



State Licensing Process

→ Licensing Authority

The Department of Administrative and Financial Services (DAFS) has sole licensing and rulemaking authority for adult use marijuana businesses at the state level, although they must consult with the Department of Agriculture, Department of Labor, and Department of Public Safety in the development of rules relevant to each respective agency. 28-B M.R.S. §104. In February 2019, DAFS created the Office of Marijuana Policy (OMP) to oversee all aspects of legalized marijuana, including Maine's existing medical marijuana program.

→ Qualifications:

OMP requires the following basic qualifications for obtaining an adult use marijuana business license (28-B M.R.S. § 202):

- The applicant must be at least 21 years old;
- If the applicant is a business entity, it must be incorporated in the state of Maine or otherwise formed or organized under Maine law;
- The applicant cannot have any disqualifying drug convictions or outstanding court ordered payments;
- The applicant must submit a comprehensive criminal history record check;
- The applicant cannot work with a state agency with regulatory authority over adult use marijuana, or in law enforcement;
- The applicant cannot have previously had a medical or adult use marijuana license revoked.

If the licensee is a business entity, all officers, directors, managers and partners of the business must meet each of the licensing requirements.

OMP is also authorized to take certain additional factors into consideration, including any other criminal convictions involving dishonesty or fraud, tax compliance history, and other state marijuana related violations or penalties that did not result in license revocation. 28-B M.R.S. § 203. Although these additional considerations may influence OMP's decision to issue a license, they are not determinative.

→ Conditional License

If applicants meet all basic qualifications outlined in the statute, and any applicable rules adopted by OMP, they will be issued a conditional license within 90 days of receipt of their application. 28-B M.R.S. § 205(3). Conditional licensees cannot engage in cultivation, manufacture, testing, or sale of marijuana; they must wait until an active license is issued. A conditional license is only good for one year, and cannot be renewed. If a conditional licensee fails to obtain an active license within a year, the conditional license will expire. 28-B M.R.S. § 205(3).

Before OMP issues an active license, the municipality in which the marijuana establishment will be operating must certify that the municipality has voted to authorize the operation of that type of marijuana establishment in the municipality, and that the applicant has obtained all the necessary local licenses and permits for operation, if the town requires any. 28-B M.R.S. § §



205(4); 403(3). Within 10 days of receiving notice of local certification, OMP will notify the conditional licensee that local authorization has been confirmed. To finally receive its active license the conditional licensee must then pay the license fee and submit its facility plan to OMP.

→ Multiple Licenses

Licensees may obtain multiple licenses of any license type, as long as having multiple licenses does not result in the applicant having a direct or indirect financial interest in more than three cultivation facilities, or more than 30,000 square feet of plant canopy (although licensees can exceed this canopy cap through approved increases in plant canopy, authorized for tier 4 cultivation licenses). Until January 2022, licensees are also limited from having direct or indirect financial interest in more than 4 marijuana stores. Testing facility licensees can obtain multiple testing facility licenses, but are prohibited from being caregivers, or having any interest in medical dispensaries, cultivation facilities, products manufacturing facilities, and marijuana stores. 28-B M.R.S. § 205(2).

Each license issued by OMP is separate. For example, a products manufacturing licensee cannot operate a marijuana retail store at the same location without first applying for a store license, or open another products manufacturing facility at a separate location without applying for another products manufacturing license. 28-B M.R.S. § 205(5).

The nursery cultivation facility license is the one exception to this general rule. A nursery cultivation licensee is authorized to operate a storefront in the same location as its cultivation facility for the purpose of selling seeds, seedlings, immature plants, and other gardening supplies related to marijuana cultivation directly to consumers. 28-B M.R.S. § 501(3).

(**Note:** Municipalities wishing to prevent retail sales of any type within their jurisdiction, or to restrict marijuana retail sales to specific locations within the municipality, may want to account for nursery cultivation facilities in their local authorizations and regulations – see the **local regulatory authority** section for more information).

→ Adults only

All employees at licensed establishments must be at least 21 years old. 28-B M.R.S. § 506. No one under 21 years old may enter an adult use marijuana establishment of any type. 28-B M.R.S. § 507. However, a marijuana store licensee may use a controlled, indoor entry area, as described in 28-B MRS § 504(4)(A), in a marijuana store to verify the identification and age of persons before allowing entry into the sales area of the marijuana store.

→ License Renewal

All licenses must be renewed by OMP annually. Licensees will receive notification of the need to renew their licenses from OMP 90 days prior to its expiration, and must submit their application for renewal to OMP at least 30 days prior to expiration of the license, unless they are granted an extension for good cause shown. As with the initial application, before annual renewal is issued, municipalities must certify that the licensee is still authorized to operate within the municipality and is complying with any applicable local requirements. 28-B M.R.S. § 209.

→ Notification to the Municipality



OMP must notify a municipality within 14 days of any license approval, renewal, denial, suspension, revocation, penalty, or termination or if OMP approves a transfer of ownership or relocation application for any establishment. 28-B M.R.S. § 215.