



Personal Use and Cultivation

Under the Adult Use Marijuana Act a person 21 years or older may:

- Possess up to 2.5 ounces of marijuana or 5 grams of marijuana concentrate
- Give away up to 2.5 ounces of marijuana or 5 grams of concentrate to other adults
- Give away up to 6 immature plants or seedlings to another adult
- Possess up to 3 mature plants, or 12 immature plants, and unlimited seedlings (there is a 6 month grace period for individuals to have up to 6 mature plants, which was the limit under the previous law). Any marijuana produced by the allowable amount of mature plants may be retained at the person's place of residence or the location where marijuana was cultivated.

Home solvent based extraction using hazardous substances is strictly prohibited.

→ No Remuneration for Marijuana Transfers

The personal use provisions of the Adult Use Marijuana Act only allow transfer of the allowable amount of marijuana or marijuana concentrate “without remunerations.” The law defines “remuneration” as a “donation or any other monetary payment received directly or indirectly by a person in exchange for good or services as part of a transaction in which marijuana is transferred.” 28-B M.R.S. § 1501. In other words, it is illegal to provide “free weed” for a delivery or bag fee or as compensation for any type of service.

→ Consumption

The consumption of marijuana or marijuana products can only occur in a private residence, or on private property not generally accessible by the public with permission by the owner. Marijuana and marijuana product consumption in any public place is strictly prohibited, including in licensed marijuana establishments. No adult use marijuana products may be consumed on premises of any licensed establishment unless that individual is an employee and is a qualifying patient under the medical marijuana laws. 28-B M.R.S. § 508. Marijuana or marijuana products also may not be consumed in vehicles (whether you are a driver or a passenger), at private residences used as day care facilities, or in designated smoking areas under the Workplace Smoking Act. 28-B M.R.S. § 1501(2).

→ Enforcement of Personal Use Violations

Any violation of the personal use provisions of the statute may be subject to civil and criminal penalties, enforceable by state law enforcement authorities. 28-B M.R.S. § 1504.

→ Local Regulation of Home Cultivation

The Law allows a person to cultivate up to 3 mature marijuana plants on his or her own land, or on land owned by someone else, provided he or she has a written agreement with the property owner authorizing that person's use of the land for home cultivation. 28-B M.R.S. § 1502. The Law does not limit the amount of plants that can be located on one parcel or tract of land through written agreement for home cultivation purposes. The Law does allow municipalities to



do so, as long as the limitations imposed are not more restrictive than what the state law allows (3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land). 28-B M.R.S. § 1502(4) (see the [Sample Home Cultivation Ordinance](#)).

Municipalities also have home rule authority to regulate home cultivation in other ways – for example, by enacting odor control. However, municipalities may not:

- Generally prohibit the home cultivation of marijuana for personal adult use within the municipality;
- Restrict the areas within the municipality in which home cultivation of marijuana for personal adult use is allowed; or
- Charge a license or other fee for home cultivation of marijuana for personal adult use within the municipality.

Even if a municipality chooses not to regulate home cultivation directly, the use of a parcel by multiple non-domiciled individuals for home cultivation may require municipal review under Maine’s subdivision laws. A subdivision is defined as the division of a tract or parcel of land into 3 or more lots, “whether the division is accomplished by sale, lease, development, buildings, or otherwise.” A parcel with 3 or more written agreements sectioning off parts of the parcel for home cultivation could qualify as a subdivision under this definition. As the subdivision law is relatively technical, municipalities struggling with its application to proposed marijuana establishments should consult a municipal attorney for assistance with questions.