

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2017

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Legislative Document

No. 1650

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H.P. 1139

House of Representatives, October 23, 2017

### An Act To Amend the Marijuana Legalization Act

(EMERGENCY)

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Reported by Fifteen Members in Report A from the Joint Select Committee on Marijuana Legalization Implementation pursuant to Joint Order 2017, H.P. 96.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the people of the State of Maine in November 2016 passed into law the  
4 Marijuana Legalization Act, which establishes a system of licensing for the cultivation,  
5 manufacture, testing and retail sale of adult use marijuana and adult use marijuana  
6 products in the State and which enables persons 21 years of age or older to legally  
7 acquire, possess and consume adult use marijuana and adult use marijuana products and  
8 to cultivate marijuana for personal use; and

9           **Whereas,** amendments to the Marijuana Legalization Act are necessary to provide  
10 clarity in the licensing and regulation of adult use marijuana establishments and in the  
11 oversight and enforcement of the laws regarding the personal use and home cultivation of  
12 marijuana; and

13           **Whereas,** to facilitate the timely implementation of a retail marketplace in the State  
14 for adult use marijuana and adult use marijuana products, the agencies charged by law  
15 with the implementation, administration and enforcement of the Marijuana Legalization  
16 Act must adopt rules in accordance with that Act and the Legislature must review those  
17 rules in accordance with the Maine Administrative Procedure Act as soon as is  
18 practicable; and

19           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
20 the meaning of the Constitution of Maine and require the following legislation as  
21 immediately necessary for the preservation of the public peace, health and safety; now,  
22 therefore,

23 **Be it enacted by the People of the State of Maine as follows:**

24 **PART A**

25 **Sec. A-1. 5 MRSA §12004-I, sub-§52-C** is enacted to read:

26 **52-C.**

27 Judiciary:                      Marijuana Advisory    Expenses Only                      28-B MRSA §901  
28 Marijuana                      Commission

29 **Sec. A-2. 7 MRSA §1-C,** as enacted by PL 2017, c. 278, §1, is repealed.

30 **Sec. A-3. 7 MRSA c. 417,** as amended, is repealed.

31 **Sec. A-4. 22 MRSA §3763, sub-§11, ¶J,** as enacted by PL 2017, c. 208, §2, is  
32 amended to read:

33 J. ~~Retail~~ Adult use marijuana and retail adult use marijuana products, as defined by  
34 Title 7 ~~28-B,~~ section ~~2442~~ 102.

1           **Sec. A-5. 26 MRSA §772, sub-§2**, as amended by PL 2017, c. 286, §2, is further  
2 amended to read:

3           **2. Rules; list of employment and occupations.** The director shall adopt rules to  
4 develop and maintain a list of employment and occupations not suitable for a minor. The  
5 rules must conform as far as practicable to the child labor provisions of the federal Fair  
6 Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated  
7 regulations. The rules must also contain provisions prohibiting the employment of  
8 minors in places having nude entertainment and in registered dispensaries of marijuana  
9 for medical use authorized under Title 22, chapter 558-C and in establishments that  
10 cultivate, produce or sell marijuana or products in which marijuana is an ingredient or in  
11 recreational marijuana social clubs authorized under Title 7 28-B, chapter 417 1.

12           **Sec. A-6. 28-B MRSA** is enacted to read:

13   **TITLE 28-B**

14   **ADULT USE MARIJUANA**

15   **CHAPTER 1**

16   **MARIJUANA LEGALIZATION ACT**

17   **SUBCHAPTER 1**

18   **GENERAL PROVISIONS**

19           **§101. Short title**

20           This chapter may be known and cited as "the Marijuana Legalization Act."

21           **§102. Definitions**

22           As used in this Title, unless the context otherwise indicates, the following terms have  
23 the following meanings.

24           **1. Adult use marijuana.** "Adult use marijuana" means marijuana cultivated,  
25 manufactured, distributed or sold by a marijuana establishment.

26           **2. Adult use marijuana product.** "Adult use marijuana product" means a  
27 marijuana product that is manufactured, distributed or sold by a marijuana establishment.

28           **3. Another jurisdiction.** "Another jurisdiction" means the Federal Government, the  
29 United States military, the District of Columbia, the Commonwealth of Puerto Rico, the  
30 Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam,  
31 American Samoa and each of the several states of the United States except Maine.

1           **4. Applicant.** "Applicant" means a person that submits an application for a license  
2 under this chapter to the department for review that department has not yet approved or  
3 denied.

4           **5. Batch.** "Batch" means:

5           A. A specific quantity of adult use marijuana harvested during a specified period of  
6 time from a specified cultivation area within a cultivation facility; or

7           B. A specific quantity of adult use marijuana or adult use marijuana products  
8 produced during a specified period of time in a specified manufacturing area within a  
9 products manufacturing facility.

10          **6. Batch number.** "Batch number" means a distinct group of numbers, letters or  
11 symbols, or any combination thereof, assigned to a specific batch of adult use marijuana  
12 by a cultivation facility or to a specific batch of adult use marijuana or adult use  
13 marijuana products by a products manufacturing facility.

14          **7. Business entity.** "Business entity" means a partnership, association, company,  
15 corporation, limited liability company or other entity incorporated or otherwise formed or  
16 organized by law. "Business entity" does not include a federal, state or municipal  
17 government organization.

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

20           A. Specially designed or constructed to be significantly difficult for a typical child  
21 under 5 years of age to open and not to be significantly difficult for a typical adult to  
22 open and reseal; and

23           B. With respect to any product intended for more than a single use or that contains  
24 multiple servings, resealable.

25          **9. Commissioner.** "Commissioner" means the Commissioner of Administrative and  
26 Financial Services.

27          **10. Container.** "Container" means a sealed package in which adult use marijuana or  
28 an adult use marijuana product is placed by a marijuana store or marijuana social club  
29 prior to sale to a consumer and that meets all applicable packaging, labeling and health  
30 and safety requirements of this chapter and the rules adopted pursuant to this chapter.

31          **11. Criminal justice agency.** "Criminal justice agency" has the same meaning as in  
32 Title 16, section 803, subsection 4.

33          **12. Cultivation or cultivate.** "Cultivation" or "cultivate" means the planting,  
34 propagation, growing, harvesting, drying, curing, grading, trimming or other processing  
35 of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing,  
36 testing or marijuana extraction.

37          **13. Cultivation facility.** "Cultivation facility" means a facility licensed under this  
38 chapter to cultivate, prepare and package adult use marijuana and to sell adult use  
39 marijuana to products manufacturing facilities, to marijuana stores and to other

1 cultivation facilities and to sell immature marijuana plants and seedlings to marijuana  
2 stores.

3 **14. Department.** "Department" means the Department of Administrative and  
4 Financial Services.

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

9 A. An offense for which the sentence, including any term of probation, incarceration  
10 or supervised release, was completed 10 or more years prior to the submission of an  
11 application for a license under this chapter; or

12 B. An offense that consisted of conduct that is authorized under chapter 3.

13 **16. Edible marijuana product.** "Edible marijuana product" means a marijuana  
14 product intended to be consumed orally, including, but not limited to, any type of food,  
15 drink or pill containing marijuana or marijuana concentrate.

16 **17. Flowering.** "Flowering" means, with respect to a marijuana plant, the  
17 gametophytic or reproductive state of a female marijuana plant during which the plant is  
18 in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of  
19 marijuana.

20 **18. Identity statement.** "Identity statement" means the name of a business entity as  
21 it is commonly known and used in any advertising or marketing by the business entity.

22 **19. Immature marijuana plant.** "Immature marijuana plant" means a marijuana  
23 plant that is not a mature marijuana plant or a seedling.

24 **20. Inherently hazardous substance.** "Inherently hazardous substance" means a  
25 liquid chemical, compressed gas or commercial product that has a flash point at or lower  
26 than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane,  
27 propane and diethyl ether. "Inherently hazardous substance" does not include any form  
28 of alcohol or ethanol.

29 **21. Intoxication.** "Intoxication" means a substantial impairment of an individual's  
30 mental or physical faculties as a result of drug or alcohol use.

31 **22. Law enforcement officer.** "Law enforcement officer" has the same meaning as  
32 in Title 17-A, section 2, subsection 17.

33 **23. Licensed premises.** "Licensed premises" means the premises specified in a  
34 license to operate a marijuana establishment within which the licensee is authorized under  
35 this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture,  
36 distribute, test or sell adult use marijuana or adult use marijuana products or, in the case  
37 of a marijuana social club, allow the consumption of adult use marijuana products by a  
38 consumer. "Licensed premises" includes, but is not limited to, a limited access area and a  
39 restricted access area.

1           **24. Licensee.** "Licensee" means a person licensed pursuant to this chapter to operate  
2 a marijuana establishment.

3           **25. Limited access area.** "Limited access area" means a building, room or other  
4 area within the licensed premises of a marijuana establishment where a licensee is  
5 authorized to cultivate, store, weigh, manufacture, package or sell adult use marijuana  
6 and adult use marijuana products in accordance with the provisions of this chapter and the  
7 rules adopted pursuant to this chapter.

8           **26. Manufacturing or manufacture.** "Manufacturing" or "manufacture" means the  
9 production, blending, infusing, compounding or other preparation of marijuana  
10 concentrate and marijuana products, including, but not limited to, marijuana extraction or  
11 preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not  
12 include cultivation or testing.

13           **27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a  
14 marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but  
15 does not include industrial hemp as defined in Title 7, section 2231, subsection 1 or a  
16 marijuana product.

17           **28. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
18 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
19 mixture or preparation from such resin, including, but not limited to, hashish. In  
20 determining the weight of marijuana concentrate in a marijuana product, the weight of  
21 any other ingredient combined with marijuana or marijuana concentrate to prepare the  
22 marijuana product may not be included.

23           **29. Marijuana establishment.** "Marijuana establishment" means a cultivation  
24 facility, a products manufacturing facility, a testing facility, a marijuana store or a  
25 marijuana social club licensed under this chapter.

26           **30. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
27 marijuana concentrate from marijuana using water, lipids, gases, solvents or other  
28 chemicals or chemical processes.

29           **31. Marijuana flower.** "Marijuana flower" means the pistillate reproductive organs  
30 of a mature marijuana plant, whether processed or unprocessed, including the flowers and  
31 buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature  
32 marijuana plants.

33           **32. Marijuana plant.** "Marijuana plant" means all species of the plant genus  
34 cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an  
35 immature marijuana plant or a seedling.

36           **33. Marijuana product.** "Marijuana product" means a product composed of  
37 marijuana or marijuana concentrate and other ingredients that is intended for use or  
38 consumption. "Marijuana product" includes, but is not limited to, an edible marijuana  
39 product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not  
40 include marijuana concentrate.

1           **34. Marijuana social club.** "Marijuana social club" means a facility licensed under  
2 this chapter to purchase adult use marijuana products from a products manufacturing  
3 facility and to sell adult use marijuana products to consumers for consumption on the  
4 licensed premises of the marijuana social club.

5           **35. Marijuana store.** "Marijuana store" means a facility licensed under this chapter  
6 to purchase adult use marijuana, immature marijuana plants and seedlings from a  
7 cultivation facility, to purchase adult use marijuana and adult use marijuana products  
8 from a products manufacturing facility and to sell adult use marijuana, adult use  
9 marijuana products, immature marijuana plants and seedlings to consumers.

10           **36. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether  
11 processed or unprocessed, that is not marijuana flower or a marijuana seed.

12           **37. Mature marijuana plant.** "Mature marijuana plant" means a marijuana plant  
13 that is flowering.

14           **38. Mother plant.** "Mother plant" means a mature marijuana plant that is used  
15 solely for the taking of seedling cuttings.

16           **39. Municipality.** "Municipality" means a city, town or plantation in this State.

17           **40. Opaque.** "Opaque" means, with respect to packaging or a container, that any  
18 product inside of the packaging or container cannot be seen from outside the packaging or  
19 container.

20           **41. Participating municipality.** "Participating municipality" means a municipality  
21 that has approved or licensed the operation of at least one cultivation facility, products  
22 manufacturing facility, marijuana store or marijuana social club in accordance with this  
23 chapter that is in operation within the municipality.

24           **42. Person.** "Person" means a natural person or a business entity.

25           **43. Plant canopy.** "Plant canopy" means the total area within the licensed premises  
26 of a cultivation facility that is dedicated to the live cultivation of marijuana plants,  
27 including, but not limited to, the areas in which mother plants are grown and maintained,  
28 the areas in which marijuana plants are propagated from seed to plant tissue, the areas in  
29 which marijuana plants are cloned, vegetative or flowering areas for marijuana plants and  
30 quarantine areas for marijuana plants. "Plant canopy" does not include the areas within  
31 the licensed premises of a cultivation facility that are not dedicated to the live cultivation  
32 of marijuana plants, including, but not limited to, the areas in which fertilizers, pesticides  
33 or other products are stored and general office space, work areas and walkways.

34           **44. Primary caregiver.** "Primary caregiver" has the same meaning as in Title 22,  
35 section 2422, subsection 8-A.

36           **45. Products manufacturing facility.** "Products manufacturing facility" means a  
37 facility licensed under this chapter to purchase adult use marijuana from a cultivation  
38 facility or another products manufacturing facility; to manufacture, label and package  
39 adult use marijuana and adult use marijuana products; and to sell adult use marijuana and



1 adult use marijuana products to marijuana stores, to marijuana social clubs and to other  
2 products manufacturing facilities.

3 **46. Propagation.** "Propagation" means the process of reproducing marijuana plants  
4 through the use of marijuana seeds, cuttings or grafting.

5 **47. Qualifying patient.** "Qualifying patient" means a person who possesses a valid  
6 certification for the medical use of marijuana pursuant to Title 22, section 2423-B.

7 **48. Registered dispensary.** "Registered dispensary" means a nonprofit dispensary  
8 that is registered by the Department of Health and Human Services pursuant to Title 22,  
9 section 2428.

10 **49. Registered primary caregiver.** "Registered primary caregiver" has the same  
11 meaning as in Title 22, section 2422, subsection 11.

12 **50. Restricted access area.** "Restricted access area" means a designated and secure  
13 area within the licensed premises of a marijuana store or a marijuana social club where  
14 adult use marijuana or adult use marijuana products are stored, displayed for sale, offered  
15 for sale, sold or, in the case of a marijuana social club, consumed by a consumer.

16 **51. Sale or sell.** "Sale" or "sell" means a transfer or delivery of marijuana or  
17 marijuana products for consideration.

18 **52. Sample.** "Sample" means:

19 A. An amount of marijuana or an amount of a marijuana product provided to a  
20 testing facility by a marijuana establishment or other person for testing or research  
21 and development purposes in accordance with subchapter 6;

22 B. An amount of adult use marijuana or an amount of an adult use marijuana product  
23 collected from a licensee by the Department of Agriculture, Conservation and  
24 Forestry for the purposes of testing the marijuana or marijuana product for product  
25 quality control purposes pursuant to section 512, subsection 2;

26 C. An amount of adult use marijuana provided by a cultivation facility to another  
27 licensee for business or marketing purposes pursuant to section 501, subsection 8; or

28 D. An amount of adult use marijuana or an amount of an adult use marijuana product  
29 provided to another licensee by a products manufacturing facility for business or  
30 marketing purposes pursuant to section 502, subsection 6.

31 **53. Seedling.** "Seedling" means a marijuana plant that is:

32 A. Not flowering;

33 B. Less than 6 inches in height; and

34 C. Less than 6 inches in width.

35 **54. Tamper-evident.** "Tamper-evident" means, with respect to a device or process,  
36 bearing a seal, a label or a marking that makes unauthorized access to or tampering with a  
37 package, product or container easily detectable.

1           **55. Testing or test.** "Testing" or "test" means the research and analysis of  
2 marijuana, marijuana products or other substances for contaminants, safety or potency.  
3 "Testing" or "test" does not include cultivation or manufacturing.

4           **56. Testing facility.** "Testing facility" means a facility licensed under this chapter to  
5 develop, research and test marijuana, marijuana products and other substances.

6           **57. THC.** "THC" means tetrahydrocannabinol.

7           **58. Universal symbol.** "Universal symbol" means an image developed by the  
8 department, and made available to licensees, that indicates that a container, package or  
9 product contains marijuana or contains or is a marijuana product.

10          **59. Visibly intoxicated.** "Visibly intoxicated" means in a state of intoxication  
11 accompanied by a perceptible act, a series of acts or the appearance of an individual that  
12 clearly demonstrates the state of intoxication.

13           **§103. Unauthorized conduct; penalties**

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

18           A. Cultivate, manufacture or test marijuana or marijuana products;

19           B. Sell or offer for sale marijuana or marijuana products; or

20           C. Use, possess, transport, transfer, furnish or purchase marijuana or marijuana  
21 products.

22          **2. Penalties.** In addition to any penalties that may be imposed pursuant to this  
23 chapter or chapter 3, a person that violates any other provision of law or rule governing  
24 the conduct prohibited under subsection 1 is subject to any criminal or civil penalties that  
25 may be imposed pursuant to that other law or rule.

26           **§104. Administration and enforcement; rulemaking**

27          **1. State licensing authority.** The department has the sole authority under this  
28 chapter to:

29           A. Grant or deny applications for the licensure of marijuana establishments under  
30 this chapter; and

31           B. Impose on a licensee any penalty authorized under this chapter or the rules  
32 adopted pursuant this chapter, including, but not limited to, a monetary penalty or a  
33 suspension or revocation of the licensee's license, upon a determination that the  
34 licensee has committed a violation of this chapter, a rule adopted pursuant to this  
35 chapter or a condition of licensure.

36          **2. Implementation, administration and enforcement.** The department shall  
37 implement, administer and enforce this chapter and the rules adopted pursuant to this

1 chapter, except that the Department of Agriculture, Conservation and Forestry shall  
2 implement, administer and assist the department in the enforcement of this chapter and  
3 the rules adopted pursuant to this chapter in any matters concerning the regulation of the  
4 cultivation, manufacture and testing of adult use marijuana and adult use marijuana  
5 products at cultivation facilities, products manufacturing facilities and testing facilities,  
6 including, but not limited to, matters concerning the regulation of marijuana seeds and  
7 clones and marijuana plants; security requirements for cultivation facilities, products  
8 manufacturing facilities and testing facilities, including, but not limited to, lighting  
9 requirements, physical security requirements, alarm requirements and other minimum  
10 procedures for internal control and security; the use of pesticides, fungicides and  
11 herbicides in cultivation; the harvesting and storage of marijuana; the imposition of limits  
12 on the concentration of THC and other cannabinoids per serving in adult use marijuana  
13 products; odor control standards, sanitary standards, refrigeration requirements and  
14 storage and warehousing standards for licensees; and the preparation, manufacture,  
15 testing, packaging and labeling of adult use marijuana and adult use marijuana products.

16 **3. Staffing; department to employ law enforcement personnel.** The department  
17 and the Department of Agriculture, Conservation and Forestry may employ personnel as  
18 necessary to implement, administer and enforce this chapter and the rules adopted  
19 pursuant to this chapter. A portion of the overall personnel employed by the department  
20 to implement, administer and enforce this chapter and the rules adopted pursuant to this  
21 chapter must be sworn law enforcement officers. The number of sworn law enforcement  
22 officers employed by the department pursuant to this subsection must be sufficient, as  
23 determined by the commissioner, to conduct inspections of the licensed premises of  
24 licensees, to ensure compliance by licensees with the requirements of this chapter and the  
25 rules adopted pursuant to this chapter and to otherwise enforce this chapter and the rules  
26 adopted pursuant to this chapter.

27 **4. Rules; consultation.** This subsection governs the adoption of rules under this  
28 chapter by the department and the Department of Agriculture, Conservation and Forestry.  
29 Except as otherwise provided in this chapter, all rules adopted pursuant to this chapter are  
30 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

31 A. Except as provided in paragraph B, the department shall adopt all rules  
32 concerning the licensing and operation of marijuana establishments, including, but  
33 not limited to, the initial license and license renewal application processes,  
34 qualification for licensure, the payment of licensing fees, the appeals process for a  
35 denial of an application for licensure and the conduct of appeals and hearings  
36 consistent with the Maine Administrative Procedure Act; the distribution, tracking  
37 and sale of adult use marijuana and adult use marijuana products; security  
38 requirements for marijuana stores and marijuana social clubs, including, but not  
39 limited to, lighting requirements, physical security requirements, alarm requirements  
40 and other minimum procedures for internal control and security; the collection,  
41 administration and enforcement of the excise tax on adult use marijuana imposed  
42 under subchapter 10; the enforcement of this chapter, including, but not limited to,  
43 the process for the imposition of a monetary penalty or license suspension or  
44 revocation for a violation of this chapter or rules adopted under this chapter and the  
45 conduct of hearings involving such penalties consistent with the Maine

1 Administrative Procedure Act; and any other matter necessary for the consistent and  
2 effective administration of this chapter.

3 (1) The department shall consult with the Department of Labor prior to the  
4 adoption of any rules concerning workplace, employment or other labor matters  
5 involved in the regulation of adult use marijuana and adult use marijuana  
6 products under this chapter.

7 (2) The department shall consult with the Department of Public Safety prior to  
8 the adoption of any rules concerning public safety or law enforcement matters  
9 involved in the regulation of adult use marijuana and adult use marijuana  
10 products under this chapter.

11 B. The Department of Agriculture, Conservation and Forestry shall adopt rules  
12 concerning the regulation of the cultivation, manufacture and testing of adult use  
13 marijuana and adult use marijuana products at cultivation facilities, products  
14 manufacturing facilities and testing facilities, including, but not limited to, matters  
15 concerning the regulation of marijuana seeds and clones and marijuana plants;  
16 security requirements for cultivation facilities, products manufacturing facilities and  
17 testing facilities, including, but not limited to, lighting requirements, physical security  
18 requirements, alarm requirements and other minimum procedures for internal control  
19 and security; the use of pesticides, fungicides and herbicides in cultivation; the  
20 harvesting and storage of marijuana; the imposition of limits on the concentration of  
21 THC and other cannabinoids per serving in adult use marijuana products; odor  
22 control standards, sanitary standards, refrigeration requirements and storage and  
23 warehousing standards for licensees; and the preparation, manufacture, testing,  
24 packaging and labeling of adult use marijuana and adult use marijuana products.

25 (1) The Department of Agriculture, Conservation and Forestry shall consult with  
26 the Department of Labor prior to the adoption of any rules concerning workplace,  
27 employment or other labor matters involved in the regulation of adult use  
28 marijuana and adult use marijuana products under this chapter.

29 (2) The Department of Agriculture, Conservation and Forestry shall consult with  
30 the Department of Public Safety prior to the adoption of any rules concerning  
31 public safety or law enforcement matters involved in the regulation of adult use  
32 marijuana and adult use marijuana products under this chapter.

33 **5. Coordination.** The department and the Department of Agriculture, Conservation  
34 and Forestry, when necessary and practicable, shall coordinate implementation,  
35 administrative, enforcement and rule-making activities under this chapter to ensure that  
36 this chapter and the rules adopted pursuant to this chapter are implemented, administered  
37 and enforced in a consistent and effective manner.

38 **§105. Tracking system**

39 The department shall implement and administer a system, referred to in this section  
40 as "the tracking system," for the tracking of adult use marijuana and adult use marijuana  
41 products from immature marijuana plant to the point of retail sale, disposal or destruction.

1 1. Data submission requirements. The tracking system must allow licensees to  
2 submit tracking data for adult use marijuana or adult use marijuana products to the  
3 department through manual data entry or through the use of tracking system software  
4 commonly used within the marijuana industry as determined by the department.

5 2. Rules. The department shall adopt rules regarding the implementation and  
6 administration of the tracking system and tracking requirements for licensees.

7 **§106. Individual identification cards**

8 The department shall issue individual identification cards to natural persons licensed  
9 under this chapter and, upon the request of a licensee, shall issue individual identification  
10 cards to owners, officers, managers, contractors, employees or other support staff of the  
11 licensee who meet the requirements of this section for the issuance of an individual  
12 identification card.

13 1. Rules. The department shall adopt rules regarding the issuance and format of and  
14 the information to be included on individual identification cards issued pursuant to this  
15 section.

16 2. Criminal history record check. Prior to issuing an individual identification card  
17 to a natural person pursuant to this section, the department shall require the person to  
18 submit to a criminal history record check in accordance with section 204.

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

20 The department shall develop programs or initiatives to facilitate the collection and  
21 analysis of data regarding the effects of the use of marijuana in the State, including, but  
22 not limited to, youth and adult marijuana use; school suspension and discipline relating to  
23 the use of marijuana; poison center calls, emergency department visits and  
24 hospitalizations relating to the use of or exposure to marijuana; operating under the  
25 influence citations or arrests relating to the use of marijuana; motor vehicle accidents,  
26 including information on fatalities, relating to the use of marijuana; violent crime relating  
27 to the use of marijuana generally; violent crime and property crime relating to the  
28 regulated and unregulated adult use marijuana markets; and marijuana-related citations or  
29 arrests. The department may adopt rules to implement this section.

30 **§108. Awareness and education on public health and safety matters**

31 The department shall develop and implement or facilitate the development and  
32 implementation by a public or private entity of programs, initiatives and campaigns  
33 focused on increasing the awareness and education of the public on health and safety  
34 matters relating to the use of marijuana and marijuana products, including, but not limited  
35 to, programs, initiatives and campaigns focused on preventing and deterring the use of  
36 marijuana and marijuana products by persons under 21 years of age. Programs,  
37 initiatives and campaigns developed and implemented pursuant to this section may be  
38 funded with revenue from the Adult Use Marijuana Public Health and Safety Fund  
39 established in section 1101. The department may adopt rules to implement this section.

1           **§109. Enhanced training for criminal justice agencies**

2           The department shall develop and implement or facilitate the development and  
3 implementation by a public or private entity of programs or initiatives providing  
4 enhanced training for criminal justice agencies in the requirements and enforcement of  
5 this chapter and the rules adopted pursuant to this chapter, including, but not limited to,  
6 programs providing grants to regional or local criminal justice agencies to train law  
7 enforcement officers in inspections, investigations, searches, seizures, forfeitures and  
8 personal use and home cultivation allowances under this chapter and chapter 3 and the  
9 rules adopted pursuant to those chapters and in drug recognition procedures and the  
10 general enforcement of the State's motor vehicle and criminal laws relating to the use of  
11 marijuana. Training programs or initiatives for criminal justice agencies developed and  
12 implemented pursuant to this section may be funded with revenue from the Adult Use  
13 Marijuana Public Health and Safety Fund established in section 1101. The department  
14 may adopt rules to implement this section.

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

16           A criminal justice agency may investigate unlawful activity in relation to a marijuana  
17 establishment and may conduct a criminal history record check of a licensee or its  
18 employees during an investigation of unlawful activity in relation to a marijuana  
19 establishment.

20           A criminal justice agency may investigate unlawful activity in relation to the personal  
21 adult use of marijuana or marijuana products or the home cultivation of marijuana for  
22 personal adult use as authorized under chapter 3.

23           **§111. Cultivation, care or sale of marijuana by state or local agency prohibited**

24           A state, county or local agency or department, including, but not limited to, the  
25 department, the Department of Agriculture, Conservation and Forestry and a criminal  
26 justice agency, may not:

27           **1. Cultivation or care of marijuana or marijuana products prohibited.** Cultivate  
28 or otherwise care for or be required to cultivate or otherwise care for any marijuana or  
29 marijuana products belonging to, forfeited by or seized from any licensee or person  
30 pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal or civil  
31 laws or rules; or

32           **2. Sale of marijuana or marijuana products prohibited.** Sell or be required to sell  
33 marijuana or marijuana products belonging to, forfeited by or seized from any licensee or  
34 person pursuant to this chapter or chapter 3 or pursuant to any other applicable criminal  
35 or civil laws or rules or that are otherwise in the possession of the agency or department.

36           **§112. Employment policies**

37           Notwithstanding any provision of this chapter or chapter 3 to the contrary, an  
38 employer:

1 1. **Marijuana in workplace.** Is not required to permit or accommodate the use,  
2 consumption, possession, trade, display, transportation, sale or cultivation of marijuana or  
3 marijuana products in the workplace;

4 2. **Workplace policies regarding marijuana use.** May enact and enforce  
5 workplace policies restricting the use of marijuana and marijuana products by employees;  
6 and

7 3. **Discipline of employees.** May discipline employees who are under the influence  
8 of marijuana in the workplace in accordance with the employer's workplace policies  
9 regarding the use of marijuana and marijuana products by employees.

10 **§113. Report to Legislature**

11 1. **Report required.** By February 15, 2019, and annually thereafter, the department  
12 and the Department of Agriculture, Conservation and Forestry shall jointly submit a  
13 report to the joint standing committee of the Legislature having jurisdiction over adult use  
14 marijuana matters as provided in this section.

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

17 A. The number of applications for each type of license submitted to the department  
18 pursuant to this chapter during the prior calendar year, including, if applicable, the  
19 number of applications for license renewals, and the number of each type of license  
20 conditionally approved by the department during the prior calendar year;

21 B. The total number of each type of active license issued by the department pursuant  
22 to this chapter in the prior calendar year following municipal authorization of a  
23 conditionally approved licensee;

24 C. The total square footage of plant canopy approved by the department for active  
25 cultivation facilities licensed in the prior calendar year, the percentage of active  
26 cultivation facility licenses by cultivation tier and, if applicable, the number of  
27 approved increases in the maximum plant canopy allowed under a tier 4 cultivation  
28 facility license in the prior calendar year pursuant to section 304;

29 D. The total amount of application fees and license fees collected pursuant to this  
30 chapter and the total amount of the excise and sales tax revenue collected on the sale  
31 of adult use marijuana and adult use marijuana products during the prior calendar  
32 year and the total amount of the excise and sales tax revenue returned to  
33 municipalities pursuant to subchapter 10 and Title 36, section 1818;

34 E. An overview of current adult use marijuana-related staffing at the department and  
35 at the Department of Agriculture, Conservation and Forestry and the cost to each  
36 department to regulate the adult use marijuana industry in the State during the prior  
37 fiscal year and cost projections for the upcoming fiscal year;

38 F. The total reported volume and value of adult use marijuana produced and sold by  
39 all cultivation facilities in the prior calendar year, if such information is available;

1 G. The total reported volume and value of adult use marijuana and adult use  
2 marijuana products sold by all marijuana stores and marijuana social clubs in the  
3 prior calendar year, if such information is available;

4 H. The number of inspections of the licensed premises of licensees performed by the  
5 department and the Department of Agriculture, Conservation and Forestry during the  
6 prior calendar year and the results of those inspections, including, but not limited to,  
7 the number of inspections resulting in license violations and the percentage of all  
8 licensees inspected during the prior calendar year;

9 I. The number of license violations committed by licensees during the prior calendar  
10 year and a breakdown of those violations into specific categories based on the type of  
11 violation and the outcome of the violation, including, but not limited to, the total  
12 amount of monetary penalties imposed and collected by the department and the  
13 percentage of total license violations resulting in the imposition of a monetary  
14 penalty, license suspension or license revocation;

15 J. Public health and safety data collected, received or analyzed by the department  
16 pursuant to section 107 in the prior calendar year; and

17 K. Recommendations, including any suggested legislation, to address any issues with  
18 the regulation of the adult use marijuana industry in the State encountered by the  
19 department or the Department of Agriculture, Conservation and Forestry in the prior  
20 calendar year.

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

## 26 **SUBCHAPTER 2**

### 27 **GENERAL LICENSING REQUIREMENTS**

#### 28 **§201. License process; license types**

29 The department, upon receipt of an application in the prescribed form that meets all  
30 applicable requirements for licensure under this chapter and the rules adopted pursuant to  
31 this chapter, shall issue to the applicant a conditional license to operate one or more of the  
32 following types of marijuana establishments or shall deny the application in accordance  
33 with section 206:

34 **1. Cultivation facility.** Consistent with the requirements and restrictions of section  
35 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

36 **2. Testing facility.** Consistent with the requirements and restrictions of section 205,  
37 subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

38 **3. Products manufacturing facility.** A products manufacturing facility license;



1            **4. Marijuana store.** Consistent with the restrictions of section 205, subsection 2,  
2 paragraph C, a marijuana store license; or

3            **5. Marijuana social club.** Beginning June 1, 2019, a marijuana social club license.

4            Except as provided in section 205, the department may not impose any limitation on  
5 the number of licenses within each type of license that it issues to a qualified individual  
6 applicant or on the total number of licenses within each type of license that it issues to  
7 qualified applicants pursuant to this chapter.

8            **§202. General licensing criteria**

9            An applicant for a license to operate a marijuana establishment must meet each of the  
10 following requirements, if applicable. Except as otherwise provided in this section, if the  
11 applicant is a business entity, every officer, director, manager and general partner of the  
12 business entity must meet each of the requirements of this section. An applicant shall  
13 disclose in or include with its application the names and addresses of the applicant and all  
14 natural persons and business entities having a direct or indirect financial interest in the  
15 applied-for license and the nature and extent of the financial interest held by each person  
16 or entity and, if applicable, the nature and extent of any financial interest the person or  
17 entity has in any other license applied for or issued under this chapter.

18            **1. Age.** The applicant must be at least 21 years of age. If the applicant is a business  
19 entity, every officer, director, manager and general partner of the business entity must be  
20 at least 21 years of age.

21            **2. Resident of State.** If the applicant is a natural person, the applicant must be a  
22 resident of the State. If the applicant is a business entity:

23            A. Every officer, director, manager and general partner of the business entity must be  
24 a natural person who is a resident of the State; and

25            B. A majority of the shares, membership interests, partnership interests or other  
26 equity ownership interests as applicable to the business entity must be held or owned  
27 by natural persons who are residents of the State or business entities whose owners  
28 are all natural persons who are residents of the State.

29            This subsection does not apply to an applicant for a testing facility license.

30            **3. Two-year residency required.** If the applicant is a natural person, the applicant  
31 must have been a resident of the State for a period of not less than the 2 years  
32 immediately preceding the date of the application. If the applicant is a business entity:

33            A. Every officer, director, manager and general partner of the business entity must be  
34 a natural person who has been a resident of the State for a period of not less than the  
35 2 years immediately preceding the date of the application; and

36            B. A majority of the shares, membership interests, partnership interests or other  
37 equity ownership interests as applicable to the business entity must be held or owned  
38 by natural persons who have been residents of the State for a period of not less than  
39 the 2 years immediately preceding the date of the application or by business entities

1           whose owners are all natural persons who have been residents of the State for a  
2           period of not less than the 2 years immediately preceding the date of the application.

3           This subsection does not apply to an applicant for a testing facility license. This  
4           subsection is repealed June 1, 2020.

5           **4. Incorporated in State.** If the applicant is a business entity, the business entity  
6           must be incorporated in the State or otherwise formed or organized under the laws of the  
7           State.

8           **5. No disqualifying drug offense.** The applicant may not have been previously  
9           convicted of a disqualifying drug offense.

10          **6. Not employee of state agency.** The applicant may not be employed by the  
11          department, the Department of Agriculture, Conservation and Forestry or any other state  
12          agency with regulatory authority under this chapter or the rules adopted pursuant to this  
13          chapter.

14          **7. Not law enforcement officer or corrections officer.** The applicant may not be a  
15          law enforcement officer; a corrections officer as defined in Title 25, section 2801-A,  
16          subsection 2; or any other natural person subject to the certification requirements of Title  
17          25, chapter 341.

18          **8. No license revocation.** The applicant may not have had a license previously  
19          issued under this chapter revoked.

20          **9. No medical registry identification card or registration certificate revocation.**  
21          The applicant may not have had a registry identification card or registration certificate  
22          previously issued pursuant to the Maine Medical Use of Marijuana Act revoked.

23          **10. No revocation of other state marijuana license, permit, certificate or other**  
24          **government-issued authorization.** The applicant may not have had a license, permit,  
25          certificate or other government-issued authorization issued in another jurisdiction  
26          allowing the cultivation, manufacture, testing or sale of marijuana or marijuana products  
27          revoked.

28          **11. No outstanding court-ordered payments.** A license may not be issued to an  
29          applicant that has any outstanding payments due in this State on court-ordered fines,  
30          court-appointed attorney's fees or court-ordered restitution.

31          **12. Criminal history record check.** The applicant must have submitted to a  
32          criminal history record check in accordance with the requirements of section 204.

33          **13. Compliance with application process; no false statement of material fact.**  
34          The applicant must have completed all application forms required by the department fully  
35          and truthfully and complied with all information requests of the department and the  
36          Department of Agriculture, Conservation and Forestry relating to the license application.  
37          A license may not be issued to an applicant that has knowingly or recklessly made any  
38          false statement of material fact to the department or the Department of Agriculture,  
39          Conservation and Forestry in applying for a license under this chapter.

1           **§203. Additional licensing considerations**

2           An applicant for a license to operate a marijuana establishment shall submit, and the  
3 department shall consider in determining whether to grant the license, the following  
4 additional information. If the applicant is a business entity, the applicant must submit the  
5 information required by this section for every officer, director, manager and general  
6 partner of the business entity.

7           **1. Other convictions.** The applicant shall submit information regarding the  
8 applicant's criminal convictions in this State or in another jurisdiction for any offense  
9 involving dishonesty, deception, misappropriation or fraud. The applicant may submit  
10 and the department shall consider if submitted any information regarding the applicant's  
11 criminal history record, including, but not limited to, evidence of rehabilitation, character  
12 references and educational achievements, with special consideration given to the time  
13 between the applicant's last criminal conviction and the consideration by the department  
14 of the application for licensure.

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

16           A. The applicant's history of paying income and other taxes owed to the State, to  
17 another jurisdiction, if applicable, and to the United States Internal Revenue Service  
18 over the 2 years immediately preceding the year in which the application is filed; and

19           B. Any outstanding tax liens imposed or levied against the applicant within the 5  
20 years immediately preceding the year in which the application is filed.

21           **3. Other state marijuana-related violations or penalties.** If the applicant has held  
22 a license, permit, certificate or other government-issued authorization in another  
23 jurisdiction allowing the cultivation, manufacture, testing or sale of marijuana or  
24 marijuana products, the applicant shall submit information regarding any violations by or  
25 penalties imposed on the applicant in that other jurisdiction.

26           **§204. Criminal history record check**

27           The department shall request a criminal history record check for each applicant for a  
28 license under this chapter and may at any time require a licensee to submit to a criminal  
29 history record check in accordance with this section. If the applicant is a business entity,  
30 every officer, director, manager and general partner of the business entity is required to  
31 submit to a criminal history record check in accordance with this section. A criminal  
32 history record check conducted pursuant to this section must include criminal history  
33 record information obtained from the Maine Criminal Justice Information System  
34 established in Title 16, section 631 and the Federal Bureau of Investigation.

35           **1. Record of public criminal history information required.** Criminal history  
36 record information obtained from the Maine Criminal Justice Information System  
37 pursuant to this section must include a record of public criminal history record  
38 information as defined in Title 16, section 703, subsection 8.

39           **2. Other state and national criminal history record information required.**  
40 Criminal history record information obtained from the Federal Bureau of Investigation

1 pursuant to this section must include other state and national criminal history record  
2 information.

3 **3. Fingerprinting.** An individual required to submit to a criminal history record  
4 check under this section shall submit to having the individual's fingerprints taken. The  
5 State Police, upon payment by the individual of the fee required under subsection 4, shall  
6 take or cause to be taken the individual's fingerprints and shall forward the fingerprints to  
7 the Department of Public Safety, Bureau of State Police, State Bureau of Identification.  
8 The State Bureau of Identification shall conduct the state and national criminal history  
9 record checks required under this section. Except for the portion of a payment, if any,  
10 that constitutes the processing fee for a criminal history record check charged by the  
11 Federal Bureau of Investigation, all money received by the State Police under this section  
12 must be paid to the Treasurer of State, who shall apply the money to the expenses  
13 incurred by Department of Public Safety in the administration of this section.

14 **4. Fees.** The department shall by rule set the amount of the fee to be paid by an  
15 individual under subsection 3 for each criminal history record check required to be  
16 performed under this section.

17 **5. Availability of criminal history record information.** The subject of a Federal  
18 Bureau of Investigation criminal history record check may obtain a copy of the criminal  
19 history record check by following the procedures outlined in 28 Code of Federal  
20 Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record  
21 check may inspect and review the criminal history record information pursuant to Title  
22 16, section 709.

23 **6. Use of criminal history record information.** State and national criminal history  
24 record information obtained by the department under this section may be used only for  
25 the purpose of screening an applicant for a license or a licensee under this chapter or as  
26 necessary for the issuance of an individual identification card under section 106.

27 **7. Confidentiality.** All criminal history record information obtained by the  
28 department pursuant to this section is confidential, is for the official use of the department  
29 only and may not be disseminated outside of the department or disclosed to any other  
30 person or entity except as provided in subsection 5.

31 **8. Rules.** The department, after consultation with the Department of Public Safety,  
32 Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this  
33 section.

34 **§205. Application process; issuance of license**

35 **1. Forms; payment of fees.** An applicant shall file an application on forms prepared  
36 and furnished by the department for the type of license sought along with the appropriate  
37 application fee as determined by the department pursuant to section 207.

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

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

5 (1) More than 3 cultivation facility licenses; or

6 (2) Multiple cultivation facility licenses with a combined total licensed amount  
7 of plant canopy exceeding 30,000 square feet, except when that exceedance is  
8 solely attributable to approved increases in the maximum licensed area of plant  
9 canopy authorized under a tier 4 cultivation facility license pursuant to section  
10 304;

11 B. If the applicant has applied for the issuance or renewal of a testing facility license,  
12 the applicant may not be a primary caregiver or registered primary caregiver or have  
13 an interest in a registered dispensary, in a cultivation facility license, a products  
14 manufacturing facility license, a marijuana store license or a marijuana social club  
15 license. If the applicant has applied for the issuance or renewal of any license under  
16 this chapter that is not a testing facility license, the applicant may not have an interest  
17 in a testing facility license. An applicant that meets the requirements for the issuance  
18 of a testing facility license under this chapter and the requirements of this paragraph  
19 may apply for and be issued multiple testing facility licenses. For purposes of this  
20 paragraph, "interest" means an equity ownership interest or a partial equity ownership  
21 interest or any other type of financial interest, including, but not limited to, being an  
22 investor or serving in a management position; and

23 C. If the applicant has applied for the issuance or renewal of a marijuana store  
24 license, the issuance or renewal of the marijuana store license may not result in the  
25 applicant or a person with a direct or indirect financial interest in that license holding  
26 or having a direct or indirect financial interest in more than 4 marijuana store  
27 licenses.

28 This paragraph is repealed January 1, 2021.

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

35 A. A licensee that has been issued a conditional license by the department may not  
36 engage in the cultivation, manufacture, testing or sale of adult use marijuana or adult  
37 use marijuana products until the department has issued an active license to the  
38 licensee pursuant to subsection 4.

39 B. A conditional license issued by the department pursuant to this subsection is  
40 effective for a period of one year from the date of issuance and may not be renewed.  
41 If a licensee issued a conditional license by the department fails to obtain an active  
42 license from the department pursuant to subsection 4 within one year from the date of  
43 issuance of the conditional license, the conditional license expires.

1           **4. Issuance of active license upon certification of municipal authorization and**  
2 **payment of applicable license fee.** The department shall issue an active license to an  
3 applicant that has been issued a conditional license pursuant to subsection 3 and that  
4 meets all applicable requirements of this subsection.

5           A. Within 10 days of receiving certification of municipal authorization as required  
6 by section 402, subsection 3, paragraph B, the department shall notify the applicant  
7 that certification of municipal authorization has been confirmed and that, in order for  
8 the department to issue an active license, the applicant must:

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

10                   (2) Submit a facility plan that designates the location within the municipality in  
11 which the marijuana establishment will be located and that details the size and  
12 layout of the marijuana establishment;

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

20                   (4) If the application is for a license to operate a nursery cultivation facility, as  
21 described in section 301, subsection 5, a marijuana store or a marijuana social  
22 club, register with the State Tax Assessor pursuant to Title 36, section 1754-B to  
23 collect and remit the sales tax imposed pursuant to Title 36, section 1811.

24           B. The department shall prepare and furnish to applicants and municipalities a  
25 certification form by which a municipality may certify to the department that the  
26 applicant has obtained municipal authorization as required by section 402, subsection  
27 3, paragraph B.

28           C. Upon receipt of payment of the applicable license fee and any other  
29 documentation required under paragraph A, the department shall issue an active  
30 license to the applicant. The license must specify the date of issuance of the license,  
31 the period of licensure, the date of expiration of the license, the name of the licensee  
32 and the address of the licensed premises.

33           **5. Each license separate.** Each license issued by the department to an applicant  
34 under this chapter is separate and distinct from any other license issued by the department  
35 to that same applicant under this chapter. A person must obtain a separate license under  
36 this chapter for each proposed geographical location of any type of marijuana  
37 establishment.

38           **6. Licensee must maintain possession of premises.** As a condition of licensure, a  
39 licensee must at all times maintain possession of the licensed premises of the marijuana  
40 establishment that the licensee is licensed to operate, whether pursuant to a lease, rental  
41 agreement or other arrangement for possession of the premises or by virtue of ownership  
42 of the premises. If a licensee fails to maintain possession of the licensed premises, the  
43 licensee shall immediately cease all activities relating to the operation of the marijuana

1 establishment and may apply to the department for relocation of the licensed premises  
2 pursuant to section 211 or may terminate its license pursuant to section 212.

3 **§206. Denial of license**

4 **1. Denial for good cause.** The department, for good cause, may deny an application  
5 for an initial license, a license renewal, a transfer of ownership interests or a relocation of  
6 licensed premises. Denial of an application by the department pursuant to this section  
7 constitutes a final agency action as defined in Title 5, section 8002, subsection 4.

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

10 A. An applicant or licensee has violated, does not meet or has failed to comply with  
11 any of the terms, conditions or provisions of this chapter, the rules adopted pursuant  
12 to this chapter or any other applicable state or local law, rule or regulation; or

13 B. An applicant or licensee has failed to comply with any special terms, consent  
14 decree or conditions placed upon the previously issued license pursuant to an order of  
15 the department or the municipality in which the licensed premises are located.

16 **3. Notification of denial and right to appeal.** Upon the department's determination  
17 to deny a license application, the department shall notify the applicant in writing of the  
18 denial, the basis for the denial and the applicant's right to appeal the denial to the Superior  
19 Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

20 **§207. Application fees; license fees**

21 The department, in accordance with the provisions of this section, shall adopt by rule  
22 a licensing fee schedule establishing fees that are designed to meet, but not to exceed, the  
23 estimated licensing, enforcement and administrative costs of the department and the  
24 Department of Agriculture, Conservation and Forestry under this chapter.

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

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

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

34 (2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility  
35 license as described in section 301, subsection 1, paragraph B, a license fee of not  
36 more than \$250 for an outdoor cultivation facility and not more than \$500 for an  
37 indoor cultivation facility or a cultivation facility with both indoor and outdoor  
38 cultivation areas;

1           B. For a tier 2 cultivation facility license, as described in section 301, subsection 2,  
2           an application fee of \$500 and a license fee of not more than \$1,500 for an outdoor  
3           cultivation facility and not more than \$3,000 for an indoor cultivation facility or a  
4           cultivation facility with both indoor and outdoor cultivation areas;

5           C. For a tier 3 cultivation facility license, as described in section 301, subsection 3,  
6           an application fee of \$500 and a license fee of not more than \$5,000 for an outdoor  
7           cultivation facility and not more than \$10,000 for an indoor cultivation facility or a  
8           cultivation facility with both indoor and outdoor cultivation areas;

9           D. For a tier 4 cultivation facility license, as described in section 301, subsection 4,  
10          an application fee of \$500 and a license fee of not more than \$15,000 for an outdoor  
11          cultivation facility and not more than \$30,000 for an indoor cultivation facility or a  
12          cultivation facility with both indoor and outdoor cultivation areas, except that, for a  
13          tier 4 cultivation facility license for which an increased amount of licensed plant  
14          canopy has been approved by the department pursuant to section 304, for each  
15          approved increase in the amount of licensed plant canopy, the department may  
16          increase the maximum license fee by not more than \$5,000 for an outdoor cultivation  
17          facility and by not more than \$10,000 for an indoor cultivation facility or a  
18          cultivation facility with both indoor and outdoor cultivation areas; and

19          E. For a nursery cultivation facility license, as described in section 301, subsection 5,  
20          an application fee of \$60 and a license fee of \$350.

21           **2. Fees for products manufacturing facilities, marijuana stores and marijuana**  
22           **social clubs.** For a products manufacturing facility license, a marijuana store license or a  
23           **marijuana social club license, the department shall require payment of an application fee**  
24           **of \$250 and a license fee of not more than \$2,500.**

25           **3. Fees for testing facilities.** For a testing facility license, the department shall  
26           require payment of an application fee of \$250 and a license fee of not more than \$1,000.

27           **4. Payment of fees; fees to be deposited into Adult Use Marijuana Regulatory**  
28           **Coordination Fund.** An applicant shall pay the application fee required by the  
29           department at the time that the applicant submits an application for licensure to the  
30           department for processing. An applicant shall pay the license fee required by the  
31           department in accordance with section 205, subsection 4. All fees collected by the  
32           department pursuant to this section must be deposited into the Adult Use Marijuana  
33           Regulatory Coordination Fund established in section 1102.

34           **5. Return of fees prohibited.** The department may not return to an applicant or  
35           licensee or reimburse an applicant or licensee for any portion of an application or license  
36           fee paid by the applicant or licensee, regardless of whether the applicant withdraws its  
37           application prior to a final decision of the department on the application, the licensee  
38           voluntarily terminates its license pursuant to section 212 or the department suspends or  
39           revokes the licensee's license in accordance with the provisions of subchapter 8.



1           **§208. License term**

2           An active license issued by the department pursuant to section 205, subsection 4 is  
3 effective for a period of one year from the date of issuance and may be renewed pursuant  
4 to section 209.

5           **§209. License renewal**

6           **1. Notification of expiration date.** Ninety days prior to the expiration of an existing  
7 license issued under section 205, subsection 4, the department shall notify the licensee of  
8 the expiration date and the opportunity for renewal. Except as otherwise provided in this  
9 section, a licensee seeking to renew an existing license must file an application for  
10 renewal with the department, on forms prepared and furnished by the department, not less  
11 than 30 days prior to the date of expiration of the license.

12           **2. Extension for good cause shown; late applications.** Notwithstanding subsection  
13 1, the department may for good cause shown accept an application for renewal of an  
14 existing license less than 30 days prior to the date of expiration of the license upon the  
15 payment of a late application fee to the department. The department may not accept an  
16 application for renewal of a license after the date of expiration of that license.

17           **3. Operation under expired license.** A licensee that files an application for renewal  
18 of its existing license and pays all required fees under this section prior to the expiration  
19 of the license may continue to operate the marijuana establishment under that license  
20 notwithstanding its expiration until such time as the department takes final action on the  
21 renewal application, except when the department suspends or revokes the license in  
22 accordance with the provisions of subchapter 8 prior to taking final action on the renewal  
23 application.

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

31           **5. Renewal application process; fees; rules.** An applicant seeking renewal of a  
32 license to operate a marijuana establishment must pay to the department a renewal  
33 application fee or, if applicable, a late renewal application fee, and must demonstrate  
34 continued compliance with all applicable licensing criteria under this chapter, including,  
35 but not limited to, obtaining municipal authorization as required by section 402,  
36 subsection 3, paragraph B, except that an applicant seeking renewal of a license is not  
37 required to submit to a criminal history record check under section 204 unless specifically  
38 required to do so by the department.

39           A. The department may not issue an active license to a licensee seeking renewal of a  
40 license until the licensee obtains municipal authorization as required by section 402,  
41 subsection 3, paragraph B, pays the applicable license fee required under section 207

1 and meets all other applicable requirements for the issuance of an active license under  
2 section 205, subsection 4.

3 B. The department shall by rule set forth requirements for the submission, processing  
4 and approval of a renewal application, which must include, but are not limited to,  
5 setting of a reasonable renewal application fee and a reasonable late renewal  
6 application fee.

7 **§210. Transfer of ownership interests**

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

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

19 **§211. Relocation of licensed premises**

20 **1. Relocation application.** A licensee may apply to the department, on forms  
21 prepared and furnished by the department, for approval to relocate the licensed premises  
22 of the marijuana establishment that the licensee is licensed to operate.

23 **2. Municipal authorization required.** In accordance with the requirements of  
24 section 402, subsection 3, paragraph B, the department shall, within 10 days of receiving  
25 certification of municipal authorization from the municipality in which the relocated  
26 premises are to be located, notify the licensee that municipal authorization has been  
27 confirmed for the relocation and that the licensee may proceed with relocation, and the  
28 department shall issue to the licensee an updated license specifying the address of the  
29 new premises.

30 **3. Effect on license term.** A relocation of licensed premises pursuant to this section  
31 does not extend or otherwise modify the license term of the license subject to relocation.

32 **4. Rules.** The department shall by rule adopt requirements for the submission of a  
33 license relocation application and standards for the approval of a relocation application.

34 **§212. Termination of license**

35 **1. Notification of termination required.** A licensee may not permanently abandon  
36 the licensed premises of the licensee or otherwise permanently cease all activities relating  
37 to the operation of the marijuana establishment under its license, whether voluntarily or  
38 pursuant to a license revocation in accordance with subchapter 8, without notifying the

1 department and the municipality in which the licensed premises are located at least 48  
2 hours in advance of the abandonment or termination.

3 **2. Forfeiture and destruction of marijuana and marijuana products.** Prior to  
4 abandoning the licensed premises of the licensee or terminating operations, a licensee  
5 shall provide the department and the municipality in which the licensed premises are  
6 located with a full accounting of all adult use marijuana and adult use marijuana products  
7 located within the licensed premises and forfeit the marijuana and marijuana products to  
8 the department for destruction in accordance with section 803.

9 **§213. Notice of new owner, officer, manager or employee**

10 Before any proposed new owner, officer, manager or employee may own, manage,  
11 work for or otherwise associate with a licensee, the licensee shall notify the department in  
12 writing of the name, address and date of birth of the proposed new owner, officer,  
13 manager or employee and the proposed new owner, officer, manager or employee shall  
14 submit to a criminal history record check pursuant to section 204, obtain an individual  
15 identification card pursuant to section 106 and, in the case of a new owner or other person  
16 assuming an equity ownership interest or a partial equity ownership interest in the license,  
17 obtain approval for the transfer of ownership interests pursuant to section 210.

18 **§214. Inactive licenses**

19 The department may revoke or refuse to renew any license if it determines that the  
20 licensed premises have been inactive without good cause for a period of one year or  
21 more.

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

24 The department shall notify a municipality within 14 days of the date the department  
25 approves, renews, denies, suspends or revokes the license of a licensee whose licensed  
26 premises are located or proposed to be located in the municipality; imposes a monetary  
27 penalty on a licensee located within the municipality; approves relocation of the licensed  
28 premises of a marijuana establishment to or from the municipality; or approves a transfer  
29 of ownership interest in a license with respect to which the licensed premises are located  
30 within the municipality.

31 The department shall provide the Bureau of Revenue Services with the same  
32 information provided to a municipality under this section at the time that the department  
33 notifies the municipality.

34 **SUBCHAPTER 3**

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**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 department may issue to an applicant any of the following types of cultivation facility licenses:

**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 marijuana plants and an unlimited number of immature marijuana plants and seedlings; or

B. Not more than 500 square feet of plant canopy.

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.

**2. Tier 2 cultivation facility license.** A tier 2 cultivation facility license, which allows cultivation by a licensee of not more than 3,000 square feet of plant canopy;

**3. Tier 3 cultivation facility license.** A tier 3 cultivation facility license, which allows cultivation by a licensee of not more than 10,000 square feet of plant canopy;

**4. Tier 4 cultivation facility license.** A tier 4 cultivation facility license, which allows cultivation by a licensee of not more than 30,000 square feet of plant canopy, except as provided in section 304; or

**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.

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

In addition to the information required to be submitted to the department 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 department the following information.

**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.

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

4           A. The total amount of plant canopy or, in the case of a plant-count-based tier 1  
5 cultivation facility license, the number of mature marijuana plants proposed under the  
6 license;

7           B. The total percentage or square footage of plant canopy designated under  
8 paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license,  
9 the areas within the cultivation facility, that the applicant proposes to dedicate to the  
10 cultivation of mother plants, seedlings and immature marijuana plants; and

11           C. The total percentage or square footage of plant canopy designated under  
12 paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license,  
13 the areas within the cultivation facility, that the applicant proposes to dedicate to the  
14 cultivation of mature marijuana plants. An applicant for a nursery cultivation facility  
15 license shall meet the requirements of this paragraph by designating on the  
16 cultivation plan the areas within the cultivation facility in which mature marijuana  
17 plants are to be cultivated, demonstrating the physical separation of such areas from  
18 the areas in which immature marijuana plants and seedlings are to be cultivated in  
19 accordance with section 501, subsection 3, paragraph B.

20           **§303. Increase in cultivation tier upon renewal**

21           A licensee seeking renewal of a cultivation facility license may, if applicable and in  
22 accordance with this section, apply for a tier of cultivation facility license with a greater  
23 area of authorized plant canopy than is authorized under the licensee's current cultivation  
24 facility license.

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

29           A. The licensee has over the current period of licensure sold at least 85% of the adult  
30 use marijuana cultivated by the licensee at its cultivation facility; and

31           B. The approval of the applied-for tier of cultivation facility license will not cause  
32 the licensee to exceed the combined plant canopy limitation in section 205,  
33 subsection 2, paragraph A.

34           **2. Consideration of renewal of current license tier if approval criteria not met.**  
35 If the department determines that the licensee has failed to satisfy the requirements of this  
36 section for the applied-for tier of cultivation facility license, the department shall consider  
37 renewing the licensee's license at the current tier.

38           This section does not apply to a nursery cultivation facility licensee.

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

2 In accordance with the requirements of this section, not more than once every 2  
3 years, a licensee seeking renewal of a tier 4 cultivation facility license may apply to  
4 increase by 10,000 square feet the maximum area of plant canopy authorized under its  
5 current tier 4 cultivation facility license.

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

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

17 **SUBCHAPTER 4**

18 **MUNICIPAL REGULATION OF MARIJUANA ESTABLISHMENTS**

19 **§401. Municipal regulation of marijuana establishments generally**

20 In accordance with this subchapter and pursuant to the home rule authority granted  
21 under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a  
22 municipality may regulate marijuana establishments within the municipality, including,  
23 but not limited to, adoption of the following types of regulations and restrictions.

24 **1. Land use regulations.** A municipality may adopt an ordinance providing land  
25 use regulations applicable to marijuana establishments within the municipality.

26 **2. General authorization or limitation of marijuana establishments.** A  
27 municipality may adopt an ordinance generally authorizing the operation of some or all  
28 types of marijuana establishments within the municipality. A municipality may adopt an  
29 ordinance limiting the number of any type of marijuana establishment that may be  
30 authorized to operate within the municipality.

31 **3. Municipal licensing requirements.** A municipality may adopt an ordinance  
32 providing licensing requirements applicable to marijuana establishments within the  
33 municipality, which may include, but are not limited to, provisions establishing a  
34 municipal licensing fee schedule pursuant to Title 30-A, section 3702.

35 Notwithstanding any other provision of law to the contrary, a municipal ordinance  
36 regulating marijuana establishments within the municipality adopted pursuant to this  
37 subchapter is not subject to the requirements or limitations of Title 7, chapter 6 or Title 7-  
38 A, section 201-B.

1           **§402. Municipal authorization of marijuana establishments**

2           **1. Request for municipal authorization to operate marijuana establishment**  
3 **within municipality prohibited unless generally authorized by municipality.** A  
4 person seeking to operate a marijuana establishment within a municipality may not  
5 request municipal authorization to operate the marijuana establishment and a municipality  
6 may not accept as complete the person's request for municipal authorization unless:

7           A. The legislative body of the municipality has voted to generally authorize some or  
8 all types of marijuana establishments within the municipality, including the type of  
9 marijuana establishment the person seeks to operate; and

10          B. The person has been issued by the department a conditional license to operate the  
11 marijuana establishment pursuant to section 205, subsection 3.

12          **2. Minimum authorization criteria.** A municipality may not authorize the  
13 operation of a marijuana establishment within the municipality if:

14          A. The marijuana establishment is proposed to be located within 1,000 feet of the  
15 property line of a preexisting public or private school, except that, if a municipality  
16 chooses to prohibit the location of marijuana establishments at distances less than  
17 1,000 feet but not less than 500 feet from the property line of a preexisting public or  
18 private school, that lesser distance applies. For the purposes of this paragraph,  
19 "school" includes a public school, as defined in Title 20-A, section 1, subsection 24, a  
20 private school, as defined in Title 20-A, section 1, subsection 22, a public preschool  
21 program, as defined in Title 20-A, section 1, subsection 23-A or any other  
22 educational facility that serves children from prekindergarten to grade 12; or

23          B. The person requesting municipal authorization to operate the marijuana  
24 establishment fails to demonstrate possession or entitlement to possession of the  
25 proposed licensed premises of the marijuana establishment pursuant to a lease, rental  
26 agreement or other arrangement for possession of the premises or by virtue of  
27 ownership of the premises.

28          **3. Municipal authorization required for operation of marijuana establishment.**  
29 A person may not operate a marijuana establishment within a municipality unless:

30          A. The legislative body of the municipality has voted to generally authorize some or  
31 all types of marijuana establishments within the municipality, including that type of  
32 marijuana establishment;

33          B. The person has obtained all applicable municipal approvals, permits or licenses  
34 required by the municipality for the operation of that type of marijuana  
35 establishment; and

36          C. The person has been issued by the department an active license to operate the  
37 marijuana establishment pursuant to section 205, subsection 4.

38          A municipality may certify a person's compliance with the requirements of paragraph B  
39 on the form prepared and furnished by the department pursuant to section 205, subsection  
40 4, paragraph B.

1           **4. Municipal failure to act on request for municipal authorization.** If a  
2           municipality whose legislative body has voted to generally authorize some or all types of  
3           marijuana establishments within the municipality fails to act on a person's request for  
4           municipal authorization to operate a marijuana establishment within the municipality, the  
5           municipality's failure to act does not satisfy the municipal authorization requirement of  
6           subsection 3, paragraph B.

7           **5. Appeal of municipal failure to act on request for municipal authorization.** If  
8           a municipality whose legislative body has voted to generally authorize some or all types  
9           of marijuana establishments within the municipality fails to act on a person's request for  
10          municipal authorization to operate a marijuana establishment within the municipality  
11          within 90 days after the date the person submitted the request to the municipality, the  
12          request is deemed denied and the denial constitutes a final government action that may be  
13          appealed to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil  
14          Procedure, except that, if the municipality notifies the person in writing prior to the  
15          expiration of the 90-day period that the request cannot be processed prior to the  
16          expiration of the 90-day period, the request is deemed denied and the denial constitutes a  
17          final government action only if the municipality fails to act on the request within 180  
18          days after the date the person submitted the request to the municipality.

19          **6. Withdrawal of municipal authorization.** If a municipality at any time  
20          withdraws the municipality's authorization for the operation of a marijuana establishment  
21          within the municipality based upon a violation by the licensee operating the marijuana  
22          establishment of the terms or conditions of a municipal license or a municipal regulation  
23          governing the operation of marijuana establishments within the municipality, or for other  
24          good cause, the licensee shall immediately cease all activities relating to the operation of  
25          the marijuana establishment and may:

26                A. Apply to the department for relocation of the licensed premises pursuant to  
27                section 211;

28                B. Terminate its license pursuant to section 212; or

29                C. If the licensee timely appeals the decision of the municipality to withdraw the  
30                municipality's authorization, continue operation within the municipality until the  
31                earliest of the date on which the licensee exhausts all appeals, the date the licensee's  
32                department-issued license expires and is not renewed or the date the licensee's  
33                department-issued license is suspended or revoked by the department pursuant to  
34                subchapter 8.

35           **§403. Information requests**

36           A municipality may request that the department provide any information obtained by  
37           the department pursuant to the provisions of subchapter 2 or 3 that the municipality  
38           determines necessary for the administration of the municipality's authorization process for  
39           marijuana establishments under this subchapter. Unless the information is confidential  
40           pursuant to law or rule, the department, in a timely manner, shall provide to the  
41           municipality the information requested pursuant to this section.



1 **§404. Notification to department**

2 A municipality shall notify the department within 14 days of the date the municipality  
3 authorizes the operation of a marijuana establishment within the municipality; issues or  
4 renews a license for the operation of a marijuana establishment within the municipality;  
5 withdraws authorization or suspends or revokes a license for the operation of a marijuana  
6 establishment within the municipality; approves relocation of the licensed premises of a  
7 marijuana establishment to the municipality; or approves a transfer of ownership interests  
8 in a license the licensed premises of which are located within the municipality.

9 The department shall provide the Bureau of Revenue Services with any information  
10 received from a municipality pursuant to this section within 14 days of the date the  
11 department receives that information.

12 **SUBCHAPTER 5**

13 **OPERATING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS**

14 **§501. Operation of cultivation facilities**

15 A cultivation facility must be operated in accordance with the provisions of this  
16 section and the rules adopted pursuant to this chapter.

17 **1. Cultivation of adult use marijuana only for sale and distribution to other**  
18 **licensees.** Except as otherwise provided in this section, a cultivation facility may  
19 cultivate adult use marijuana only for sale and distribution to products manufacturing  
20 facilities, marijuana stores or other cultivation facilities.

21 **2. Retail sale of adult use marijuana without separate marijuana store license**  
22 **prohibited.** Except as provided in subsection 3, a cultivation facility may not sell or  
23 offer to sell adult use marijuana, immature marijuana plants or seedlings to consumers  
24 unless the cultivation facility licensee obtains from the department a separate license to  
25 operate a marijuana store and otherwise complies with all applicable requirements under  
26 this chapter and the rules adopted pursuant to this chapter concerning the operation of  
27 marijuana stores. A cultivation facility may not give away adult use marijuana, adult use  
28 marijuana products or marijuana plants to a consumer.

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

33 A. A nursery cultivation facility may cultivate immature marijuana plants, seedlings  
34 and marijuana seeds only for sale and distribution to marijuana stores and to other  
35 cultivation facilities pursuant to paragraph C and to consumers pursuant to paragraph  
36 D.

37 B. A nursery cultivation facility may cultivate mature marijuana plants only for the  
38 propagation of those mature marijuana plants or for the production of marijuana

1 seeds by those mature marijuana plants, but the area within a nursery cultivation  
2 facility in which mature marijuana plants are cultivated must be physically separated  
3 from the area within the facility in which immature marijuana plants and seedlings  
4 are cultivated. A nursery cultivation facility may not sell, distribute or otherwise  
5 transfer to any person mature marijuana plants, marijuana flower or marijuana trim.

6 C. A nursery cultivation facility may sell and distribute to marijuana stores and other  
7 cultivation facilities only immature marijuana plants, seedlings and marijuana seeds.  
8 Adult use marijuana sold by a nursery cultivation facility to marijuana stores and  
9 other cultivation facilities is subject to the excise tax imposed pursuant to subchapter  
10 10, which must be paid to the department as required by subsection 9.

11 D. A nursery cultivation facility may sell to consumers only immature marijuana  
12 plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to  
13 the cultivation of marijuana. Sales to consumers by a nursery cultivation facility:

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

22 (2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and  
23 must be collected and remitted as required by subsection 9.

24 E. The Department of Agriculture, Conservation and Forestry, after consultation  
25 with the department, shall adopt rules regulating the operation of nursery cultivation  
26 facilities.

27 **4. Marijuana extraction without separate products manufacturing facility**  
28 **license prohibited.** A cultivation facility may not engage in the manufacture of  
29 marijuana concentrate by marijuana extraction unless the cultivation facility licensee has  
30 obtained from the department a separate license to operate a products manufacturing  
31 facility and otherwise meets the requirements under this chapter and the rules adopted  
32 pursuant to this chapter concerning the operation of a products manufacturing facility and  
33 concerning marijuana extraction.

34 **5. Use of shared facility for cultivation of adult use marijuana and marijuana**  
35 **for medical use.** Subject to the requirements of this subsection and the rules adopted  
36 pursuant to this subsection, a cultivation facility licensee that is also a registered primary  
37 caregiver or a registered dispensary may cultivate adult use marijuana pursuant to this  
38 chapter within the same facility in which the licensee also cultivates marijuana for  
39 medical use pursuant to the Maine Medical Use of Marijuana Act.

40 A. A cultivation facility licensee that cultivates adult use marijuana within the same  
41 facility in which the licensee also cultivates marijuana for medical use must comply  
42 with all applicable requirements of this chapter and the rules adopted pursuant to this  
43 chapter concerning the operation of cultivation facilities.

1 B. Except as provided in paragraph C, the areas of the shared facility in which adult  
2 use marijuana is cultivated must be separated from the areas of the shared facility in  
3 which marijuana for medical use is cultivated in a manner that provides for a visually  
4 conspicuous delineation of the physical space between the cultivation area for adult  
5 use marijuana and the cultivation area for marijuana for medical use.

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

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

11 (2) Cultivation-related and noncultivation-related supplies or products not  
12 containing marijuana or marijuana products and the storage areas for those  
13 supplies or products; and

14 (3) General office space, bathrooms, entryways and walkways.

15 D. Each marijuana plant within the shared facility must be tagged or otherwise  
16 identified as an adult use marijuana plant or a marijuana plant for medical use.

17 E. The Department of Agriculture, Conservation and Forestry, after consultation  
18 with the Department of Health and Human Services, shall adopt rules governing the  
19 use of a shared facility by a cultivation facility licensee that is also a registered  
20 primary caregiver or a registered dispensary, which must include, but are not limited  
21 to, requirements for the maintenance of a log or other record relating to the use of the  
22 shared facility space, shared equipment and shared supplies or products to ensure  
23 compliance with the requirements of this chapter and the rules adopted pursuant to  
24 this chapter and the requirements of the Maine Medical Use of Marijuana Act.

25 **6. Change to operating plan or cultivation plan.** A cultivation facility licensee  
26 shall submit to the department in writing any material change to the cultivation facility's  
27 operating plan or cultivation plan as described under section 302, including, but not  
28 limited to, a change in the percentage or square footage of plant canopy dedicated to the  
29 cultivation of mature marijuana plants, prior to implementation of the change.

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

32 A. An outdoor cultivation area within the licensed premises of a cultivation facility  
33 may not share a common wall or fence with an outdoor cultivation area within the  
34 licensed premises of a different cultivation facility.

35 B. The outer boundary of an outdoor cultivation area within the licensed premises of  
36 a cultivation facility must be separated by at least 20 feet from the outer boundary of  
37 an outdoor cultivation area within the licensed premises of a different cultivation  
38 facility.

39 C. The Department of Agriculture, Conservation and Forestry shall adopt rules  
40 regarding the outdoor cultivation of adult use marijuana by a cultivation facility  
41 licensee, including, but not limited to, security requirements specific to outdoor

1           cultivation operations and requirements for shielding outdoor cultivation operations  
2           from public view.

3           **8. Sampling by other licensees.** A cultivation facility licensee may provide samples  
4           of adult use marijuana cultivated at the licensed premises to a products manufacturing  
5           facility licensee, a marijuana store licensee or a marijuana social club licensee for  
6           business or marketing purposes only. Samples provided by a cultivation facility licensee  
7           to another licensee under this subsection may not be consumed within the licensed  
8           premises of the cultivation facility. This subsection does not apply to a nursery  
9           cultivation facility licensee.

10           **9. Excise tax; sales tax.** A cultivation facility licensee shall ensure that the tax  
11           imposed on the sale of adult use marijuana by a cultivation facility to other licensees  
12           pursuant to subchapter 10 is paid to the department and to the municipality in which the  
13           cultivation facility is located as required under subchapter 10. A nursery cultivation  
14           facility licensee shall ensure that the tax imposed on the sale of adult use marijuana and  
15           adult use marijuana products to a consumer pursuant to Title 36, section 1811 is collected  
16           and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted  
17           pursuant to Title 36, Part 3.

18           **10. Tracking.** A cultivation facility licensee shall track the adult use marijuana it  
19           cultivates from immature marijuana plant to the point at which the marijuana is delivered  
20           or transferred to a products manufacturing facility, a testing facility, a marijuana store or  
21           another cultivation facility or is disposed of or destroyed, in accordance with the  
22           requirements of section 105.

## 23           **§502. Operation of products manufacturing facilities**

24           A products manufacturing facility must be operated in accordance with the provisions  
25           of this section and the rules adopted pursuant to this chapter.

26           **1. Manufacture only for sale or distribution to other licensees.** Except as  
27           otherwise provided in this section, a products manufacturing facility may manufacture  
28           adult use marijuana and adult use marijuana products only for sale or distribution to  
29           marijuana stores, marijuana social clubs or other products manufacturing facilities.

30           **2. Retail sale of adult use marijuana without separate marijuana store or**  
31           **marijuana social club license prohibited.** A products manufacturing facility may not  
32           sell or offer to sell adult use marijuana or adult use marijuana products to consumers  
33           unless the products manufacturing facility licensee obtains from the department a  
34           separate license to operate a marijuana store or a marijuana social club and otherwise  
35           complies with all applicable requirements under this chapter and the rules adopted  
36           pursuant to this chapter concerning the operation of marijuana stores or marijuana social  
37           clubs. A products manufacturing facility may not give away adult use marijuana, adult  
38           use marijuana products or marijuana plants to a consumer.

39           **3. Cultivation of marijuana without separate cultivation facility license**  
40           **prohibited.** A products manufacturing facility shall purchase all marijuana necessary for  
41           its manufacturing processes from a cultivation facility and may not engage in the

1 cultivation of marijuana unless the products manufacturing facility licensee obtains from  
2 the department a separate license to operate a cultivation facility and otherwise meets all  
3 applicable requirements under this chapter and under the rules adopted pursuant to this  
4 chapter concerning the operation of cultivation facilities.

5 **4. Use of shared facility for manufacture of adult use marijuana products and**  
6 **marijuana products for medical use.** Subject to the requirements of this subsection and  
7 the rules adopted pursuant to this subsection, a products manufacturing facility licensee  
8 that is also a registered primary caregiver or a registered dispensary may manufacture  
9 adult use marijuana and adult use marijuana products pursuant to this chapter within the  
10 same facility in which the licensee also manufactures marijuana concentrate and  
11 marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act.

12 A. A products manufacturing facility licensee that manufactures adult use marijuana  
13 and adult use marijuana products within the same facility in which the licensee also  
14 manufactures marijuana concentrate and marijuana products for medical use must  
15 comply with all applicable requirements of this chapter and the rules adopted  
16 pursuant to this chapter concerning the operation of products manufacturing facilities.

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

20 (1) Manufacturing-related and nonmanufacturing-related equipment, except that  
21 manufacturing-related equipment may not be simultaneously used for the  
22 manufacturing of adult use marijuana and adult use marijuana products and the  
23 manufacturing of marijuana concentrate and marijuana products for medical use;

24 (2) Manufacturing-related and nonmanufacturing-related supplies or products  
25 not containing marijuana or marijuana products and the storage areas for those  
26 supplies or products; and

27 (3) General office space, bathrooms, entryways and walkways.

28 C. The Department of Agriculture, Conservation and Forestry, after consultation  
29 with the Department of Health and Human Services, shall adopt rules governing the  
30 use of a shared facility by a products manufacturing facility licensee that is also a  
31 registered primary caregiver or a registered dispensary, including, but not limited to,  
32 requirements for the maintenance of a log or other record relating to the use of the  
33 shared facility space, shared equipment and shared supplies or products to ensure  
34 compliance with the requirements of this chapter and the rules adopted pursuant to  
35 this chapter and the requirements of the Maine Medical Use of Marijuana Act.

36 **5. Sampling by employees.** A products manufacturing facility licensee and its  
37 employees may sample adult use marijuana and adult use marijuana products  
38 manufactured at the licensed premises for the purposes of product quality control and  
39 product research and development only and the licensee may not otherwise allow the  
40 consumption of adult use marijuana or adult use marijuana products within the licensed  
41 premises.

1           **6. Sampling by other licensees.** A products manufacturing facility licensee may  
2 provide samples of adult use marijuana and adult use marijuana products manufactured at  
3 the licensed premises to another products manufacturing facility licensee, to a marijuana  
4 store licensee or to a marijuana social club licensee for business or marketing purposes  
5 only. Samples provided by a products manufacturing facility to other licensees under this  
6 subsection may not be consumed within the licensed premises of the products  
7 manufacturing facility.

8           **7. Marijuana extraction.** Subject to the requirements and restrictions of this  
9 subsection, a products manufacturing facility licensee may manufacture marijuana  
10 concentrate by marijuana extraction using water, lipids, gases, solvents or other chemicals  
11 or chemical processes.

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

15                   (1) The solvent or other chemical or chemical process is listed by the department  
16 by rule as approved for use in marijuana extraction; or

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

22           The department shall adopt by rule a list of those solvents or other chemicals or  
23 chemical processes that are not and do not contain an inherently hazardous substance  
24 that the department approves for use in marijuana extraction by products  
25 manufacturing facilities.

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

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

34                   (2) The department approves in writing the proposed marijuana extraction  
35 method.

36           The department, within 14 days of receipt of a request for approval under this  
37 paragraph, shall notify the products manufacturing facility licensee in writing  
38 whether the request is approved or denied.

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

1           **9. Compliance with sanitary standards.** All areas within the licensed premises of  
2 a products manufacturing facility in which adult use marijuana and adult use marijuana  
3 products are manufactured must meet all sanitary standards specified in rules adopted by  
4 the Department of Agriculture, Conservation and Forestry.

5           **10. Commercial kitchen license.** A products manufacturing facility licensee must  
6 obtain a commercial kitchen license for any area within the licensed premises of the  
7 products manufacturing facility in which adult use marijuana and adult use marijuana  
8 products are manufactured and for which the Department of Agriculture, Conservation  
9 and Forestry requires a products manufacturing facility licensee to obtain a commercial  
10 kitchen license. The Department of Agriculture, Conservation and Forestry shall adopt  
11 rules requiring certain areas within the licensed premises of a products manufacturing  
12 facility to be licensed as commercial kitchens based upon the types of manufacturing  
13 processes conducted within those areas.

14           **11. Refrigeration.** A products manufacturing facility licensee shall store and  
15 transport in a refrigerated environment all adult use marijuana and adult use marijuana  
16 products that require refrigeration to prevent spoilage. The Department of Agriculture,  
17 Conservation and Forestry shall adopt rules regarding the storage and transportation of  
18 adult use marijuana and adult use marijuana products that require refrigeration to prevent  
19 spoilage.

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

26           **13. Tracking.** A products manufacturing facility licensee shall track the adult use  
27 marijuana it uses in its manufacturing processes from the point the marijuana is delivered  
28 or transferred to the products manufacturing facility by a cultivation facility to the point  
29 the marijuana or marijuana concentrate or an adult use marijuana product produced from  
30 the marijuana is delivered or transferred to another products manufacturing facility, a  
31 testing facility, a marijuana store or a marijuana social club or is disposed of or destroyed,  
32 in accordance with the requirements of section 105.

33           **§503. Operation of testing facilities**

34           A testing facility must be operated in accordance with the provisions of this section  
35 and the rules adopted pursuant to this chapter.

36           **1. Development, research and testing of marijuana, marijuana products and**  
37 **other substances.** A testing facility may develop, research and test marijuana and  
38 marijuana products for:

39           A. That facility;

40           B. Another licensee;

1 C. A person who intends to use the marijuana or marijuana product for personal use  
2 as authorized under chapter 3; or

3 D. A qualifying patient, a primary caregiver, a registered primary caregiver or a  
4 registered dispensary.

5 Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing  
6 facility from developing, researching or testing substances that are not marijuana or  
7 marijuana products for that facility or for another person.

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

11 A. Is certified for operation by the Department of Health and Human Services,  
12 Maine Center for Disease Control and Prevention, in accordance with rules adopted  
13 by the Department of Agriculture, Conservation and Forestry after consultation with  
14 the Department of Health and Human Services, Maine Center for Disease Control  
15 and Prevention, which must allow for inspection of the proposed or operational  
16 testing facility by the Department of Agriculture, Conservation and Forestry and the  
17 Department of Health and Human Services, Maine Center for Disease Control and  
18 Prevention;

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

25 (1) The department may issue a full testing facility license to an applicant that  
26 meets all applicable requirements of this chapter and rules adopted pursuant to  
27 this chapter and that has obtained accreditation pursuant to standard ISO/IEC  
28 17025 of the International Organization for Standardization from a 3rd-party  
29 accrediting body or that is certified, registered or accredited by an approved  
30 organization.

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

38 An active full or provisional testing facility license may not be issued by the  
39 department to an applicant until the applicant satisfies all applicable requirements of  
40 section 205, subsection 4; and

41 C. Is determined by the Department of Agriculture, Conservation and Forestry to  
42 meet all operational and technical requirements for testing facilities under this chapter  
43 and the rules adopted under this chapter.



1           **3. Compliance with testing protocols, standards and criteria.** A testing facility  
2 shall follow all testing protocols, standards and criteria adopted by rule by the  
3 Department of Agriculture, Conservation and Forestry for the testing of different forms of  
4 marijuana and marijuana products; determining batch size; sampling; testing validity; and  
5 approval and disapproval of tested marijuana and marijuana products.

6           **4. Remediation and retesting.** If a testing facility determines that a sample of adult  
7 use marijuana or an adult use marijuana product has failed a mandatory test required  
8 under section 602, the testing facility shall offer to the owner of that sample an  
9 opportunity for remediation and retesting in accordance with rules adopted by the  
10 Department of Agriculture, Conservation and Forestry.

11           **5. Record keeping.** A testing facility shall maintain records of all business  
12 transactions and testing results in accordance with the record-keeping requirements of  
13 section 511 and section 602, subsection 2 and in accordance with applicable standards for  
14 licensing and accreditation under subsection 2 and testing protocols, standards and  
15 criteria adopted by the Department of Agriculture, Conservation and Forestry under  
16 subsection 3.

17           **6. Disposal of marijuana and marijuana products.** A testing facility shall dispose  
18 of or destroy used, unused and waste marijuana and marijuana products in accordance  
19 with rules adopted by the Department of Agriculture, Conservation and Forestry.

20           **7. Notification of test results.** A testing facility shall notify the Department of  
21 Agriculture, Conservation and Forestry of test results in accordance with section 603.

22           **8. Independence of testing facility interest.** A person with an interest in a testing  
23 facility may not be a primary caregiver or a registered primary caregiver or have an  
24 interest in a registered dispensary, a marijuana store license, a marijuana social club  
25 license, a cultivation facility license or a products manufacturing facility license, but may  
26 hold or have an interest in multiple testing facility licenses. A person who is a primary  
27 caregiver or a registered primary caregiver or who has an interest in a registered  
28 dispensary, a marijuana store license, a marijuana social club license, a cultivation facility  
29 license or a products manufacturing facility license may not have an interest in a testing  
30 facility license. As used in this subsection, "interest" has the same meaning as in section  
31 205, subsection 2, paragraph B.

32           **9. Tracking.** A testing facility licensee shall track all adult use marijuana and adult  
33 use marijuana products it receives from a licensee for testing purposes from the point at  
34 which the marijuana or marijuana products are delivered or transferred to the testing  
35 facility to the point at which the marijuana or marijuana products are disposed of or  
36 destroyed, in accordance with the requirements of section 105.

37           **10. Rules.** The Department of Agriculture, Conservation and Forestry shall adopt  
38 rules regarding the testing of marijuana and marijuana products by testing facilities  
39 pursuant to this chapter, including, but not limited to, rules establishing acceptable testing  
40 and research practices for testing facilities, including, but not limited to, provisions  
41 relating to testing practices, methods and standards; remediation and retesting procedures;  
42 quality control analysis; equipment certification and calibration; chemical identification;

1 testing facility record-keeping, documentation and business practices; disposal of used,  
2 unused and waste marijuana and marijuana products; and reporting of test results. Rules  
3 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
4 375, subchapter 2-A.

5 **§504. Operation of marijuana stores**

6 A marijuana store must be operated in accordance with the provisions of this section  
7 and the rules adopted pursuant to this chapter.

8 **1. Products authorized for sale.** Except as provided in subsection 2, a marijuana  
9 store may sell:

10 A. Adult use marijuana, adult use marijuana products and marijuana paraphernalia;

11 B. Immature marijuana plants and seedlings;

12 C. Consumable products not containing marijuana, including, but not limited to,  
13 sodas, candies and baked goods; and

14 D. Any other nonconsumable products, including, but not limited to, apparel and  
15 marijuana-related products.

16 **2. Prohibitions.** A marijuana store may not:

17 A. Give away adult use marijuana, adult use marijuana products or marijuana plants  
18 or sell or give away mature marijuana plants or consumable products containing  
19 tobacco or alcohol that do not contain marijuana;

20 B. Except for nonedible adult use marijuana products that do not contain THC, sell  
21 to any person in any individual sales transaction an amount of adult use marijuana,  
22 adult use marijuana products or immature marijuana plants or seedlings that exceeds  
23 the personal use limitations of section 1501, subsection 1;

24 C. Sell adult use marijuana, adult use marijuana products or marijuana plants using:

25 (1) An automated dispensing or vending machine;

26 (2) A drive-through sales window;

27 (3) An Internet-based sales platform; or

28 (4) A delivery service; or

29 D. Sell adult use marijuana or adult use marijuana products to a person who is  
30 visibly intoxicated.

31 **3. Compliance with packaging, labeling and health and safety requirements.** All  
32 adult use marijuana and adult use marijuana products sold or offered for sale at a  
33 marijuana store must meet all applicable packaging, labeling and health and safety  
34 requirements of subchapter 7 and the rules adopted under subchapter 7.

35 **4. Restricted access areas.** A person under 21 years of age may not enter a  
36 restricted access area within a marijuana store. A marijuana store licensee shall ensure

1 that persons under 21 years of age do not enter a restricted access area within the  
2 marijuana store.

3 **5. Verification of purchaser's age.** A person must be 21 years of age or older to  
4 make a purchase in a marijuana store. A marijuana store may not sell any item to a  
5 person under 21 years of age.

6 A. Prior to initiating a sale, an employee of the marijuana store licensee shall verify  
7 that the purchaser has a valid government-issued photographic identification card, or  
8 other acceptable photographic identification, demonstrating that the purchaser is 21  
9 years of age or older.

10 B. The department shall by rule determine the forms of photographic identification  
11 that a marijuana store licensee may accept when verifying a purchaser's age.

12 **6. Use of shared facility for retail sale of adult use marijuana and adult use**  
13 **marijuana products and marijuana and marijuana products for medical use.**  
14 Subject to the requirements of this subsection and the rules adopted pursuant to this  
15 subsection, a marijuana store licensee that is also a registered primary caregiver or a  
16 registered dispensary may sell and offer for sale to consumers adult use marijuana and  
17 adult use marijuana products pursuant to this chapter within the same facility in which the  
18 licensee also sells or offers for sale to qualifying patients marijuana and marijuana  
19 products for medical use pursuant to the Maine Medical Use of Marijuana Act.

20 A. A marijuana store licensee that sells or offers for sale adult use marijuana and  
21 adult use marijuana products to consumers within the same facility in which the  
22 licensee also sells or offers for sale marijuana and marijuana products for medical use  
23 to qualifying patients must comply with all applicable requirements of this chapter  
24 and the rules adopted pursuant to this chapter concerning the operation of marijuana  
25 stores.

26 B. Except as provided in paragraph C, the areas of the shared facility in which adult  
27 use marijuana and adult use marijuana products are sold or offered for sale to  
28 consumers must be completely physically separated from the areas of the shared  
29 facility in which marijuana and marijuana products for medical use are sold or  
30 offered for sale to qualifying patients in a manner that requires each sales area to be  
31 located in a separate room or rooms within the facility and that requires separate  
32 storage areas for adult use marijuana and adult use marijuana products and marijuana  
33 and marijuana products for medical use.

34 C. The areas of the shared facility in which adult use marijuana and adult use  
35 marijuana products are sold or offered for sale to consumers and the areas of the  
36 shared facility in which marijuana and marijuana products for medical use are sold or  
37 offered for sale to qualifying patients may share:

38 (1) A common roof and a common entryway from the outside of the building;

39 (2) General office space, bathrooms, walkways and storage space for products  
40 and supplies that do not contain marijuana or marijuana products; and

1                   (3) Common access areas or doorways accessible only by the licensee and the  
2                   employees of the licensee that allow the licensee and employees to travel  
3                   between those areas.

4                   D. The department, after consultation with the Department of Health and Human  
5                   Services, shall adopt rules governing the use of a shared facility by a marijuana store  
6                   licensee that is also a registered primary caregiver or a registered dispensary, which  
7                   must include, but are not limited to, requirements for the maintenance of a log or  
8                   other record relating to the use of the shared facility space and shared supplies or  
9                   products to ensure compliance with the requirements of this chapter and the rules  
10                  adopted pursuant to this chapter and the requirements of the Maine Medical Use of  
11                  Marijuana Act.

12                  **7. Signs, marketing and advertising.** All signs used by and all marketing and  
13                  advertising conducted by or on behalf of a marijuana store must comply with the  
14                  requirements of section 704, subsection 2 and the rules adopted pursuant to section 704,  
15                  subsection 2.

16                  **8. Sales tax.** A marijuana store licensee shall ensure that the tax imposed on the sale  
17                  of adult use marijuana and adult use marijuana products to a consumer pursuant to Title  
18                  36, section 1811 is collected and remitted in accordance with the requirements of Title  
19                  36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

20                  **9. Tracking.** A marijuana store licensee shall track all adult use marijuana and adult  
21                  use marijuana products from the point at which the marijuana or marijuana products are  
22                  delivered or transferred to the marijuana store by a cultivation facility or a products  
23                  manufacturing facility to the point at which the marijuana or marijuana products are sold  
24                  to a consumer, delivered or transferred to a testing facility or disposed of or destroyed, in  
25                  accordance with the requirements of section 105.

26                  **§505. Operation of marijuana social clubs**

27                  A marijuana social club must be operated in accordance with the provisions of this  
28                  section and the rules adopted pursuant to this chapter.

29                  **1. Products authorized for sale.** Except as provided in subsection 2, a marijuana  
30                  social club may sell:

31                   A. Adult use marijuana products and marijuana paraphernalia;

32                   B. Consumable products not containing marijuana, including, but not limited to,  
33                   sodas, candies and baked goods; and

34                   C. Any other nonconsumable products, including, but not limited to, apparel and  
35                   marijuana-related products.

36                  **2. Prohibitions.** A marijuana social club may not:

37                   A. Give away adult use marijuana products or sell or give away adult use marijuana,  
38                   marijuana plants or consumable products containing tobacco or alcohol that do not  
39                   contain marijuana;

1           B. Except for nonedible adult use marijuana products that do not contain THC, sell  
2           to any person in any individual sales transaction an amount of adult use marijuana  
3           products that exceeds the personal use limitations of section 1501, subsection 1;

4           C. Allow the smoking of marijuana or marijuana products on the licensed premises  
5           of the marijuana social club in violation of the provisions of Title 22, chapter 262;

6           D. Allow a person to consume marijuana or marijuana products not purchased from  
7           the marijuana social club on the licensed premises of the marijuana social club;

8           E. Allow a person to remove from the licensed premises of the marijuana social club  
9           adult use marijuana products purchased by the person at the marijuana social club;

10          F. Sell adult use marijuana products using an automated dispensing or vending  
11          machine; or

12          G. Sell adult use marijuana products to a person who is visibly intoxicated.

13          **3. Consumption of marijuana products on premises.** All adult use marijuana  
14          products purchased by a consumer at a marijuana social club must be consumed or  
15          disposed of on the licensed premises and may not be removed from the licensed premises.  
16          A person may not consume marijuana or marijuana products not purchased from the  
17          marijuana social club on the licensed premises of the marijuana social club.

18          **4. Compliance with packaging, labeling and health and safety requirements.** All  
19          adult use marijuana products sold or offered for sale at a marijuana social club must meet  
20          all applicable packaging, labeling and health and safety requirements of subchapter 7 and  
21          the rules adopted under subchapter 7.

22          **5. Restricted access areas.** A person under 21 years of age may not enter a  
23          restricted access area within a marijuana social club. A marijuana social club licensee  
24          shall ensure that persons under 21 years of age do not enter a restricted access area within  
25          the marijuana social club.

26          **6. Verification of purchaser's age.** A person must be 21 years of age or older to  
27          make a purchase in a marijuana social club. A marijuana social club may not sell any  
28          item to a person under 21 years of age.

29          A. Prior to initiating a sale, an employee of the marijuana social club licensee shall  
30          verify that the purchaser has a valid government-issued photographic identification  
31          card, or other acceptable photographic identification, demonstrating that the  
32          purchaser is 21 years of age or older.

33          B. The department shall by rule determine the forms of photographic identification  
34          that a marijuana social club licensee may accept when verifying a purchaser's age.

35          **7. Use of shared facility for retail sale of adult use marijuana products and**  
36          **marijuana and marijuana products for medical use.** Subject to the requirements of  
37          this subsection and the rules adopted pursuant to this subsection, a marijuana social club  
38          licensee that is also a registered primary caregiver or a registered dispensary may sell and  
39          offer for sale to consumers adult use marijuana products pursuant to this chapter within  
40          the same facility in which the licensee also sells or offers for sale to qualifying patients

1 marijuana and marijuana products for medical use pursuant to the Maine Medical Use of  
2 Marijuana Act.

3 A. A marijuana social club licensee that sells or offers for sale adult use marijuana  
4 products to consumers within the same facility in which the licensee also sells or  
5 offers for sale marijuana and marijuana products for medical use to qualifying  
6 patients must comply with all applicable requirements of this chapter and the rules  
7 adopted pursuant to this chapter concerning the operation of marijuana social clubs.

8 B. Except as provided in paragraph C, the areas of the shared facility in which adult  
9 use marijuana products are sold or offered for sale to consumers must be completely  
10 physically separated from the areas of the shared facility in which marijuana and  
11 marijuana products for medical use are sold or offered for sale to qualifying patients  
12 in a manner that requires each sales area to be located in a separate room or rooms  
13 within the facility and that requires separate storage areas for adult use marijuana  
14 products and marijuana and marijuana products for medical use.

15 C. The areas of the shared facility in which adult use marijuana products are sold or  
16 offered for sale to consumers and the areas of the shared facility in which marijuana  
17 and marijuana products for medical use are sold or offered for sale to qualifying  
18 patients may share:

19 (1) A common roof and a common entryway from the outside of the building;

20 (2) General office space, bathrooms, walkways and storage space for products  
21 and supplies that do not contain marijuana or marijuana products; and

22 (3) Common access areas or doorways accessible only by the licensee and the  
23 employees of the licensee that allow the licensee and employees to travel  
24 between those areas.

25 D. The department, after consultation with the Department of Health and Human  
26 Services, shall adopt rules governing the use of a shared facility by a marijuana social  
27 club licensee that is also a registered primary caregiver or a registered dispensary,  
28 which must include, but are not limited to, requirements for the maintenance of a log  
29 or other record relating to the use of the shared facility space and shared supplies or  
30 products to ensure compliance with the requirements of this chapter and the rules  
31 adopted pursuant to this chapter and the requirements of the Maine Medical Use of  
32 Marijuana Act.

33 **8. Signs, marketing and advertising.** All signs used by and all marketing and  
34 advertising conducted by or on behalf of a marijuana social club must comply with the  
35 requirements of section 704, subsection 2 and the rules adopted pursuant to section 704,  
36 subsection 2.

37 **9. Sales tax.** A marijuana social club licensee shall ensure that the tax imposed on  
38 the sale of adult use marijuana and adult use marijuana products to a consumer pursuant  
39 to Title 36, section 1811 is collected and remitted in accordance with the requirements of  
40 Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

41 **10. Tracking.** A marijuana social club licensee shall track all adult use marijuana  
42 products from the point at which the marijuana products are delivered or transferred to

1 the marijuana social club by a products manufacturing facility to the point at which the  
2 marijuana products are sold to a consumer, delivered or transferred to a testing facility or  
3 disposed of or destroyed, in accordance with the requirements of section 105.

4 **§506. Transportation of adult use marijuana and adult use marijuana products**

5 A licensee and its employees may transport adult use marijuana and adult use  
6 marijuana products between the licensed premises of the licensee and the licensed  
7 premises of any other marijuana establishment. All transportation of adult use marijuana  
8 and adult use marijuana products must be documented by the licensee or the employee of  
9 the licensee in accordance with rules adopted by the department. The department shall  
10 adopt rules regarding the transportation of adult use marijuana and adult use marijuana  
11 products by licensees under this chapter.

12 **§507. Employment of persons under 21 years of age prohibited**

13 A licensee may not employ any person under 21 years of age.

14 **§508. Use of adult use marijuana and adult use marijuana products within licensed**  
15 **premises**

16 **1. Employee use of marijuana or marijuana products for medical use.** A  
17 licensee may allow an employee who is a qualifying patient to privately consume  
18 marijuana and marijuana products for medical use within its licensed premises.

19 **2. Employee use of adult use marijuana or adult use marijuana products.**  
20 Except as otherwise provided in this chapter, a licensee may not allow an employee to  
21 consume adult use marijuana or adult use marijuana products within its licensed premises  
22 or while the employee is on work duty.

23 **3. Other use of adult use marijuana or adult use marijuana products.** Except as  
24 otherwise provided in this chapter:

25 A. A person may not consume adult use marijuana or adult use marijuana products  
26 within the licensed premises of a marijuana establishment; and

27 B. A licensee may not allow any person to consume adult use marijuana or adult use  
28 marijuana products within its licensed premises.

29 **§509. License to be conspicuously displayed**

30 A licensee shall ensure that the licensee's license, or a copy of that license, is at all  
31 times conspicuously displayed within its licensed premises, including, but not limited to,  
32 in all restricted access areas and limited access areas.

33 **§510. Limited access areas**

34 A person may not enter or remain in any limited access area unless the person  
35 displays an individual identification card issued by the department pursuant to section  
36 106. A licensee shall ensure that all areas of ingress and egress to limited access areas  
37 within the licensed premises are conspicuously marked and that a person is not allowed to

1 enter or remain in any limited access area without displaying the person's individual  
2 identification card issued by the department pursuant to section 106.

3 **§511. Record keeping and inspection of records; audits**

4 **1. Record keeping; inspection of records.** A licensee shall maintain a complete set  
5 of all records of the licensee's business transactions, which must be open to inspection  
6 and examination by the department and the Department of Agriculture, Conservation and  
7 Forestry upon demand and without notice during all business hours. Records must be  
8 maintained by a licensee at a minimum for a period comprising the current tax year and  
9 the 2 immediately preceding tax years.

10 **2. Additional information may be required.** The department or the Department of  
11 Agriculture, Conservation and Forestry may require a licensee to furnish any additional  
12 information necessary for the proper administration of this chapter.

13 **3. Audit.** The department may require a licensee to submit to an audit of the  
14 licensee's business records. If the department requires a licensee to submit to an audit,  
15 the licensee shall provide the auditor selected by the department with access to all  
16 business records of the licensee and the cost of the audit must be paid by the licensee.

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

19 A. Documents of a licensee inspected or examined by the department or the  
20 Department of Agriculture, Conservation and Forestry pursuant to this section are  
21 confidential and may not be disclosed except as needed in a civil or criminal  
22 proceeding to enforce any provision of this chapter and the rules adopted pursuant to  
23 this chapter or any criminal law.

24 B. Audit working papers are confidential and may not be disclosed to any person  
25 outside the department or the Department of Agriculture, Conservation and Forestry,  
26 except that audit working papers may be disclosed to the licensee subject to the audit.  
27 A final audit report is a public record for the purposes of Title 1, chapter 13,  
28 subchapter 1. For the purposes of this paragraph, "audit working papers" means all  
29 documentation and other information acquired, prepared or maintained by the  
30 department and the auditor selected by the department during the conduct of the  
31 audit, including, but not limited to, draft reports and portions of draft reports.

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

34 **1. Inspections.** A licensee shall submit to an inspection of its licensed premises,  
35 including, but not limited to, any places of storage and any locked areas, upon demand  
36 and without notice during all business hours and other times of apparent activity by the  
37 department, the Department of Agriculture, Conservation and Forestry, a criminal justice  
38 agency or an official authorized by the municipality in which the licensed premises are  
39 located.



1 **2. Testing and sampling for product quality control.** A licensee shall submit to  
2 the sampling and testing of adult use marijuana or adult use marijuana products within its  
3 possession, upon demand and without notice during all business hours by the Department  
4 of Agriculture, Conservation and Forestry, for the purposes of product quality control.  
5 The Department of Agriculture, Conservation and Forestry shall adopt rules governing  
6 the sampling and testing of adult use marijuana and adult use marijuana products under  
7 this subsection, consistent with the requirements of subchapter 6. Rules adopted pursuant  
8 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
9 2-A.

10 **§513. Licensee compliance with regulatory requirements**

11 A licensee, as a condition of licensure under this chapter, shall comply with all  
12 applicable provisions of this chapter and all applicable provisions of the rules adopted  
13 pursuant to this chapter.

14 **SUBCHAPTER 6**

15 **TESTING OF MARIJUANA AND MARIJUANA PRODUCTS**

16 **§601. Testing program established**

17 The Department of Agriculture, Conservation and Forestry, after consultation with  
18 the department, shall establish a testing program for adult use marijuana and adult use  
19 marijuana products. Except as otherwise provided in this subchapter, the program must  
20 require a licensee, prior to selling or distributing adult use marijuana or an adult use  
21 marijuana product to a consumer or to another licensee, to submit the marijuana or  
22 marijuana product to a testing facility for testing to ensure that the marijuana or marijuana  
23 product does not exceed the maximum level of allowable contamination for any  
24 contaminant that is injurious to health and for which testing is required and to ensure  
25 correct labeling. The Department of Agriculture, Conservation and Forestry shall adopt  
26 rules establishing a testing program pursuant to this section, rules identifying the types of  
27 contaminants that are injurious to health for which marijuana and marijuana products  
28 must be tested under this subchapter and rules regarding the maximum level of allowable  
29 contamination for each contaminant. Rules adopted pursuant to this subchapter are  
30 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

31 **§602. Mandatory testing**

32 A licensee may not sell or distribute adult use marijuana or an adult use marijuana  
33 product to a consumer or to another licensee under this chapter unless the marijuana or  
34 marijuana product has been tested pursuant to this subchapter and the rules adopted  
35 pursuant to this subchapter and that mandatory testing has demonstrated that the  
36 marijuana or marijuana product does not exceed the maximum level of allowable  
37 contamination for any contaminant that is injurious to health and for which testing is  
38 required.

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

3           A. Residual solvents, poisons and toxins;

4           B. Harmful chemicals;

5           C. Dangerous molds and mildew;

6           D. Harmful microbes, including, but not limited to, Escherichia coli and salmonella;

7           E. Pesticides, fungicides and insecticides; and

8           F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling.

9           The Department of Agriculture, Conservation and Forestry may, after consultation with  
10 the department, temporarily waive mandatory testing requirements under this section for  
11 any contaminant or factor for which the Department of Agriculture, Conservation and  
12 Forestry has determined that there exists no licensed testing facility in the State capable  
13 of and certified to perform such testing.

14           **2. Record keeping.** A licensee shall maintain a record of all mandatory testing that  
15 includes a description of the adult use marijuana or adult use marijuana product provided  
16 to the testing facility, the identity of the testing facility and the results of the mandatory  
17 test.

18           **3. Testing process, protocols and standards.** The Department of Agriculture,  
19 Conservation and Forestry shall establish by rule processes, protocols and standards for  
20 mandatory and other testing of marijuana and marijuana products that conform with the  
21 best practices generally used within the marijuana industry.

22           **§603. Notification requirements**

23           **1. Notification required.** If the results of a mandatory test conducted pursuant to  
24 section 602 indicate that the tested adult use marijuana or adult use marijuana product  
25 exceeds the maximum level of allowable contamination for any contaminant that is  
26 injurious to health and for which testing is required, the testing facility immediately shall  
27 quarantine, document and properly destroy the marijuana or marijuana product, except  
28 when the owner of the tested marijuana or marijuana product has successfully undertaken  
29 remediation and retesting, and within 30 days of completing the test shall notify the  
30 Department of Agriculture, Conservation and Forestry of the test results.

31           **2. Notification not required.** A testing facility is not required to notify the  
32 Department of Agriculture, Conservation and Forestry of the results of any test:

33           A. Conducted on adult use marijuana or an adult use marijuana product at the  
34 direction of a licensee pursuant to section 602 that demonstrates that the marijuana or  
35 marijuana product does not exceed the maximum level of allowable contamination  
36 for any contaminant that is injurious to health and for which testing is required;

37           B. Conducted on adult use marijuana or an adult use marijuana product at the  
38 direction of a licensee for research and development purposes only, so long as the

1 licensee notifies the testing facility prior to the performance of the test that the testing  
2 is for research and development purposes only;

3 C. Conducted on marijuana or a marijuana product at the direction of a person who is  
4 not a licensee; or

5 D. Conducted on a substance that is not marijuana or a marijuana product.

6 **§604. Sampling for testing**

7 If a test to be performed by a testing facility is a mandatory test under section 602, an  
8 employee or designee of the testing facility must perform the sampling required for the  
9 test. If a test to be performed by a testing facility is not a mandatory test, the owner of the  
10 marijuana or marijuana product, or a designee of the owner, may perform the sampling  
11 required for the test.

12 **§605. Additional testing not required**

13 Notwithstanding section 602, a licensee may sell or furnish to a consumer or to  
14 another licensee adult use marijuana or an adult use marijuana product that the licensee  
15 has not submitted for testing in accordance with this subchapter and rules adopted  
16 pursuant to this subchapter if:

17 **1. Prior testing.** The marijuana or marijuana product has previously undergone  
18 testing in accordance with this subchapter and rules adopted pursuant to this subchapter at  
19 the direction of another licensee and that testing demonstrated that the marijuana or  
20 marijuana product does not exceed the maximum level of allowable contamination for  
21 any contaminant that is injurious to health and for which testing is required;

22 **2. Proper documentation.** The mandatory testing process and the test results for  
23 the marijuana or marijuana product are documented in accordance with the requirements  
24 of this chapter and all applicable rules adopted pursuant to this chapter;

25 **3. Tracking maintained.** Tracking from immature marijuana plant to the point of  
26 retail sale has been maintained for the marijuana or marijuana product and transfers of the  
27 marijuana or marijuana product to another licensee or to a consumer can be easily  
28 identified; and

29 **4. No subsequent processing, manufacturing or alteration.** Since the  
30 performance of the testing under subsection 1, the marijuana or marijuana product has not  
31 undergone any further processing, manufacturing or alteration, other than the packaging  
32 and labeling of the marijuana or marijuana product for sale.

33 **§606. Coordination with testing program and rules for marijuana and marijuana**  
34 **products for medical use**

35 In adopting rules and regulating the testing of adult use marijuana and adult use  
36 marijuana products under this subchapter, the Department of Agriculture, Conservation  
37 and Forestry shall consult and coordinate with the Department of Health and Human  
38 Services to ensure that, when necessary and practicable, the regulation of the testing of  
39 adult use marijuana and adult use marijuana products under this subchapter is consistent

1 with the regulation of the testing of marijuana and marijuana products for medical use  
2 under the Maine Medical Use of Marijuana Act.

3 **SUBCHAPTER 7**

4 **LABELING AND PACKAGING; SIGNS, ADVERTISING AND**  
5 **MARKETING; HEALTH AND SAFETY**

6 **§701. Labeling and packaging**

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

11 A. The license numbers of the cultivation facility, the products manufacturing  
12 facility and the marijuana store or marijuana social club where the adult use  
13 marijuana or adult use marijuana product was cultivated, manufactured and offered  
14 for sale;

15 B. An identity statement, universal symbol and warning labels;

16 C. The batch number;

17 D. A net weight statement;

18 E. Information on the THC potency of the marijuana or marijuana product and the  
19 potency of such other cannabinoids or other chemicals in the marijuana or marijuana  
20 product, including, but not limited to, cannabidiol;

21 F. Information on the amount of THC and cannabidiol per serving of the marijuana  
22 or marijuana product and, for edible marijuana products, the number of servings per  
23 package;

24 G. Information on gases, solvents and chemicals used in marijuana extraction;

25 H. Instructions on usage;

26 I. For adult use marijuana products:

27 (1) The amount of marijuana concentrate per serving of the product, as measured  
28 in grams, and the amount of marijuana concentrate per package of the product, as  
29 measured in grams;

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

31 (3) A recommended use date or expiration date;

32 J. For edible marijuana products, a nutritional fact panel; and

33 K. Any other information required by rule by the Department of Agriculture,  
34 Conservation and Forestry.

35 **2. Packaging requirements.** Adult use marijuana and adult use marijuana products  
36 to be sold or offered for sale by a licensee to a consumer in accordance with this chapter

1 must be packaged in the following manner, as applicable based on the marijuana or  
2 marijuana product to be sold:

3 A. Adult use marijuana and adult use marijuana products must be prepackaged in  
4 child-resistant and tamper-evident packaging or must be placed in child-resistant and  
5 tamper-evident packaging at the final point of sale to a consumer;

6 B. Adult use marijuana and adult use marijuana products must be prepackaged in  
7 opaque packaging or an opaque container or must be placed in opaque packaging or  
8 an opaque container at the final point of sale to a consumer;

9 C. Packaging for multiserving liquid adult use marijuana products must include an  
10 integral measurement component and a child-resistant cap; and

11 D. Packaging must conform to all other applicable requirements and restrictions  
12 imposed by rule by the Department of Agriculture, Conservation and Forestry.

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

17 A. A statement of compatibility with dietary practices;

18 B. Depictions of geometric shapes or marijuana leaves; and

19 C. Any other information that has been preapproved by the Department of  
20 Agriculture, Conservation and Forestry.

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

24 A. May not be labeled or packaged in violation of a federal trademark law or  
25 regulation or in a manner that would cause a reasonable consumer confusion as to  
26 whether the marijuana or marijuana product was a trademarked product;

27 B. May not be labeled or packaged in a manner that is specifically designed to appeal  
28 particularly to a person under 21 years of age;

29 C. May not be labeled or packaged in a manner that obscures identifying information  
30 on the label or uses a false or deceptive label;

31 D. May not be sold or offered for sale using a label or packaging that depicts a  
32 human, animal or fruit; and

33 E. May not be labeled or packaged in violation of any other labeling or packaging  
34 requirement or restriction imposed by rule by the Department of Agriculture,  
35 Conservation and Forestry.

36 **§702. Signs, advertising and marketing**

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

38 A. May not be misleading, deceptive or false;

1 B. May not involve mass-market advertising or marketing campaigns that have a  
2 high likelihood of reaching persons under 21 years of age or that are specifically  
3 designed to appeal particularly to persons under 21 years of age;

4 C. May not be placed or otherwise used within 1,000 feet of the property line of a  
5 preexisting public or private school, except that, if a municipality chooses to prohibit  
6 the placement or use of signs or advertising by or on behalf of a marijuana  
7 establishment at distances greater than or less than 1,000 feet but not less than 500  
8 feet from the property line of a preexisting public or private school, that greater or  
9 lesser distance applies. As used in this paragraph, "school" has the same meaning as  
10 in section 402, subsection 2, paragraph A; and

11 D. May not violate any other requirement or restriction on signs, advertising and  
12 marketing imposed by the department by rule pursuant to subsection 2.

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

16 A. A prohibition on health or physical benefit claims in advertising or marketing,  
17 including, but not limited to, health or physical benefit claims on the label or  
18 packaging of adult use marijuana or an adult use marijuana product;

19 B. A prohibition on unsolicited advertising or marketing on the Internet, including,  
20 but not limited to, banner advertisements on mass-market websites;

21 C. A prohibition on opt-in advertising or marketing that does not permit an easy and  
22 permanent opt-out feature; and

23 D. A prohibition on advertising or marketing directed toward location-based devices,  
24 including, but not limited to, cellular telephones, unless the marketing is a mobile  
25 device application installed on the device by the owner of the device who is 21 years  
26 of age or older and includes a permanent and easy opt-out feature.

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

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

31 A. May be manufactured in geometric shapes or in the shape of a marijuana leaf;

32 B. Must be manufactured in a manner that results in the cannabinoid content within  
33 the product being homogeneous throughout the product or throughout each element  
34 of the product that has a cannabinoid content;

35 C. Must be manufactured in a manner that results in the amount of marijuana  
36 concentrate within the product being homogeneous throughout the product or  
37 throughout each element of the product that contains marijuana concentrate;

38 D. Must have a universal symbol stamped or embossed on each serving of the  
39 product;

40 E. May not be manufactured in the distinct shape of a human, animal or fruit;

1 F. May not contain more than 10 milligrams of THC per serving of the product and  
2 may not contain more than 100 milligrams of THC per package of the product;

3 G. May not contain additives that are:

4 (1) Toxic or harmful to human beings;

5 (2) Specifically designed to make the product more addictive or that are  
6 misleading to consumers; or

7 (3) Specifically designed to make the product appeal particularly to a person  
8 under 21 years of age; and

9 H. May not involve the addition of marijuana to a trademarked food or drink  
10 product, except when the trademarked product is used as a component of or  
11 ingredient in the edible marijuana product and the edible marijuana product is not  
12 advertised or described for sale as containing the trademarked product.

13 **2. Health and safety rules.** The Department of Agriculture, Conservation and  
14 Forestry, after consultation with the department, shall adopt labeling, packaging and other  
15 necessary health and safety rules for adult use marijuana and adult use marijuana  
16 products to be sold or offered for sale by a licensee to a consumer in accordance with this  
17 chapter. Rules adopted pursuant to this subsection must establish mandatory health and  
18 safety standards applicable to the cultivation of adult use marijuana, the manufacture of  
19 adult use marijuana products and the packaging and labeling of adult use marijuana and  
20 adult use marijuana products sold by a licensee to a consumer. Such rules must address,  
21 but are not limited to:

22 A. Requirements for the storage, warehousing and transportation of adult use  
23 marijuana and adult use marijuana products by licensees;

24 B. Sanitary standards for marijuana establishments, including, but not limited to,  
25 sanitary standards for the manufacture of adult use marijuana and adult use marijuana  
26 products; and

27 C. Limitations on the display of adult use marijuana and adult use marijuana  
28 products at marijuana stores and marijuana social clubs.

29 **SUBCHAPTER 8**

30 **LICENSE VIOLATIONS; PENALTIES**

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

33 The department, on its own initiative or on complaint and after investigation, notice  
34 and the opportunity for a public hearing, by written order may impose a monetary penalty  
35 on a licensee or suspend or revoke the licensee's license for a violation by the licensee or  
36 by an agent or employee of the licensee of the provisions of this chapter, the rules  
37 adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's  
38 license.

1 **1. Additional penalties may be imposed.** Any penalties imposed by the department  
2 on a licensee pursuant to this subchapter are in addition to any criminal or civil penalties  
3 that may be imposed pursuant to other applicable laws or rules.

4 **2. Maine Administrative Procedure Act; appeals.** Except as otherwise provided  
5 in this subchapter or in rules adopted pursuant to this subchapter, the imposition of a  
6 monetary penalty, suspension or revocation on a licensee by the department, including,  
7 but not limited to, the provision of notice and the conduct of hearings, is governed by the  
8 Maine Administrative Procedure Act. A final order of the department imposing a  
9 monetary penalty on a licensee or suspending or revoking the licensee's license is a final  
10 agency action, as defined in Title 5, section 8002, subsection 4, and the licensee may  
11 appeal that final order to the Superior Court in accordance with Rule 80C of the Maine  
12 Rules of Civil Procedure.

13 **§802. Penalties**

14 **1. Monetary penalties.** A monetary penalty imposed by the department on a  
15 licensee pursuant to this subchapter may not exceed \$100,000 per license violation.

16 A. The department shall adopt rules setting forth potential amounts of monetary  
17 penalties to be imposed on a licensee based upon specific categories of unauthorized  
18 conduct by the licensee, including major and minor license violations, as follows:

19 (1) Not more than \$10,000 per minor license violation;

20 (2) Except as provided in subparagraph (3), not more than \$50,000 per major  
21 license violation; and

22 (3) Not more than \$100,000 per major license violation affecting public safety.

23 B. All monetary penalties imposed pursuant to this subchapter must be paid by the  
24 licensee to the department in the form of cash or in the form of a certified check or a  
25 cashier's check payable to the department. All monetary penalties paid to the  
26 department pursuant to this subchapter must be deposited into the Adult Use  
27 Marijuana Regulatory Coordination Fund established in section 1102.

28 **2. License suspension.** A licensee whose license has been suspended pursuant to  
29 this subchapter may not, for the duration of the period of suspension, engage in any  
30 activities relating to the operation of the marijuana establishment the licensee is licensed  
31 to operate.

32 **3. License revocation.** A licensee whose license has been revoked pursuant to this  
33 subchapter shall cease immediately all activities relating to the operation of the marijuana  
34 establishment the licensee was previously licensed to operate and shall ensure that all  
35 adult use marijuana and adult use marijuana products in the possession of the licensee are  
36 forfeited to the department for destruction in accordance with section 803.

37 **4. Imposition of monetary penalty upon suspension or revocation.** In addition to  
38 suspending or revoking a licensee's license, the department may impose a monetary  
39 penalty on the licensee consistent with this section.



1           **§803. Disposition of unauthorized marijuana or marijuana products of licensee**

2           **1. Order; destruction of marijuana or marijuana products.** If the department  
3 issues a final order imposing a monetary penalty on or a license suspension or revocation  
4 against a licensee pursuant to this subchapter, the department may specify in the order, in  
5 addition to any other penalties imposed in the order, that all or a portion of the marijuana  
6 or marijuana products in the possession of the licensee are not authorized under this  
7 chapter and are subject to destruction. A licensee subject to a final order directing the  
8 destruction of marijuana or marijuana products in the possession of the licensee shall  
9 forfeit the marijuana and marijuana products described in the order to the department for  
10 destruction.

11           **2. Investigation.** If the department is notified by a criminal justice agency that there  
12 is a pending investigation of a licensee subject to an order imposed under subsection 1,  
13 the department may not destroy any marijuana or marijuana products of that licensee until  
14 the destruction is approved by the criminal justice agency.

15           **§804. Rules**

16           The department shall adopt rules governing the imposition of monetary penalties,  
17 suspensions and revocations under this subchapter, which must include, but are not  
18 limited to, provisions relating to notice and conduct of hearings consistent with the Maine  
19 Administrative Procedure Act and provisions relating to the disposition of unauthorized  
20 marijuana and marijuana products of a licensee.

21   **SUBCHAPTER 9**

22   **MARIJUANA ADVISORY COMMISSION**

23           **§901. Establishment**

24           The Marijuana Advisory Commission, established by Title 5, section 12004-I,  
25 subsection 52-C and referred to in this subchapter as "the commission," is created for the  
26 purpose of conducting a continuing study of the laws relating to marijuana and reporting  
27 to the Legislature its findings and recommendations on an annual basis.

28           **§902. Membership; chairs; terms; vacancies; quorum**

29           **1. Membership.** The commission consists of the following 15 members:

30           A. The Commissioner of Administrative and Financial Services or the  
31 commissioner's designee;

32           B. The Commissioner of Health and Human Services or the commissioner's  
33 designee;

34           C. The Commissioner of Public Safety or the commissioner's designee;

35           D. The Commissioner of Agriculture, Conservation and Forestry or the  
36 commissioner's designee;

- 1           E. The Attorney General or the Attorney General's designee;  
2           F. The following 5 members, appointed by the President of the Senate:  
3                 (1) Two members of the Senate, including members from each of the 2 parties  
4                 holding the largest number of seats in the Legislature;  
5                 (2) A representative of a statewide association of health care professionals;  
6                 (3) A representative of a statewide association representing the medical  
7                 marijuana industry; and  
8                 (4) A member of the public; and  
9           G. The following 5 members, appointed by the Speaker of the House of  
10           Representatives:  
11                 (1) Two members of the House of Representatives, including members from  
12                 each of the 2 parties holding the largest number of seats in the Legislature;  
13                 (2) A representative of a statewide association representing municipalities;  
14                 (3) A representative of a statewide association representing the adult use  
15                 marijuana industry; and  
16                 (4) A member of the public.

17           **2. Chairs.** The first-named Senate member is the Senate chair and the first-named  
18           House member is the House chair of the commission.

19           **3. Terms.** Public members of the commission serve for a term of 2 years and may  
20           be reappointed. Members of the commission who are Legislators serve during the term  
21           of office for which they were elected.

22           **4. Vacancies.** In the event of a vacancy on the commission, the member's unexpired  
23           term must be filled through an appointment by the appointing authority for the vacant  
24           seat.

25           **5. Quorum.** A quorum of the commission consists of 8 members.

26           **§903. Duties**

27           **1. Review of laws and rules.** The commission shall review laws and rules  
28           pertaining to the adult use marijuana and medical marijuana industries in this State and  
29           any other provision of law or rule pertaining to marijuana, including, but not limited to,  
30           laws and rules regarding public health, public safety, juvenile and adult criminal and civil  
31           offenses, workplace drug testing, workplace safety, motor vehicle safety, landlords and  
32           tenants, the personal use of marijuana and taxes and fees paid to the State by applicants  
33           and registered primary caregivers and registered dispensaries under the Maine Medical  
34           Use of Marijuana Act and applicants and licensees under this Act.

35           **2. Submission of recommendations to Legislature.** The commission shall submit  
36           to the Legislature such recommended changes to the laws as it considers appropriate to  
37           preserve the public health and safety and the well-being of the citizens of the State and to

1 preserve the intent of citizens as expressed in passage of the Marijuana Legalization Act,  
2 former Title 7, chapter 417. The commission shall include any recommended changes in  
3 its annual report to the Legislature pursuant to subsection 4.

4 **3. Public hearings.** The commission may hold public hearings at such times and at  
5 such places as the commission considers appropriate in order to take testimony  
6 concerning the use, possession and distribution of marijuana and to align this Act with  
7 other provisions of law.

8 **4. Report to Legislature.** Beginning January 15, 2019, and annually thereafter, the  
9 commission shall submit a report containing its findings and recommendations, together  
10 with any suggested legislation, to the joint standing committee or committees of the  
11 Legislature having jurisdiction over medical marijuana matters and adult use marijuana  
12 matters.

13 **§904. Organization; staffing; consultation**

14 **1. Organization; staffing.** The Legislative Council shall provide staffing services to  
15 the commission, except that Legislative Council staff support is not authorized when the  
16 Legislature is in regular or special session. The Executive Director of the Legislative  
17 Council shall notify all members of the commission of the time and place of the first  
18 meeting. At that time the commission shall organize and adopt policies regarding the  
19 functioning of the commission and its affairs.

20 **2. Consultation.** Whenever the commission considers it appropriate, it may seek the  
21 advice of consultants or experts, including representatives of the legislative and executive  
22 branches of State Government, in fields related to its duties.

23 **§905. Reimbursement of expenses**

24 Members of the commission must be compensated in accordance with Title 5, chapter  
25 379.

26 **SUBCHAPTER 10**

27 **EXCISE TAX ON ADULT USE MARIJUANA**

28 **§1001. Excise tax imposed**

29 Beginning on the first day of the calendar month in which adult use marijuana may be  
30 sold in the State by a cultivation facility under this chapter, an excise tax on adult use  
31 marijuana is imposed in accordance with this subchapter.

32 **1. Excise tax on marijuana flower and mature marijuana plants.** A cultivation  
33 facility licensee shall pay an excise tax of \$130 per pound of marijuana flower or mature  
34 marijuana plants sold to other licensees in the State.

35 **2. Excise tax on marijuana trim.** A cultivation facility licensee shall pay an excise  
36 tax of \$36.29 per pound of marijuana trim sold to other licensees in the State.

1 **3. Excise tax on immature marijuana plants and seedlings.** A cultivation facility  
2 licensee shall pay an excise tax of \$1.50 per immature marijuana plant or seedling sold to  
3 other licensees in the State.

4 **4. Excise tax on marijuana seeds.** A cultivation facility licensee shall pay an excise  
5 tax of \$0.30 per marijuana seed sold to other licensees in the State.

6 **§1002. Collection and payment of excise tax**

7 **1. Payment to department.** On or before the last day of each month, a cultivation  
8 facility licensee shall pay to the department all excise taxes due under this subchapter on  
9 the adult use marijuana sold by the cultivation facility licensee to other licensees during  
10 the preceding calendar month, less the amount paid by the cultivation facility licensee to  
11 the municipality in which the cultivation facility is located as required by subsection 2.

12 **2. Payment to municipality.** On or before the last day of each month, a cultivation  
13 facility licensee shall pay to the municipality in which the cultivation facility is located  
14 5% of the total excise taxes required to be paid by the cultivation facility licensee  
15 pursuant to this subchapter during the preceding calendar month. A cultivation facility  
16 licensee shall include with its monthly payment to the department under subsection 1  
17 documentation of the payment made under this subsection to the municipality in which  
18 the cultivation facility is located.

19 **§1003. Application of excise tax revenue**

20 All excise tax revenue collected by the department pursuant to this subchapter on the  
21 sale of adult use marijuana must be deposited into the General Fund, except that, on or  
22 before the last day of each month, the department shall:

23 **1. Revenue sharing for participating municipalities.** Distribute 1% of the total  
24 excise tax revenue received by the department during the preceding month pursuant to  
25 this subchapter in equal amounts to each municipality that was a participating  
26 municipality during the preceding month; and

27 **2. Transfer to Adult Use Marijuana Public Health and Safety Fund.** After the  
28 distribution pursuant to subsection 1, transfer 12% of the remaining excise tax revenue  
29 received by the department during the preceding month pursuant to this subchapter to the  
30 Adult Use Marijuana Public Health and Safety Fund established under section 1101.

31 **SUBCHAPTER 11**

32 **ADULT USE MARIJUANA PUBLIC HEALTH AND SAFETY FUND;**  
33 **ADULT USE MARIJUANA REGULATORY COORDINATION FUND**

34 **§1101. Adult Use Marijuana Public Health and Safety Fund**

35 The Adult Use Marijuana Public Health and Safety Fund, referred to in this section as  
36 "the fund," is established as a dedicated, nonlapsing fund within the department for the  
37 purposes specified in this section.

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**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 marijuana by a cultivation facility to other licensees pursuant to subchapter 10 in the amount required under section 1003, subsection 2;

B. Money received from the sales tax imposed on the sale of adult use marijuana and adult use marijuana products by a marijuana store or a marijuana social club to a consumer pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818, subsection 3;

C. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

D. Interest earned or other investment income on balances in the fund.

**2. Uses of fund.** Money credited to the fund pursuant to subsection 1 may be used by the department as provided in this subsection.

A. No more than 50% of all money credited to the fund may be expended by the department to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use marijuana and adult use marijuana products conducted in accordance with section 108 by the department, another state agency or department or any other public or private entity.

B. No more than 50% of all money credited to the fund may be expended by the department to fund enhanced law enforcement training programs relating to the sale and use of adult use marijuana and adult use marijuana products for local, county and state law enforcement officers conducted in accordance with section 109 by the department, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

**3. Application of fund to departmental expenses prohibited.** Money in the fund may not be applied to any expenses incurred by the department or the Department of Agriculture, Conservation and Forestry in implementing, administering or enforcing this chapter.

**§1102. Adult Use Marijuana Regulatory Coordination Fund**

The Adult Use Marijuana Regulatory Coordination Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the department. The fund is administered and used by the commissioner for the purposes of adopting rules as required by this chapter by the department and by any other department of State Government that is authorized to adopt rules under this chapter and for the purposes of implementing, administering and enforcing this chapter. The commissioner may expend money in the fund to enter into contracts with consultants and employ staff, as determined necessary by the commissioner, conduct meetings with stakeholders and conduct any other activities related to the implementation, administration and enforcement of this chapter.

**CHAPTER 3**

1 **PERSONAL USE OF MARIJUANA AND MARIJUANA PRODUCTS;**  
2 **HOME CULTIVATION OF MARIJUANA FOR PERSONAL ADULT USE**

3 **§1501. Personal use of marijuana and marijuana products**

4 **1. Authorized conduct.** A person 21 years of age or older may:

5 A. Use, possess or transport marijuana paraphernalia and use, possess or transport up  
6 to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and  
7 marijuana concentrate that includes no more than 5 grams of marijuana concentrate;

8 B. Transfer or furnish, without remuneration, to a person 21 years of age or older up  
9 to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and  
10 marijuana concentrate that includes no more than 5 grams of marijuana concentrate;

11 C. Transfer or furnish, without remuneration, to a person 21 years of age or older up  
12 to 6 immature marijuana plants or seedlings;

13 D. Subject to the requirements and restrictions of section 1502, possess, cultivate or  
14 transport up to 6 mature marijuana plants, 12 immature marijuana plants and an  
15 unlimited number of seedlings and possess all the marijuana produced by such plants  
16 at the person's place of residence or at the location where the marijuana was  
17 cultivated;

18 E. Purchase up to 2 1/2 ounces of adult use marijuana or 2 1/2 ounces of a  
19 combination of adult use marijuana and marijuana concentrate that includes no more  
20 than 5 grams of marijuana concentrate from a marijuana store;

21 F. Purchase up to 12 immature marijuana plants or seedlings from a marijuana store  
22 or a nursery cultivation facility as described in section 301, subsection 5; and

23 G. Purchase an amount of adult use marijuana products that includes no more than 5  
24 grams of marijuana concentrate from a marijuana social club.

25 For the purposes of this subsection, "remuneration" includes a donation or any other  
26 monetary payment received directly or indirectly by a person in exchange for goods or  
27 services as part of a transaction in which marijuana or marijuana products are transferred  
28 or furnished by that person to another person.

29 **2. Consumption of marijuana and marijuana products; violation.** The  
30 provisions of this subsection apply to the consumption of marijuana or marijuana  
31 products by a person 21 years of age or older.

32 A. A person 21 years of age or older may consume marijuana or marijuana products  
33 only if that person is:

34 (1) In a private residence, including curtilage; or

35 (2) On private property, not generally accessible by the public, and the person is  
36 explicitly permitted to consume marijuana or marijuana products on the property  
37 by the owner of the property.

38 B. A person 21 years of age or older may not consume marijuana or marijuana  
39 products:

1                   (1) If that person is the operator of a vehicle on a public way or is a passenger in  
2                   the vehicle. As used in this subparagraph, "vehicle" has the same meaning as in  
3                   Title 29-A, section 101, subsection 91;

4                   (2) In a private residence or on private property used as a day care or baby-  
5                   sitting service during the hours in which the residence or property is being  
6                   operated as a day care or baby-sitting service;

7                   (3) By means of smoking the marijuana or marijuana product in a designated  
8                   smoking area as provided under the Workplace Smoking Act of 1985; or

9                   (4) By means of smoking the marijuana or marijuana product in a public place or  
10                  in a public area where smoking is prohibited under Title 22, chapter 262.

11                  C. A person who violates this subsection commits a civil violation for which a fine  
12                  of not more than \$100 may be adjudged in addition to any criminal or civil penalties  
13                  that may be imposed pursuant to other applicable laws or rules.

14                  **§1502. Home cultivation of marijuana for personal adult use**

15                  The provisions of this section apply to the home cultivation of marijuana for personal  
16                  adult use by a person 21 years of age or older, but do not apply to the cultivation of  
17                  marijuana for medical use by a qualifying patient, a primary caregiver, a registered  
18                  primary caregiver or a registered dispensary pursuant to the Maine Medical Use of  
19                  Marijuana Act.

20                  **1. Cultivation of up to 6 mature marijuana plants for personal adult use per**  
21                  **person authorized.** Subject to the requirements and restrictions of subsections 2 and 3, a  
22                  person may cultivate up to 6 mature marijuana plants, up to 12 immature marijuana plants  
23                  and an unlimited number of seedlings for personal adult use at that person's place of  
24                  residence, on a parcel or tract of land owned by that person or on a parcel or tract of land  
25                  owned by another person with the written permission of that owner. A person may  
26                  cultivate the marijuana plants authorized under this subsection at multiple locations so  
27                  long as such cultivation activities otherwise meet all requirements and restrictions of this  
28                  section.

29                  **2. Cultivation of more than 12 mature marijuana plants for personal adult use**  
30                  **per parcel or tract of land prohibited.** No more than 12 mature marijuana plants for  
31                  personal adult use may be cultivated on any one parcel or tract of land, except that, if a  
32                  municipality adopts an ordinance pursuant to the authority in subsection 4 that allows  
33                  more than 12 but not more than 18 mature marijuana plants for personal adult use to be  
34                  cultivated on any one parcel or tract of land, up to but not exceeding that greater number  
35                  of mature marijuana plants for personal adult use may be cultivated on any one parcel or  
36                  tract of land within that municipality.

37                  **3. Cultivation requirements.** A person who cultivates marijuana for personal adult  
38                  use pursuant to this section shall:

39                  A. Ensure that the marijuana is not visible from a public way without the use of  
40                  aircraft or binoculars or other optical aids;

1           B. Take reasonable precautions to prevent unauthorized access by a person under 21  
2           years of age;

3           C. Attach to each mature marijuana plant and each immature marijuana plant a  
4           legible tag that includes the person's name, driver's license number or identification  
5           number, a notation that the marijuana plant is being grown for personal adult use as  
6           authorized under this section and, if the cultivation is on a parcel or tract of land  
7           owned by another person, the name of that owner; and

8           D. Comply with all applicable municipal regulations relating to the home cultivation  
9           of marijuana for personal adult use that have been adopted by the municipality in  
10           which the marijuana is cultivated in accordance with subsection 4.

11           **4. Municipal regulation of home cultivation of marijuana for personal adult use.**

12           In accordance with this subchapter and pursuant to the home rule authority granted under  
13           the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a  
14           municipality may regulate the home cultivation of marijuana for personal adult use within  
15           the municipality, including, but not limited to, the adoption of an ordinance allowing  
16           home cultivation within the municipality of more than 12 mature marijuana plants for  
17           personal adult use but not more than 18 mature marijuana plants for personal adult use on  
18           any one parcel or tract of land within the municipality. A municipality may not generally  
19           prohibit the home cultivation of marijuana for personal adult use within the municipality,  
20           restrict the areas within the municipality in which home cultivation of marijuana for  
21           personal adult use is allowed or charge a license or other fee to a person relating to the  
22           home cultivation of marijuana for personal adult use within a municipality.

23           **§1503. Home extraction of marijuana concentrate by use of inherently hazardous**  
24           **substance prohibited**

25           Except as authorized under section 502, subsection 7 or pursuant to the Maine  
26           Medical Use of Marijuana Act, a person may not manufacture marijuana concentrate  
27           using an inherently hazardous substance and an owner of a property or a parcel or tract of  
28           land may not intentionally or knowingly allow another person to manufacture marijuana  
29           concentrate using an inherently hazardous substance within or on that property or land.

30           **§1504. Violations; penalties**

31           Except as provided in section 1501, subsection 2, a person who violates any provision  
32           of this chapter is subject to forfeiture or seizure of any unauthorized marijuana, marijuana  
33           products or marijuana plants and is subject to any additional criminal or civil penalties  
34           that may be imposed pursuant to other applicable laws or rules.

35           **Sec. A-7. Transfer of funds; Adult Use Marijuana Regulatory**  
36           **Coordination Fund.** Notwithstanding any other provision of law to the contrary, the  
37           State Controller, no later than 5 days after the effective date of this Act, shall transfer the  
38           balance of the Retail Marijuana Regulatory Coordination Fund in the Department of  
39           Administrative and Financial Services to the Adult Use Marijuana Regulatory  
40           Coordination Fund in the Department of Administrative and Financial Services.





- 1 A. Kits used or intended for use in planting, propagating, cultivating, growing or  
2 harvesting of any species of plant which is a scheduled drug or from which a  
3 scheduled drug can be derived;
- 4 B. Kits used or intended for use in manufacturing, compounding, converting,  
5 producing, processing or preparing scheduled drugs;
- 6 C. Isomerization devices used or intended for use in increasing the potency of any  
7 species of plant that is a scheduled drug;
- 8 D. Testing equipment used or intended for use in identifying or in analyzing the  
9 strength, effectiveness or purity of scheduled drugs;
- 10 E. Scales and balances used or intended for use in weighing or measuring scheduled  
11 drugs;
- 12 F. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite,  
13 dextrose and lactose, used or intended for use in cutting scheduled drugs;
- 14 G. Separation gins and sifters, used or intended for use in removing twigs and seeds  
15 from, or in otherwise cleaning or refining, marijuana;
- 16 H. Blenders, bowls, containers, spoons and mixing devices used or intended for use  
17 in compounding scheduled drugs;
- 18 I. Capsules, balloons, envelopes and other containers used or intended for use in  
19 packaging small quantities of scheduled drugs;
- 20 J. Containers and other objects used or intended for use in storing or concealing  
21 scheduled drugs; and
- 22 K. Objects used or intended for use in ingesting, inhaling or otherwise introducing  
23 marijuana, cocaine, hashish or hashish oil into the human body, such as:
- 24 (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without  
25 screens, permanent screens, hashish heads or punctured metal bowls;
- 26 (2) Water pipes;
- 27 (3) Carburetion tubes and devices;
- 28 (4) Smoking and carburetion masks;
- 29 (5) Roach clips, meaning objects used to hold burning material, such as a  
30 marijuana cigarette that has become too small or too short to be held in the hand;
- 31 (6) Miniature cocaine spoons and cocaine vials;
- 32 (7) Chamber pipes;
- 33 (8) Carburetor pipes;
- 34 (9) Electric pipes;
- 35 (10) Air-driven pipes;
- 36 (11) Chillums;
- 37 (12) Bongs; or

1 (13) Ice pipes or chillers.

2 **Sec. B-2. 25 MRSA §1542-A, sub-§1, ¶O** is enacted to read:

3 O. Who is required to submit to a criminal history record check pursuant to Title  
4 28-B, section 204.

5 **Sec. B-3. 25 MRSA §1542-A, sub-§3, ¶N** is enacted to read:

6 N. The State Police shall take or cause to be taken the fingerprints of the person  
7 named in subsection 1, paragraph O at the request of that person and upon payment  
8 of the expenses by that person as provided under Title 28-B, section 204.

9 **Sec. B-4. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 253, §4 and c.  
10 258, Pt. B, §4, is repealed and the following enacted in its place:

11 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law  
12 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B  
13 and G to transmit immediately to the State Bureau of Identification the criminal  
14 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or  
15 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless  
16 an express request is made by the commanding officer of the State Bureau of  
17 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be  
18 transmitted immediately to the State Bureau of Identification to enable the bureau to  
19 conduct state and national criminal history record checks for the Department of  
20 Education. The bureau may not use the fingerprints for any purpose other than that  
21 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,  
22 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken  
23 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted  
24 immediately to the State Bureau of Identification to enable the bureau to conduct state  
25 and national criminal history record checks for the court and the Department of Public  
26 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection  
27 1, paragraph J, K or L must be transmitted immediately to the State Bureau of  
28 Identification to enable the bureau to conduct state and national criminal history record  
29 checks for the Department of Administrative and Financial Services, Bureau of Revenue  
30 Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted  
31 immediately to the State Bureau of Identification to enable the bureau to conduct state  
32 and national criminal history record checks for the Board of Osteopathic Licensure,  
33 established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph  
34 N must be transmitted immediately to the State Bureau of Identification to enable the  
35 bureau to conduct state and national criminal history record checks for the Board of  
36 Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to  
37 subsection 1, paragraph M must be transmitted immediately to the State Bureau of  
38 Identification to enable the bureau to conduct state and national criminal history record  
39 checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1,  
40 paragraph O must be transmitted immediately to the State Bureau of Identification to  
41 enable the bureau to conduct state and national criminal history record checks under Title  
42 28-B, section 204.

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**PART C**

**Sec. C-1. 30-A MRSA §4452, sub-§5, ¶U**, as corrected by RR 2007, c. 2, §17, is amended to read:

U. Standards under a wind energy development certification issued by the Department of Environmental Protection pursuant to Title 35-A, section 3456 if the municipality chooses to enforce those standards; ~~and~~

**Sec. C-2. 30-A MRSA §4452, sub-§5, ¶V**, as reallocated by RR 2007, c. 2, §18, is amended to read:

V. The Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103-; ~~and~~

**Sec. C-3. 30-A MRSA §4452, sub-§5, ¶W** is enacted to read:

W. Local land use and business licensing ordinances adopted pursuant to Title 28-B, chapter 1, subchapter 4.

**Sec. C-4. 30-A MRSA §7063** is enacted to read:

**§7063. Adult use marijuana**

A plantation has the same powers and duties, and is subject to the same restrictions and requirements, as a municipality under section 4452, subsection 5, paragraph W and under Title 28-B, chapters 1 and 3.

**PART D**

**Sec. D-1. 36 MRSA §1752, sub-§§1-I, 1-J, 6-D, 6-E, 6-F and 8-E** are enacted to read:

**1-I. Adult use marijuana.** "Adult use marijuana" has the same meaning as in Title 28-B, section 102, subsection 1.

**1-J. Adult use marijuana product.** "Adult use marijuana product" has the same meaning as in Title 28-B, section 102, subsection 2.

**6-D. Marijuana establishment.** "Marijuana establishment" has the same meaning as in Title 28-B, section 102, subsection 29.

**6-E. Marijuana social club.** "Marijuana social club" has the same meaning as in Title 28-B, section 102, subsection 34.

**6-F. Marijuana store.** "Marijuana store" has the same meaning as in Title 28-B, section 102, subsection 35.

**8-E. Participating municipality.** "Participating municipality" has the same meaning as in Title 28-B, section 102, subsection 41.

1           **Sec. D-2. 36 MRSA §1811, first ¶**, as amended by PL 2015, c. 267, Pt. OOOO,  
2           §5 and affected by §7, is further amended to read:

3           A tax is imposed on the value of all tangible personal property, products transferred  
4           electronically and taxable services sold at retail in this State. The rate of tax is 7% on the  
5           value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
6           subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of  
7           living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of  
8           rental for a period of less than one year of an automobile, of a pickup truck or van with a  
9           gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged  
10          in the business of renting automobiles or of a loaner vehicle that is provided other than to  
11          a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's  
12          warranty; 7% on the value of prepared food; and 5% on the value of all other tangible  
13          personal property and taxable services and products transferred electronically.  
14          Notwithstanding the other provisions of this section, from October 1, 2013 to December  
15          31, 2015, the rate of tax is 8% on the value of rental of living quarters in any hotel,  
16          rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on the  
17          value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
18          subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all  
19          other tangible personal property and taxable services and products transferred  
20          electronically. Notwithstanding the other provisions of this section, beginning January 1,  
21          2016, the rate of tax is 9% on the value of rental of living quarters in any hotel, rooming  
22          house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of  
23          liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15,  
24          in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible  
25          personal property and taxable services and products transferred electronically.  
26          Notwithstanding the other provisions of this section, beginning on the first day of the  
27          calendar month in which adult use marijuana and adult use marijuana products may be  
28          sold in the State by a marijuana establishment licensed to conduct retail sales pursuant to  
29          Title 28-B, chapter 1, the rate of tax is 10% on the value of adult use marijuana and adult  
30          use marijuana products. Value is measured by the sale price, except as otherwise  
31          provided. The value of rental for a period of less than one year of an automobile or of a  
32          pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a  
33          person primarily engaged in the business of renting automobiles is the total rental charged  
34          to the lessee and includes, but is not limited to, maintenance and service contracts, drop-  
35          off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges  
36          on the rental agreement to recover the owner's estimated costs of the charges imposed by  
37          government authority for title fees, inspection fees, local excise tax and agent fees on all  
38          vehicles in its rental fleet registered in the State. All fees must be disclosed when an  
39          estimated quote is provided to the lessee.

40           **Sec. D-3. 36 MRSA §1817**, as amended by PL 2017, c. 1, §21, is repealed.

41           **Sec. D-4. 36 MRSA §1818** is enacted to read:

1 **§1818. Tax on adult use marijuana and adult use marijuana products**

2 All sales tax revenue collected pursuant to section 1811 on the sale of adult use  
3 marijuana and adult use marijuana products must be deposited into the General Fund,  
4 except that, on or before the last day of each month, the State Controller shall:

5 **1. Distribution of sales tax revenue to municipality in which revenue was**  
6 **generated.** Distribute to each municipality with a marijuana store or a marijuana social  
7 club operating within the municipality during the preceding month 5% of all sales tax  
8 revenue received by the assessor during the preceding month pursuant to section 1811  
9 from the marijuana stores and marijuana social clubs operating within that municipality;

10 **2. Revenue sharing for participating municipalities.** Distribute 1% of the total  
11 sales tax revenue received by the assessor during the preceding month pursuant to section  
12 1811 in equal amounts to each municipality that was a participating municipality during  
13 the preceding month. On or before the last day of each month, the Department of  
14 Administrative and Financial Services shall provide the State Controller with a list of all  
15 the municipalities that were participating municipalities during the preceding month; and

16 **3. Transfer to Adult Use Marijuana Public Health and Safety Fund.** After the  
17 distributions made pursuant to subsections 1 and 2, transfer 12% of the remaining sales  
18 tax revenue received by the assessor during the preceding month pursuant to section 1811  
19 to the Adult Use Marijuana Public Health and Safety Fund established under Title 28-B,  
20 section 1101.

21 **PART E**

22 **Sec. E-1. Appropriations and allocations.** The following appropriations and  
23 allocations are made.

24 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

25 **Adult Use Marijuana Public Health and Safety Fund N270**

26 Initiative: Allocates 12% of marijuana sales tax revenue to facilitate public health and  
27 safety awareness and education programs, initiatives, campaigns and activities and  
28 enhanced law enforcement training programs for local, county and state law enforcement  
29 officers.

30	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
31	All Other	\$0	\$294,445
32			
33	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$294,445</b>

34 **Adult Use Marijuana Public Health and Safety Fund N270**

35 Initiative: Provides allocations for training costs for the Maine Criminal Justice Academy  
36 related to marijuana enforcement issues.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
2	All Other	\$0	\$145,000
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$145,000</b>

5 **Adult Use Marijuana Regulatory Coordination Fund N271**

6 Initiative: Provides funding for one Public Service Manager II position, one Secretary  
7 Specialist position, 4 Public Service Coordinator I positions, 4 Marijuana Enforcement  
8 Officer positions, one Marijuana Tax Auditor position and 3 Office Associate positions.

9	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
10	POSITIONS - LEGISLATIVE COUNT	14.000	14.000
11	Personal Services	\$172,815	\$1,084,225
12			
13	<b>GENERAL FUND TOTAL</b>	<b>\$172,815</b>	<b>\$1,084,225</b>

14 **Adult Use Marijuana Regulatory Coordination Fund N271**

15 Initiative: Provides funding for 2 Planning and Research Associate I positions, 6  
16 Marijuana Enforcement Officer positions, 2 Marijuana Tax Auditor positions and 2  
17 Office Associate II positions.

18	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
19	POSITIONS - LEGISLATIVE COUNT	0.000	12.000
20	Personal Services	\$0	\$900,000
21			
22	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$900,000</b>

23 **Adult Use Marijuana Regulatory Coordination Fund N271**

24 Initiative: Provides funding for All Other costs.

25	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
26	All Other	\$175,000	\$600,000
27			
28	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$175,000</b>	<b>\$600,000</b>

29 **Adult Use Marijuana Regulatory Coordination Fund N271**

30 Initiative: Provides funding for tracking and traceability system and licensing system  
31 software.

1	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	All Other	\$550,000	\$0
3			
4	GENERAL FUND TOTAL	<u>\$550,000</u>	<u>\$0</u>

5 **Revenue Services, Bureau of 0002**

6 Initiative: Provides an allocation to remit a portion of the marijuana sales tax revenue to  
7 municipalities.

8	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
9	All Other	\$0	\$125,795
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$125,795</u>

12 **Revenue Services, Bureau of 0002**

13 Initiative: Provides funding for 2 Tax Examiner positions and related programming and  
14 All Other costs to process and audit income tax filings.

15	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
16	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
17	Personal Services	\$0	\$151,272
18	All Other	\$0	\$443,261
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$594,533</u>

21 **ADMINISTRATIVE AND FINANCIAL**  
22 **SERVICES, DEPARTMENT OF**  
23 **DEPARTMENT TOTALS**

24		<b>2017-18</b>	<b>2018-19</b>
25	GENERAL FUND	\$722,815	\$2,578,758
26	OTHER SPECIAL REVENUE FUNDS	\$175,000	\$1,165,240
27			
28	DEPARTMENT TOTAL - ALL FUNDS	<u>\$897,815</u>	<u>\$3,743,998</u>

29 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

30 **Adult Use Marijuana Regulatory Coordination Fund N271**

31 Initiative: Provides funding for one Public Service Manager II position and 6 Consumer  
32 Protection Inspector positions.



1	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	POSITIONS - LEGISLATIVE COUNT	7.000	7.000
3	Personal Services	\$94,568	\$595,481
4			
5	GENERAL FUND TOTAL	<u>\$94,568</u>	<u>\$595,481</u>

6 **Adult Use Marijuana Regulatory Coordination Fund N271**

7 Initiative: Provides funding for one Public Service Coordinator I position, one Planning  
8 and Research Associate II position, 2 Office Associate II positions and one Chemist II  
9 position.

10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
11	POSITIONS - LEGISLATIVE COUNT	0.000	5.000
12	Personal Services	\$0	\$407,319
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$407,319</u>

15 **Adult Use Marijuana Regulatory Coordination Fund N271**

16 Initiative: Provides funding for All Other costs.

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
18	All Other	\$25,000	\$100,000
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$25,000</u>	<u>\$100,000</u>

21 **AGRICULTURE, CONSERVATION AND**  
22 **FORESTRY, DEPARTMENT OF**  
23 **DEPARTMENT TOTALS**

24		<b>2017-18</b>	<b>2018-19</b>
25	GENERAL FUND	\$94,568	\$595,481
26	OTHER SPECIAL REVENUE FUNDS	\$25,000	\$507,319
27			
28	DEPARTMENT TOTAL - ALL FUNDS	<u>\$119,568</u>	<u>\$1,102,800</u>

29 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

30 **Maine Commission on Indigent Legal Services Z112**

31 Initiative: Adjusts funding to reflect an estimated decrease of \$50,000 in fiscal year 2017-  
32 18 and a decrease of \$75,000 annually thereafter to reflect fewer cases of assigned  
33 counsel related to marijuana offenses.

1	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	All Other	(\$50,000)	(\$75,000)
3			
4	GENERAL FUND TOTAL	<u>(\$50,000)</u>	<u>(\$75,000)</u>
5	<b>INDIGENT LEGAL SERVICES, MAINE</b>		
6	<b>COMMISSION ON</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
8			
9	<b>GENERAL FUND</b>	<b>(\$50,000)</b>	<b>(\$75,000)</b>
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$50,000)</u>	<u>(\$75,000)</u>
12	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
13	<b>State Police 0291</b>		
14	Initiative: Provides funding for one Identification Specialist II position and related costs		
15	to process criminal history background checks for marijuana establishment operators.		
16	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
17	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
18	Personal Services	\$0	\$42,135
19	All Other	\$0	\$1,566
20			
21	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$43,701</u>
22	<b>HIGHWAY FUND</b>	<b>2017-18</b>	<b>2018-19</b>
23	Personal Services	\$0	\$22,688
24	All Other	\$0	\$1,274
25			
26	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$23,962</u>
27	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
28	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
29			
30	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$43,701</b>
31	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$23,962</b>
32			
33	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$67,663</u>

1	<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
2			
3	<b>GENERAL FUND</b>	<b>\$767,383</b>	<b>\$3,142,940</b>
4	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$23,962</b>
5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$200,000</b>	<b>\$1,672,559</b>
6			
7	<b>SECTION TOTAL - ALL FUNDS</b>	<b><u>\$967,383</u></b>	<b><u>\$4,839,461</u></b>

8 **Emergency clause.** In view of the emergency cited in the preamble, this  
9 legislation takes effect when approved.

10 **SUMMARY**

11 This bill, which is an emergency bill and is reported out by the Joint Select  
12 Committee on Marijuana Legalization Implementation pursuant to Joint Order 2017, H.P.  
13 96, implements the recommendations of the committee regarding the development and  
14 administration of a regulated marketplace in the State for adult use marijuana and the  
15 regulation of the personal use of marijuana and the home cultivation of marijuana for  
16 personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters  
17 at referendum in November 2016.

18 **PART A**

19 This Part repeals the Marijuana Legalization Act, as codified in the Maine Revised  
20 Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred  
21 to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, while  
22 retaining the substance of the original Act with the following changes.

- 23 1. The term "adult use marijuana" is used instead of the term "retail marijuana."
- 24 2. It clarifies the distinction between and provides definitions for the terms  
25 "marijuana plant," "mature marijuana plant," "immature marijuana plant" and "seedling."
- 26 3. It clarifies that any conduct relating to the possession, cultivation, manufacture,  
27 testing, consumption, sale or offering for sale of marijuana or marijuana products that is  
28 not specifically authorized under the Act, pursuant to a license issued under the Act or  
29 pursuant to the Maine Medical Use of Marijuana Act is not authorized and that a person  
30 who engages in such unauthorized conduct is subject to penalties under the Act and any  
31 additional criminal or civil penalties that may be imposed under other applicable laws or  
32 rules.
- 33 4. It retains the division of regulatory authority regarding the regulation of adult use  
34 marijuana enacted as Public Law 2017, chapter 278, whereby the Department of  
35 Administrative and Financial Services, referred to in this summary as "the department," is  
36 designated as the primary regulatory authority in the implementation, administration and  
37 enforcement of the Act, with the Department of Agriculture, Conservation and Forestry  
38 retaining regulatory authority concerning the cultivation, manufacture, testing, packaging  
39 and labeling of adult use marijuana and adult use marijuana products.

1           5. It further clarifies the roles and authorities, including the respective rule-making  
2 authorities, of the department and the Department of Agriculture, Conservation and  
3 Forestry in the implementation, administration and enforcement of the Act and provides  
4 for the provisional adoption of major substantive rules pursuant to the Act by each  
5 department and the submission of those rules to the Legislature for review pursuant to the  
6 Maine Administrative Procedure Act on or before March 15, 2018.

7           6. It requires the department to implement and administer a tracking system for adult  
8 use marijuana from immature marijuana plant to the point of retail sale, disposal or  
9 destruction.

10           7. It requires the department to facilitate the collection and analysis of public health  
11 and safety data relating to the effects of the use of marijuana in the State.

12           8. It requires the department to facilitate the development and implementation of  
13 programs, initiatives and campaigns focused on increasing the awareness of and  
14 educating the public on health and safety matters relating to the use of marijuana and  
15 marijuana products. Such programs, initiatives and campaigns may be funded with a  
16 portion of the excise tax and sales tax revenues resulting from the sale of adult use  
17 marijuana and adult use marijuana products.

18           9. It requires the department to facilitate the development and implementation of  
19 programs or initiatives providing enhanced training for criminal justice agencies in the  
20 requirements and enforcement of the Act. Such programs and initiatives may be funded  
21 with a portion of the excise tax and sales tax revenues resulting from the sale of adult use  
22 marijuana and adult use marijuana products.

23           10. It requires the department and the Department of Agriculture, Conservation and  
24 Forestry to submit to the Legislature an annual report, beginning February 15, 2019,  
25 which must include specific information and data relating to the regulated market for  
26 adult use marijuana in the State.

27           11. It implements a moratorium on the issuance of adult use marijuana social club  
28 licenses until June 1, 2019 but provides for the regulation of licensed adult use marijuana  
29 social clubs after that date.

30           12. It removes from the former Marijuana Legalization Act provisions relating to the  
31 issuance of occupational licenses.

32           13. It clarifies general licensing criteria for applicants seeking to operate an adult use  
33 marijuana establishment, which include a 2-year residency requirement and specific  
34 additional licensing requirements applicable to the licensing of adult use marijuana  
35 cultivation facilities. It removes from the former Marijuana Legalization Act provisions  
36 relating to preference in licensure for medical marijuana caregivers and medical  
37 marijuana dispensaries. It removes from the former Marijuana Legalization Act the caps  
38 on the number of each license type that may be issued, except that:

39           A. It limits the number of marijuana store licenses in common ownership to 4  
40 marijuana store licenses, but repeals that limitation January 1, 2021; and

1 B. It limits the number of cultivation facility licenses in common ownership to 3  
2 cultivation facility licenses not exceeding a combined licensed plant canopy of  
3 30,000 square feet.

4 14. It separates within the Act the state-level and municipal-level licensing and  
5 approval processes for adult use marijuana establishments. An applicant for a license to  
6 operate an adult use marijuana establishment must submit an application along with the  
7 required application fee to the department, which, after review, conditionally may  
8 approve the license. The licensee may then seek municipal authorization from the  
9 municipality in which the licensee proposes to operate the marijuana establishment. A  
10 municipality, which includes towns, cities and plantations, by adopted ordinance may  
11 regulate marijuana establishments within the municipality, including, but not limited to,  
12 through the adoption of:

13 A. Land use regulations applicable to marijuana establishments within the  
14 municipality;

15 B. Municipal licensing requirements applicable to marijuana establishments within  
16 the municipality that may include the imposition of municipal approval or license  
17 fees; and

18 C. Limitations on the number of any type of marijuana establishment that may be  
19 approved or licensed to operate within the municipality.

20 A municipality may not authorize the operation of a marijuana establishment within the  
21 municipality unless the legislative body of the municipality has voted to generally  
22 authorize some or all types of marijuana establishments within the municipality,  
23 including that type of marijuana establishment. A person that has been issued a  
24 conditional license by the department may not request municipal authorization to operate  
25 a marijuana establishment within a municipality unless the legislative body of the  
26 municipality has voted to generally authorize some or all types of marijuana  
27 establishments within the municipality, including that type of marijuana establishment.  
28 Once the department receives certification of municipal authorization and the applicant  
29 pays the applicable license fee and submits any additional required documentation, the  
30 department must issue an active license, good for a term of one year from the date of  
31 issuance. A licensee may not engage in the cultivation, manufacture, testing, sale or  
32 offering for sale of marijuana or marijuana products until the licensee has been issued an  
33 active license by the department.

34 15. It revises and clarifies the application process for issuance and renewal of a state  
35 license to operate an adult use marijuana establishment, including revision of the  
36 application and license fees to be imposed by the department under the Act.

37 16. It revises the manner in which cultivation facilities are to be licensed and  
38 regulated by removing the statewide limitation on the total amount of licensed plant  
39 canopy and by authorizing 5 tiers of cultivation facility license types, the smallest of  
40 which, a tier 1 license, provides for the cultivation of up to 30 mature marijuana plants or  
41 up to 500 square feet of plant canopy and the largest of which, a tier 4 license, provides  
42 for the cultivation of up to 30,000 square feet of plant canopy. It also creates a nursery  
43 cultivation facility license tier, which allows for the cultivation of immature plants,

1 seedlings and seeds and the sale of those immature plants, seedlings and seeds to other  
2 licensees and to consumers. A licensee seeking renewal of a tier 4 license may seek  
3 approval from the department to expand the area of plant canopy authorized under the  
4 license by 10,000 square feet, so long as certain criteria are met.

5 17. It clarifies operational requirements for each type of adult use marijuana  
6 establishment, including:

7 A. Providing for the payment of an excise tax by cultivation facilities on the adult  
8 use marijuana sold to other licensees;

9 B. Providing for the collection and remittance of a sales tax by marijuana stores and  
10 marijuana social clubs on adult use marijuana and adult use marijuana products sold  
11 to consumers;

12 C. Specifying standards for the extraction of marijuana concentrate by products  
13 manufacturing facilities;

14 D. Specifying standards for the tracking of adult use marijuana and adult use  
15 marijuana products by each type of adult use marijuana establishment;

16 E. Specifying standards for the sharing of facilities for the cultivation, manufacturing  
17 or sale of adult use marijuana and adult use marijuana products and marijuana and  
18 marijuana products for medical use by a licensee that is also a registered primary  
19 caregiver or registered dispensary;

20 F. Requiring compliance by licensees with applicable packaging, labeling and health  
21 and safety requirements;

22 G. Incorporating standards and requirements applicable to testing facilities as  
23 enacted in Public Law 2017, chapter 309;

24 H. Clarifying sales authorizations and prohibitions applicable to marijuana stores and  
25 marijuana social clubs, including prohibitions on drive-through sales, sales by use of  
26 a delivery service, sales by use of an automated vending machine and Internet sales;

27 I. Providing that the smoking of marijuana or marijuana products at a marijuana  
28 social club is prohibited in accordance with state law regarding smoking in public  
29 places and public areas; and

30 J. Prohibiting the employment of any person under 21 years of age by any adult use  
31 marijuana establishment.

32 18. It clarifies and expands upon the standards and requirements for the testing of  
33 adult use marijuana and adult use marijuana products; the packaging, labeling and health  
34 and safety of adult use marijuana and adult use marijuana products; and the use of signs,  
35 advertising and marketing relating to adult use marijuana and adult use marijuana  
36 products.

37 19. It provides for the imposition by the department of monetary penalties on a  
38 licensee or suspensions or revocations of a licensee's license for a violation of the Act, in  
39 accordance with the Maine Administrative Procedure Act, and limits the amount of such  
40 monetary penalties imposed to not more than \$10,000 per minor license violation, not

1 more than \$50,000 per major license violation and not more than \$100,000 per major  
2 license violation affecting public safety.

3 20. It establishes the Marijuana Advisory Commission for the purpose of conducting  
4 a continuing study of the laws relating to marijuana and reporting to the Legislature its  
5 findings and recommendations on an annual basis.

6 21. It imposes an excise tax on adult use marijuana to be paid by cultivation facilities  
7 on adult use marijuana sold to other licensees. The excise tax is imposed in the following  
8 amounts:

9 A. For marijuana flower or mature marijuana plants, \$130 per pound;

10 B. For marijuana trim, \$36.29 per pound;

11 C. For each immature marijuana plant or seedling, \$1.50; and

12 D. For each marijuana seed, \$0.30.

13 22. It provides that a cultivation facility licensee monthly must pay directly to the  
14 municipality in which the cultivation facility is located 5% of the excise tax payments  
15 required under the Act during the prior month. All other revenue resulting from the  
16 imposition of the excise tax on adult use marijuana under the Act must be deposited into  
17 the General Fund, except that:

18 A. One percent of the total monthly other excise tax revenue generated statewide  
19 must be distributed in equal amounts to each municipality that had a cultivation  
20 facility, products manufacturing facility, marijuana store or marijuana social club in  
21 operation within the municipality during the prior month; and

22 B. Twelve percent of the remaining total monthly other excise tax revenue after the  
23 distribution to municipalities under paragraph A must be transferred to the Adult Use  
24 Marijuana Public Health and Safety Fund.

25 23. It establishes the Adult Use Marijuana Public Health and Safety Fund, which is  
26 primarily funded through dedicated excise and sales tax revenue from the sale of adult  
27 use marijuana and adult use marijuana products, to be used by the department to facilitate  
28 public health and safety awareness and education programs, initiatives, campaigns and  
29 activities and enhanced law enforcement training programs for local, county and state law  
30 enforcement officers.

31 24. It eliminates the Retail Marijuana Regulatory Coordination Fund, which was  
32 created and funded through the enactment of Public Law 2017, chapter 278, and transfers  
33 its remaining balances to the new Adult Use Marijuana Regulatory Coordination Fund.

34 25. It affects the provisions of the former Marijuana Legalization Act relating to the  
35 personal use of marijuana and marijuana products and the home cultivation of marijuana  
36 for personal adult use as follows:

37 A. It retains the provisions of the former Marijuana Legalization Act authorizing a  
38 person 21 years of age or older to purchase from a marijuana store or, where  
39 applicable, from a marijuana social club and possess for personal use up to 2 1/2

1 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana  
2 concentrate that includes no more than 5 grams of marijuana concentrate;

3 B. It clarifies language regarding the transfer or furnishing of marijuana or marijuana  
4 products, without remuneration, to another person to specify that remuneration  
5 includes a donation or any other monetary payment received directly or indirectly by  
6 a person in exchange for goods or services as part of a transaction in which marijuana  
7 or marijuana products are transferred or furnished by that person to another person;

8 C. It authorizes a person 21 years of age or older to purchase up to 12 immature  
9 marijuana plants or seedlings from a marijuana store or a nursery cultivation facility;

10 D. It clarifies the provisions relating to the home cultivation of marijuana for  
11 personal adult use by authorizing a person 21 years of age or older to grow and  
12 harvest the marijuana produced by up to 6 mature marijuana plants, up to 12  
13 immature marijuana plants and an unlimited number of seedlings at that person's  
14 place of residence, on a parcel or tract of land owned by that person or on a parcel or  
15 tract of land owned by another person with the written permission of that owner. It  
16 provides, however, that no more than 12 mature marijuana plants may be cultivated  
17 for personal adult use on any one parcel or tract of land, except when the parcel or  
18 tract of land is located in a municipality that has, by adopted ordinance, authorized  
19 the cultivation of more than 12 mature marijuana plants for personal adult use but not  
20 more than 18 mature marijuana plants for personal adult use. These limitations on  
21 home cultivation of marijuana for personal adult use do not apply to the cultivation of  
22 marijuana for medical use by a qualifying patient, a primary caregiver, a registered  
23 primary caregiver or a registered dispensary under the Maine Medical Use of  
24 Marijuana Act;

25 E. It retains the provisions relating to the consumption of marijuana and marijuana  
26 products as enacted by Public Law 2017, chapter 1; and

27 F. It prohibits the home extraction of marijuana concentrate by use of inherently  
28 hazardous substances.

29 **PART B**

30 This Part provides that possession of drug paraphernalia, as prohibited under the  
31 Maine Revised Statutes, Title 17-A, section 1111-A, does not apply to drug paraphernalia  
32 relating to the adult use of marijuana by a person as authorized under the Act or to drug  
33 paraphernalia relating to the sale or offering for sale of marijuana by a licensed adult use  
34 marijuana store or adult use marijuana social club.

35 This Part also amends the law concerning the Department of Public Safety, Bureau of  
36 State Police, State Bureau of Identification as necessary for the State Police and the State  
37 Bureau of Identification to conduct criminal history record checks on applicants for a  
38 license to operate an adult use marijuana establishment and on other persons as required  
39 under the Act.

40 **PART C**



1 This Part amends the State's laws governing municipal powers and duties to provide  
2 that plantations have the same powers and duties as cities and towns under the Act.

3 **PART D**

4 This Part amends the tax laws as follows.

5 1. It provides for a 10% sales tax on adult use marijuana and adult use marijuana  
6 products to be imposed at the point of final sale to a consumer by a marijuana store or  
7 marijuana social club.

8 2. It stipulates that all the revenue resulting from the imposition of the sales tax on  
9 adult use marijuana and adult use marijuana products must be deposited into the General  
10 Fund, except that:

11 A. Five percent of all monthly tax revenue generated within a municipality by all  
12 marijuana stores and marijuana social clubs within that municipality must be  
13 distributed to that municipality;

14 B. One percent of the total monthly tax revenue generated statewide must be  
15 distributed in equal amounts to each municipality that had a cultivation facility,  
16 products manufacturing facility, marijuana store or marijuana social club in operation  
17 within the municipality during the prior month; and

18 C. Twelve percent of the remaining total monthly tax revenue after the distribution to  
19 municipalities under paragraphs A and B must be transferred to the Adult Use  
20 Marijuana Public Health and Safety Fund.

21 **PART E**

22 This Part adds an appropriations and allocations section.

23 **FISCAL NOTE REQUIRED**

24 **(See attached)**

**128th MAINE LEGISLATURE****LD 1650****LR 2395(01)****An Act To Amend the Marijuana Legalization Act**

**Fiscal Note for Original Bill**  
**Committee: Marijuana Legalization Implementation**  
**Fiscal Note Required: Yes**

**Fiscal Note**

	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Projections FY 2019-20</b>	<b>Projections FY 2020-21</b>
<b>Net Cost (Savings)</b>				
General Fund	\$3,021,383	\$11,509,680	\$3,725,284	(\$2,763,676)
Highway Fund	\$0	\$23,962	\$24,656	\$25,369
<b>Appropriations/Allocations</b>				
General Fund	\$767,383	\$3,142,940	\$3,469,439	\$3,572,614
Highway Fund	\$0	\$23,962	\$24,656	\$25,369
Other Special Revenue Funds	\$200,000	\$1,672,559	\$3,314,102	\$4,630,309
<b>Revenue</b>				
General Fund	(\$2,254,000)	(\$8,366,740)	(\$255,845)	\$6,336,290
Other Special Revenue Funds	\$154,000	\$1,455,315	\$3,157,420	\$4,739,785
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

**Fiscal Detail and Notes**

This bill implements the recommendations of the Joint Standing Committee on Marijuana Legalization Implementation regarding the establishment of a regulated marketplace in the State for the adult use of marijuana under the Marijuana Legalization Act (MLA). The bill retains the division of regulatory authority, with the Department of Administrative and Financial Services (DAFS) designated as the primary regulatory authority in the implementation, administration and enforcement of the MLA and the Department of Agriculture, Conservation and Forestry (ACF) retaining regulatory authority concerning the cultivation, manufacture, testing, packaging and labeling of adult use of marijuana and marijuana products. It clarifies the roles and responsibilities, including the respective rulemaking authorities, of DAFS and ACF related to the MLA.

This bill creates an excise tax on cultivation facilities and distributes 12% of the sales and excise tax revenue received to the Adult Use Marijuana Public Health and Safety Fund (see next paragraph) and 6% to municipalities. Maine Revenue Services has assumed a delay in the effective date of the sales tax to January 1, 2019. General Fund revenue is reduced by \$2,254,000 in fiscal year 2017-18 and by \$8,366,740 in fiscal year 2018-19 and Local Government Fund revenue is reduced by \$46,000 in fiscal year 2017-18 and by \$174,000 in fiscal year 2018-19. The bill includes an Other Special Revenue Funds allocation of \$125,795 in fiscal year 2018-19 to the DAFS in order to remit a portion of the sales and excise tax to municipalities.

The bill establishes the Adult Use Marijuana Public Health and Safety Fund to facilitate public health and safety awareness and education programs, initiatives, campaigns and activities and enhanced law enforcement training programs for local, county and state law enforcement officers. The 12% of sales tax revenue dedicated to this fund should generate \$294,445 in fiscal year 2018-19 and \$2,360,040 by fiscal year 2020-21.

The bill also creates the Adult Use Marijuana Regulatory Coordination Fund and transfers the balance of the Retail Marijuana Regulatory Coordination Fund, currently \$1,224,246, into it.

The bill creates manufacturing, retail store, social club, testing and tiered cultivation licenses and sets the fee structure that DAFS may charge for each license. In fiscal year 2017-18 license revenue is estimated to generate \$200,000 in Other Special Revenue Funds revenue; in fiscal year 2018-19 this revenue is estimated to increase to \$1,209,075.

The bill includes General Fund appropriations to DAFS of \$172,815 in fiscal year 2017-18 and \$1,984,225 in fiscal year 2018-19 for 26 permanent positions. The bill also includes Other Special Revenue Funds allocations to DAFS of \$175,000 in fiscal year 2017-18 and \$600,000 in fiscal year 2018-19 for All Other costs associated with these positions. The bill also includes a one-time appropriation of \$550,000 in fiscal year 2017-18 to DAFS for Tracking System and Licensing System software. The bill includes General Fund appropriations to ACF of \$94,568 in fiscal year 2017-18 and \$595,481 in fiscal year 2018-19 for 7 permanent positions. The bill also includes Other Special Revenue Funds allocations to ACF of \$25,000 and \$507,319 in fiscal year 2018-19 for 5 permanent positions and related All Other costs.

If marijuana use increases because of legalization, the number of child welfare cases reported to the Department of Health and Human Services could rise. Any increase in the number of investigations is not expected to increase costs to the department significantly.

This bill may lead to a reduction in the number of Maine Medical Marijuana Program licenses, as some licensees may decide to participate only in the non-medical marijuana industry. If this occurs it would reduce revenue from license fees that is now credited to the Maine Medical Use of Marijuana Fund to support that program. Any such reduction is expected to be minor.

The bill includes a General Fund appropriation of \$43,701 and a Highway Fund allocation of \$23,962 in fiscal year 2018-19 to the Department of Public Safety for one Identification Specialist II position and related costs to process criminal history background checks for marijuana establishment operators. Other Special Revenue Funds revenue to the Department of Public Safety will be increased by the amount charged for each background check. The amount of the increased revenue has not been determined at this time.

This bill includes General Fund deappropriations of \$50,000 in fiscal year 2017-18 and \$75,000 in fiscal year 2018-19 from the Maine Commission on Indigent Legal Services to reflect savings from a reduction in the cost of assigned counsel related to marijuana violations.

General Fund fine revenue is expected to be reduced from fewer marijuana violations. Costs to the Department of the Attorney General may be reduced as well. No estimate of these changes is made at this time.

Additional costs to the Department of Labor to consult with DAFS and ACF regarding workplace, employment or other labor matters can be absorbed within existing budgeted resources.

The bill includes an Other Special Revenue Funds allocation of \$145,000 to DAFS in fiscal year 2018-19 to reimburse the Maine Criminal Justice Academy for enhanced law enforcement training for marijuana enforcement.

The bill includes a General Fund appropriation of \$594,533 in fiscal year 2018-19 to DAFS for 2 Tax Examiner positions, related programming and All Other costs to process and audit income tax filings. Two additional Senior Revenue Agent positions will be required beginning in fiscal year 2019-20.