana products sold by registered caregivers and dispensaries subject to 5.5% sales tax. Edible marijuana products subject to 8% sales tax – no state-municipal revenue sharing or local option taxation

### Hemp & CBD – 7 M.R.S. § 2231

- Allows individuals to “plant, grow, harvest, possess, process, sell and buy hemp” if they hold a state license
- Municipal regulation of hemp not addressed – Maine Agriculture Protection Act (7 M.R.S. Ch.6) may apply
- **New legislation**, effective 3/27/19, redefines “hemp” to include all derivatives, namely cannabidiol (CBD), and intends to allow production and sale of hemp and hemp-derived products in *intrastate* commerce with hemp license
- **New legislation**, effective 9/12/19, overhauls hemp licensing process and amends definitions of “marijuana” in both marijuana laws to exclude hemp as defined by the hemp statute
- **Hemp and hemp-derived CBD regulated by hemp statute only. Maine’s marijuana statutes do not apply**
- Under federal law sale of CBD in *interstate* commerce still restricted.