



## Maine - State Specific Information

Information provided is current as of February 1, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

<b>Medical Use</b>	Legalized – 1999 ( <a href="#">LD 975, IB 2</a> )
<b>Recreational Use</b>	Legalized – 2016 ( <a href="#">IB 2015, c.</a> )
<b>Possession/Personal Use Specifics</b>	Maine legalized cannabis for recreational use in 2016, but there are currently no legal retail stores open in the state (expected to open in 2020). It is legal to possess up to 2.5 ounces of marijuana and cultivate up to three marijuana plants. T
	Public consumption is strictly prohibited. Consumption is only allowed on private property where the owner specifically permits it. Be sure to get the owner's consent before consuming on their property. There are no designated consumption lounges or cafes in Maine at this time.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	Department of Administrative and Financial Services – <a href="#">Office of Cannabis Policy</a>
<b>State Forms (If Applicable)</b>	<a href="#">None Specified</a>

### State Testing Policy

<b>General Information</b>	The cornerstone of a drug-free workplace is clear drug-testing policy. Employers wanting to enact a drug testing program must have a policy approved by the <a href="#">Maine Department of Labor</a> , Bureau of Labor Standards, with the exception of federally mandated drug and alcohol testing requirements.
<b>Safety Sensitive Positions</b>	<a href="#">Safety-sensitive is defined as</a> duties performed by employees who are required to hold a Commercial Driver's License (CDL)
<b>Privacy Laws</b>	Test results are confidential and only accessible to authorized individuals like supervisors, medical review officers (MROs), and in specific legal proceedings. Employers cannot use tests to discriminate against employees based on protected characteristics like medical conditions

### Recommended Procedures

**Does the state have recommended procedures?** The state of Maine has provided a sample workplace safety program that can be found on their [website](#) for a free download.

**State Employee Procedures and Policies** [Maine prioritizes the safety and well-being of employees](#) and the public, expecting all individuals to fulfill their work duties without jeopardizing themselves or others. Recognizing the potential for both legal and illegal substances to impair performance and create risks, the State maintains the right and responsibility to address issues related to alcohol and drug use, both on and off-duty, that negatively impact the workplace.

### Protections for Use Outside Workplace/ Work Hours

**Is Maine a “Right to Weed State”?** The Maine Medical Use of Marijuana Act ([MMUMA](#)) protects qualifying patients from being denied employment or penalized solely for their medical cannabis use. However, it's important to note that employers are not obligated to accommodate on-site marijuana consumption or tolerate employees working under the influence of marijuana, ensuring workplace safety and adherence to federal laws.

**More Detailed Information** [MMCP Regulations](#)

### State Requirements for Drug & Alcohol Testing Program

**Testing policy requirements:** [§683. Testing procedures](#)

**Main Requirement:** To assist employers in creating compliant drug testing policies, the Department provides model policies that integrate essential elements from the Substance Use Testing statutes, relevant Department of Labor regulations, and Department of Health and Human Services guidelines