



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

ELAINE CLARK
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

To: Current and Prospective Medical and Adult Use Cannabis Program Participants
From: Director John Hudak, Office of Cannabis Policy
Date: May 7, 2026
Subject: Cannabis-related Legislation Update – Second Regular Session of the 132nd Legislature

Background

This guidance is provided by the Office of Cannabis Policy (OCP) to make Maine Medical Use of Cannabis Program (MMCP) registrants and Adult Use Cannabis Program (AUCP) licensees aware of recent changes to the laws governing those programs during the Second Regular Session of the 132nd Legislature. The information provided below is regarding regularly enacted bills from the Second Regular Session which go into effect on July 29, 2026. For information regarding P.L. 2025, ch. 764 (L.D. 1488), an emergency measure that became law without the Governor's signature on April 19, 2026, please refer to OCP's [previously issued guidance for adult use licensees](#).

This guidance is not intended to be a comprehensive summary of all legislative changes affecting the programs administered by OCP. Rather, it is being provided as a courtesy, should not be construed as legal advice, and should not be viewed as a substitute for program participants consulting with qualified business consultant(s) and/or attorney(s) about the application of the requirements of the Maine Medical Use of Cannabis Act and/or the Cannabis Legalization Act to their unique situation.

Enacted Cannabis-related Legislation

The following laws were enacted during the Second Regular Session of the 132nd Legislature.

An Act Regarding Background Checks for Medical Cannabis Providers – [P.L. 2025, ch. 611 \(L.D. 1609\)](#)

- Requires all medical program registrants subject to criminal history record check requirements to submit to a fingerprint-based federal criminal history record check.
- Applies to officers and directors of a registered dispensary, registered cannabis testing facility, or cannabis manufacturing facility (tier 1, tier 2 and inherently hazardous substance extraction manufacturing facilities), as well as registered caregivers and individuals assisting with the administration of medical cannabis in a long-term care facility registered with OCP.
 - In accordance with section 4 of the new law, an officer or director of a cannabis manufacturing facility registrant shall submit to a federal criminal history record check annually. All other affected registrants are required to submit to a federal criminal history record check once every two years.

- In accordance with section 9 of the new law, a criminal history record check conducted in accordance with Title 22, ch. 558-C cannot be used to satisfy the criminal history record check requirements of Title 28-B, ch. 1.

***An Act to Amend the Maine Medical Use of Cannabis Act* – [P.L. 2025, ch. 512 \(L.D. 1840\)](#)**

- Expands the locations where cannabis for medical use may be sold or transferred to a qualifying patient or another registrant to include “trade shows or other industry-related events regarding cannabis for medical use”.
- Allows for sales or transfers to be conducted “on public property that is not designated as a safe zone by a municipality pursuant to Title 30-A, section 3253 or in any other public space where the sale, furnishing or transport of cannabis plants or harvested cannabis is prohibited in law.”

***An Act Regarding Outdoor Cultivation in the Medical Use Cannabis and Adult Use Cannabis Industries* – [P.L. 2025, ch. 514 \(L.D. 1897\)](#)**

- Creates a new category of caregiver registration for caregivers cultivating their mature cannabis plants in an “outdoor cultivation area” defined as “a cultivation area that primarily uses sunlight for the cultivation of mature cannabis plants”.
- In accordance with section 3 of the new law, it permits caregivers that cultivate all their mature cannabis plants in an outdoor cultivation area to “cultivate between the months of March and December up to 150 mature cannabis plants, up to 300 immature cannabis plants and unlimited seedlings or cultivate between the months of March and December up to 2,500 square feet of mature plant canopy, up to 5,000 square feet of immature plant canopy and unlimited seedlings.”
- Allows any person to enter a caregiver’s secure cultivation area as long as they are “under the direct supervision of the caregiver.”
- Creates in the Cannabis Legalization Act, Title 28-B, ch. 1, definitions of “indoor cultivation” and “outdoor cultivation”.

In addition to the new laws outlined above, the Legislature’s taxation committee considered a number of proposals related to the excise rates for adult use cannabis but ultimately did not enact any changes to those rates. It did, however, enact *An Act to Exempt Certain Sales and Transfers of Adult Use Cannabis from Excise Tax*, P.L. 2025, ch. 504 (L.D. 1654) to address the industry practice of transferring cannabis flower and trim from cultivation to manufacturing and then back to cultivation for the purpose of treatment or remediation using radiation or ozonation. It is OCP’s understanding that in the coming months Maine Revenue Services (MRS) intends to issue a tax alert regarding this change to the law and its implementation. OCP will share that tax alert with program participants, however interested individuals can also sign up for Maine Tax Alerts through MRS’ website [here](#).

Implementation Timelines & Effective Dates

In accordance with Article IV, Part 3, § 16 of the Constitution of Maine, these non-emergency laws take effect 90 days after the adjournment date of the 2nd Regular Session of the 132nd Legislature. That effective date is **July 29, 2026**. OCP is providing the following preliminary

guidance regarding implementation of these new laws and will provide more detailed guidance about requirements applicable to specific program participants as the effective date approaches.

First, please note that implementation of the new **federal criminal history record check requirements** for affected medical program registrants pursuant to [P.L. 2025, ch. 611](#) is contingent upon the Federal Bureau of Investigation's (FBI's) approval of this new law. While the State has already submitted the new record check requirement to the FBI for its consideration, they have not yet issued a determination about whether they will permit criminal history record checks using their system. The Office will issue additional guidance once the State receives the FBI's determination regarding whether it will allow for the records check authorized in the new law. As a reminder, a criminal history record check conducted for compliance with the medical cannabis program cannot be used to satisfy the criminal history record check requirements of the adult use program, nor can a record check for the adult use program be used to satisfy the requirements of the medical cannabis program.

Next, program participants are advised that the new authorization to conduct **sales at trade shows and industry events** in accordance with [P.L. 2025, ch. 512](#) does not go into effect until July 29, 2026. Furthermore, nothing in this law authorizes the public consumption of cannabis for medical use at these new locations where sales can be made. While this law expands the locations where cannabis for medical use can be sold or transferred to a qualifying patient or another registrant, it is important to note that it does not make changes to the requirements applicable to sales or transfers, including:

- Packaging and labeling;
- Recordkeeping and trip tickets;
- Verification of patient or registrant status; and
- Local authorization and approval requirements applicable to caregiver retail stores, which are defined as a store authorized in accordance with the medical cannabis law and used by a registered caregiver to sell cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and other items to the general public at a fixed location.

Finally, please note that the Office will release new caregiver and cultivation licensee application forms to implement the changes related to **outdoor cultivation of cannabis** in both the medical and adult use cannabis programs. It is likely that adult use cultivators that choose to cultivate outside under the new definition will need to file an updated facility plan at renewal, whereas caregivers will see those changes reflected in their registration and renewal applications.

This guidance is provided as a courtesy to current and prospective program participants and should not be construed as legal advice. Program participants with questions regarding the application of these changes to their particular circumstances should contact their own attorney. The Office cannot provide business or legal advice.