



Federal Marijuana Law

Under federal law the transfer, possession, and use of marijuana, whether for medical or recreational purposes, is illegal. 21 U.S.C. §§ 812, 841. This is true even if individuals engaging in these activities are in compliance with state law. This means that although the use, cultivation, transfer and sale of adult use and medical marijuana within Maine is legal at the state level, individuals engaging in state-authorized use, cultivation, transfer and sale of adult use marijuana can still be prosecuted under federal law.

To date, there has been very little enforcement of federal law against those operating in compliance with state marijuana laws. Under the Obama Administration, a [guidance memo](#) from Deputy Attorney General James Cole memorialized a hands-off approach to federal prosecution of marijuana-related activity that complied with state law. The Attorney General under the Trump Administration, Jeff Sessions, subsequently [rescinded Cole's guidance memo](#). However, even without the Cole Memo in place, U.S attorneys must prioritize prosecution in their respective jurisdictions based on available resources and the cumulative impacts of crimes in the region. For the U.S. Attorney for the District of Maine, the priority when it comes to drug-related crimes is activity related to the opioid crisis (see [Maine U.S. Attorney Statement on Marijuana Enforcement](#))