

§102. Definitions**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Adult use marijuana. "Adult use marijuana" means marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

2. Adult use marijuana product. "Adult use marijuana product" means a marijuana product that is manufactured, distributed or sold by a marijuana establishment.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Another jurisdiction. "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states of the United States except Maine.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

4. Applicant. "Applicant" means a person that submits an application for a license under this chapter to the department for review that the department has not yet approved or denied.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

5. Batch. "Batch" means:

A. A specific quantity of adult use marijuana harvested during a specified period of time from a specified cultivation area within a cultivation facility; or [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. A specific quantity of adult use marijuana or adult use marijuana products produced during a specified period of time in a specified manufacturing area within a products manufacturing facility.
[PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

6. Batch number. "Batch number" means a distinct group of numbers, letters or symbols, or any combination thereof, assigned to a specific batch of adult use marijuana by a cultivation facility or to a specific batch of adult use marijuana or adult use marijuana products by a products manufacturing facility.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

7. Business entity. "Business entity" means a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business entity" does not include a federal, state or municipal government organization.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

8. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

9. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

10. Container. "Container" means a sealed package in which adult use marijuana or an adult use marijuana product is placed by a marijuana store prior to sale to a consumer and that meets all applicable packaging, labeling and health and safety requirements of this chapter and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

11. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

12. Cultivation or cultivate. "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

13. Cultivation facility. "Cultivation facility" means a facility licensed under this chapter to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

14. Department. "Department" means the Department of Administrative and Financial Services.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

15. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, except that "disqualifying drug offense" does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to the submission of an application for a license under this chapter; or [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. An offense that consisted of conduct that is authorized under chapter 3. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

16. Edible marijuana product. "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate. "Edible marijuana product" does not include an edible product containing "hemp" as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §17 (AMD).]

17. Flowering. "Flowering" means, with respect to a marijuana plant, the gametophytic or reproductive state of a female marijuana plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of marijuana.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

18. Identity statement. "Identity statement" means the name of a business entity as it is commonly known and used in any advertising or marketing by the business entity.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

19. Immature marijuana plant. "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or a seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, section 1-A, paragraph D.

[PL 2019, c. 528, §17 (AMD).]

20. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

21. Intoxication. "Intoxication" means a substantial impairment of an individual's mental or physical faculties as a result of drug or alcohol use.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

22. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 17-A, section 2, subsection 17.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

23. Licensed premises. "Licensed premises" means the premises specified in a license to operate a marijuana establishment within which the licensee is authorized under this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute, test or sell adult use marijuana or adult use marijuana products.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

24. Licensee. "Licensee" means a person licensed pursuant to this chapter to operate a marijuana establishment.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

25. Limited access area. "Limited access area" means a building, room or other area within the licensed premises of a marijuana establishment where a licensee is authorized to cultivate, store, weigh, manufacture, package or otherwise prepare for sale adult use marijuana and adult use marijuana products in accordance with the provisions of this chapter and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

26. Manufacturing or manufacture. "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

27. Marijuana. "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a marijuana product.

[PL 2019, c. 528, §18 (AMD).]

28. Marijuana concentrate. "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana or marijuana concentrate to prepare the marijuana product may not be included.

[PL 2019, c. 528, §19 (AMD).]

29. Marijuana establishment. "Marijuana establishment" means a cultivation facility, a products manufacturing facility, a testing facility, a marijuana store or a sample collector licensed under this chapter.

[PL 2019, c. 676, §1 (AMD).]

30. Marijuana extraction. "Marijuana extraction" means the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical

processes. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

31. Marijuana flower. "Marijuana flower" means the pistillate reproductive organs of a mature marijuana plant, whether processed or unprocessed, including the flowers and buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature marijuana plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

32. Marijuana plant. "Marijuana plant" means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

33. Marijuana product. "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

34. Marijuana store. "Marijuana store" means a facility licensed under this chapter to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

35. Marijuana trim. "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

36. Mature marijuana plant. "Mature marijuana plant" means a marijuana plant that is flowering. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

37. Mother plant. "Mother plant" means a mature marijuana plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §19 (AMD).]

38. Municipality. "Municipality" means a city, town or plantation in this State that is not located within the unorganized and deorganized areas.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

39. Opaque. "Opaque" means, with respect to packaging or a container, that any product inside of the packaging or container cannot be seen from outside the packaging or container.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

40. Person. "Person" means a natural person or a business entity.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

41. Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

42. Caregiver. "Caregiver" has the same meaning as in Title 22, section 2422, subsection 8-A. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV).]

43. Products manufacturing facility. "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

44. Propagation. "Propagation" means the process of reproducing marijuana plants through the use of marijuana seeds, cuttings or grafting.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

45. Qualifying patient. "Qualifying patient" means a person who possesses a valid certification for the medical use of marijuana pursuant to Title 22, section 2423-B.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

46. Registered dispensary. "Registered dispensary" has the same meaning as in Title 22, section 2422, subsection 6.

[PL 2017, c. 452, §28 (AMD).]

47. Registered caregiver. "Registered caregiver" has the same meaning as in Title 22, section 2422, subsection 11.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV).]

48. Resident. "Resident" means a natural person who:

A. **(TEXT EFFECTIVE UNTIL 6/1/21) (TEXT REPEALED 6/1/21)** Has filed a resident individual income tax return in this State pursuant to Title 36, Part 8 in each of the 4 years prior to the year in which the person files an application for licensure under this chapter. This paragraph is repealed June 1, 2021; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Is domiciled in this State; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

49. Sale or sell. "Sale" or "sell" means a transfer or delivery of marijuana or marijuana products for consideration.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

50. Sample. "Sample" means:

A. An amount of marijuana or an amount of a marijuana product provided to a testing facility by a marijuana establishment or other person for testing or research and development purposes in accordance with subchapter 6; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. An amount of adult use marijuana or an amount of an adult use marijuana product collected from a licensee by the department for the purposes of testing the marijuana or marijuana product for product quality control purposes pursuant to section 512, subsection 2; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. An amount of adult use marijuana provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8; [PL 2019, c. 676, §2 (AMD).]

D. An amount of adult use marijuana or an amount of an adult use marijuana product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6; [PL 2019, c. 676, §2 (AMD).]

E. An amount of marijuana or an amount of a marijuana product collected by a sample collector licensee and provided to a testing facility for testing consistent with the requirements of section 503-A; or [PL 2019, c. 676, §2 (NEW).]

F. **(TEXT EFFECTIVE UNTIL 10/1/21) (TEXT REPEALED 10/1/21)** An amount of adult use marijuana or an amount of an adult use marijuana product collected by a cultivation facility licensee, products manufacturing facility licensee or marijuana store licensee, or an employee of the licensee, and provided to a testing facility for testing consistent with the requirements of section 604-A.

This paragraph is repealed October 1, 2021. [PL 2019, c. 676, §2 (NEW).]
[PL 2019, c. 676, §2 (AMD).]

50-A. Sample collector. "Sample collector" means a person licensed under this chapter to collect samples of marijuana and marijuana products for testing and to transport and deliver those samples to a testing facility for testing.

[PL 2019, c. 676, §3 (NEW).]

51. Seedling. "Seedling" means a marijuana plant that is:

A. Not flowering; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Less than 6 inches in height; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Less than 6 inches in width. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW).]

52. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

53. Testing or test. "Testing" or "test" means the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of marijuana and marijuana products for testing purposes, but does not include cultivation or manufacturing.

[PL 2019, c. 676, §4 (AMD).]

54. Testing facility. "Testing facility" means a facility licensed under this chapter to develop, research and test marijuana, marijuana products and other substances.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

55. THC. "THC" means tetrahydrocannabinol.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

56. Universal symbol. "Universal symbol" means an image developed by the department, and made available to licensees, that indicates that a container, package or product contains marijuana or contains or is a marijuana product.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

57. Unorganized and deorganized areas. "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

58. Visibly intoxicated. "Visibly intoxicated" means in a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual that clearly demonstrates the state of intoxication.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §28 (AMD). PL 2017, c. 452, §37 (REV). PL 2019, c. 12, Pt. B, §12 (AMD). PL 2019, c. 528, §§17-19 (AMD). PL 2019, c. 676, §§1-4 (AMD).

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