CHAPTER 558

CANNABIS, SCHEDULED DRUGS, IMITATION SCHEDULED DRUGS AND HYPODERMIC APPARATUSES

§2381. Title

(REPEALED)

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1975, c. 499, §49 (RP).

§2382. Definitions

(REPEALED)

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1971, c. 472, §1 (AMD). PL 1971, c. 544, §§77-C (AMD). PL 1975, c. 499, §50 (RP).

§2383. Possession

1. Marijuana.

[IB 2015, c. 5, §2 (RP).]

1-A. Cannabis possession by a person under 21 years of age. Except for possession of cannabis for medical use pursuant to chapter 558-C, a person who is under 21 years of age may not possess cannabis. A person who is under 21 years of age who possesses a usable amount of cannabis commits a civil violation for which a fine of not less than $350 and not more than $600 must be adjudged for possession of up to 1 1/4 ounces of cannabis and a fine of not less than $700 and not more than $1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of cannabis, none of which may be suspended. For the purposes of this section, "cannabis" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but does not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant that is incapable of germination. "Cannabis" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2021, c. 669, §2 (AMD).]

2. Butyl nitrite and isobutyl nitrite. A person who possesses a usable amount of butyl nitrite or isobutyl nitrite commits a civil violation for which a fine of not more than $200 may be adjudged.
[PL 2003, c. 452, Pt. K, §18 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1969, c. 568 (AMD). PL 1971, c. 472, §2 (AMD). PL 1971, c. 622, §§75-A (AMD). PL 1973, c. 502 (AMD). PL 1973, c. 546 (AMD). PL 1975, c. 499, §51 (RPR). PL 1987, c. 747, §3 (RPR). PL 1989, c. 344, §3 (AMD). IB 1999, c. 1, §6 (AMD). PL 2003, c. 452, §K18 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 386, §DD3 (AMD). PL 2009, c. 67, §3 (AMD). IB 2009, c. 1, §3 (AMD). PL 2009, c. 652, Pt. B, §6 (AMD). IB 2015, c. 5, §2 (AMD). PL 2017, c. 1, §20 (AMD). PL 2017, c. 377, §3 (AMD). PL 2021, c. 669, §2 (AMD).

§2383-A. Possession of imitation scheduled drugs

Possession of fewer than 100 tablets, capsules or other dosage units of imitation scheduled drugs, as defined in Title 17-A, section 1101, subsection 19, constitutes a civil violation for which a forfeiture of not more than $200 may be adjudged. In determining whether the substance is an imitation scheduled drug, the court shall apply Title 17-A, section 1116, subsection 5. An imitation scheduled drug is declared to be contraband and may be seized by the State. [PL 1981, c. 603, §4 (NEW).]

SECTION HISTORY

PL 1981, c. 603, §4 (NEW).

§2383-B. Authorized possession by individuals

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance. For purposes of this subsection, "when in use" includes reasonable repackaging for more convenient legitimate medical use.
[PL 2005, c. 252, §2 (AMD).]

2. Others lawfully in possession. Except as otherwise authorized or restricted, the following persons are authorized to possess, furnish and have control of scheduled or prescription drugs or controlled substances:

A. Common carriers or warehouse operators while engaged in lawfully transporting or storing prescription drugs or any of their employees acting within the scope of their employment; [PL 2021, c. 434, §10 (AMD).]

B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency; [PL 1995, c. 499, §3 (AMD); PL 1995, c. 499, §5 (AFF).]

C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties; [PL 1995, c. 499, §3 (AMD); PL 1995, c. 499, §5 (AFF).]

D. Law enforcement officers while acting within the scope of their employment and official duties; [PL 1997, c. 340, §5 (AMD).]

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs or controlled substances while acting within the course of their professional practice; [PL 2023, c. 303, §1 (AMD).]

F. [PL 2021, c. 434, §10 (RP).]

G. Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing; and [PL 2023, c. 303, §2 (AMD).]

H. Persons possessing, receiving, transporting or storing one or more drug samples contained in one or more sample collection instruments or drug paraphernalia for the purpose of drug checking. Possessing, receiving, transporting or storing one or more drug samples in accordance with this

paragraph does not constitute a crime under Title 17-A, sections 1103, 1104 and 1106. [PL 2023, c. 303, §3 (NEW).]

[PL 2023, c. 303, §§1-3 (AMD).]

2-A. Others so authorized.

[PL 2013, c. 194, §12 (RP).]

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Controlled substances" has the same meaning as defined in 21 United States Code, Section 812 (1970) and 21 Code of Federal Regulations, Chapter II, Part 1308. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

A-1. [PL 2011, c. 420, Pt. A, §13 (RP).]

A-2. [PL 2011, c. 420, Pt. A, §14 (RP).]

A-3. "Controlled substance analog" means a substance that has a substantially similar chemical structure to that of a controlled substance. [PL 2023, c. 303, §4 (NEW).]

A-4. "Drug checking" means the testing of a controlled substance, prescription drug or scheduled drug to determine its chemical composition or to assist in determining whether it contains contaminants, toxic substances or hazardous compounds. [PL 2023, c. 303, §5 (NEW).]

A-5. "Drug paraphernalia" has the same meaning as in Title 17-A, section 1111-A, subsection 1. [PL 2023, c. 303, §6 (NEW).]

A-6. "Drug sample" means a substance containing one or more scheduled or prescription drugs or controlled substances or controlled substance analogs in an amount insufficient to result in a person possessing the substance to be in violation of Title 17-A, section 1107-A. [PL 2023, c. 303, §7 (NEW).]

B. "Law enforcement officer" has the same meaning as defined in Title 17-A, section 2, subsection 17. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

B-1. **(TEXT EFFECTIVE UNTIL 1/01/27)** "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48. [IB 1999, c. 1, §8 (NEW).]

B-1. **(TEXT EFFECTIVE 1/01/27)** "Physician" means a person licensed as a physician or surgeon by the Maine Board of Medicine pursuant to Title 32, chapter 153. [PL 2025, c. 738, Pt. C, §16 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

B-2. "Person" means any individual, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision or any other legal, commercial or informal entity or group. [PL 2023, c. 303, §8 (NEW).]

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702-A, subsection 30 and includes so-called legend drugs. [PL 2007, c. 695, Pt. B, §4 (AMD).]

C-1. "Sample collection instrument" means an instrument used to collect a drug sample for purposes of drug checking. [PL 2023, c. 303, §9 (NEW).]

D. "Scheduled drug" has the same meaning as defined in Title 17-A, chapter 45. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

D-1. [PL 2013, c. 194, §13 (RP).]

E. [PL 2011, c. 420, Pt. A, §15 (RP).]

[PL 2023, c. 303, §§4-9 (AMD); PL 2025, c. 738, Pt. C, §16 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

4. Specially restricted drugs and substances.
[PL 1995, c. 621, §3 (RP).]

5. Medical use of marijuana; exemptions.

[IB 2009, c. 1, §4 (RP).]

6. Lawful possession of hypodermic apparatuses by livestock owners; sale to livestock owners.

[PL 2021, c. 434, §11 (RP).]

SECTION HISTORY

PL 1989, c. 384, §8 (NEW). PL 1995, c. 499, §3 (AMD). PL 1995, c. 499, §5 (AFF). PL 1995, c. 621, §3 (AMD). PL 1997, c. 340, §5 (AMD). IB 1999, c. 1, §§7-10 (AMD). PL 1999, c. 127, §A35 (AMD). PL 2001, c. 308, §2 (AMD). PL 2001, c. 580, §§1-3 (AMD). PL 2005, c. 252, §2 (AMD). PL 2007, c. 695, Pt. B, §4 (AMD). IB 2009, c. 1, §4 (AMD). RR 2009, c. 2, §53 (COR). PL 2009, c. 631, §6 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 420, Pt. A, §§13-15 (AMD). PL 2011, c. 465, §§8, 9 (AMD). PL 2013, c. 194, §§12, 13 (AMD). PL 2013, c. 266, §§9, 10 (AMD). PL 2015, c. 27, §1 (AMD). PL 2021, c. 434, §§10, 11 (AMD). PL 2023, c. 303, §§1-9 (AMD). PL 2025, c. 738, Pt. C, §16 (AMD). PL 2025, c. 738, Pt. C, §54 (AFF).

§2383-C. Unlawful use or possession of inhalants

1. Prohibited acts. A person may not intentionally or knowingly:

A. Inhale, ingest, apply or smell the gases, vapors or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or nervous system; or [PL 1997, c. 325, §1 (NEW).]

B. Possess any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate paragraph A. [PL 1997, c. 325, §1 (NEW).]

[PL 1997, c. 325, §1 (NEW).]

2. Exclusions. Nothing in this section applies to the inhalation of anesthesia for medical or dental purposes or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law.
[PL 1997, c. 325, §1 (NEW).]

3. Presumption regarding violations. Proof that a person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on a label of a container of the substance gives rise to a presumption that the person violated subsection 1.
[PL 1997, c. 325, §1 (NEW).]

4. Presumption regarding ingredients. For the purposes of this section, it is presumed that the ingredients in a container are, in fact, the ingredients listed on a label of the container or the ingredients listed for that substance in databases maintained or relied upon by a poison control center certified by a national association of poison control centers.
[PL 1997, c. 325, §1 (NEW).]

5. Penalties. A person who violates this section commits a civil violation for which a forfeiture, which may not be suspended except as provided in subsection 6, must be adjudged as follows:

A. Not less than $100 or more than $300 for the first offense; [PL 1997, c. 325, §1 (NEW).]

B. Not less than $200 or more than $500 for the 2nd offense; and [PL 1997, c. 325, §1 (NEW).]

C. Five hundred dollars for the 3rd and each subsequent offense. [PL 1997, c. 325, §1 (NEW).] [PL 1997, c. 325, §1 (NEW).]

6. Additional orders. In addition to the civil forfeitures required by subsection 5, the judge may order the person to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution or to undergo evaluation, education or treatment with a licensed social worker or a licensed substance use disorder counselor. If the judge orders the person to perform specified work or to undergo evaluation, education or treatment, the judge may suspend a forfeiture imposed pursuant to subsection 5.
[PL 2017, c. 407, Pt. A, §75 (AMD).]

SECTION HISTORY

PL 1997, c. 325, §1 (NEW). PL 2017, c. 407, Pt. A, §75 (AMD).

§2384. Sale

(REPEALED)

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1971, c. 472, §3 (RPR). PL 1973, c. 510 (RPR). PL 1975, c. 499, §52 (RP).

§2385. Persons exempted

(REPEALED)

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1971, c. 472, §4 (AMD). PL 1975, c. 499, §53 (RP).

§2386. Cannabis, Mescaline and Peyote; contraband

(REPEALED)

SECTION HISTORY

PL 1969, c. 443, §7 (NEW). PL 1971, c. 472, §4 (AMD). PL 1975, c. 499, §53 (RP).

§2387. Forfeiture of all property used in delivering illegal drugs

(REPEALED)

SECTION HISTORY

PL 1973, c. 501 (NEW). PL 1973, c. 524 (NEW). PL 1973, c. 567, §20 (AMD). PL 1973, c. 788, §87 (RP). PL 1975, c. 499, §§53-A,53-B (AMD). PL 1975, c. 740, §§126-130 (AMD). PL 1981, c. 46, §§1-6 (AMD). PL 1981, c. 470, §A94 (AMD). PL 1981, c. 529, §§3,4 (AMD). PL 1985, c. 481, §A51 (AMD). PL 1985, c. 737, §B19 (AMD). PL 1987, c. 420, §3 (RP).

§2388. Counterfeit substances

(REPEALED)

SECTION HISTORY

PL 1973, c. 788, §88 (NEW). PL 1975, c. 499, §54 (RP).

§2389. Illegal transportation of drugs by minor

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Drug" means a schedule W, X, Y or Z drug as defined in Title 17-A, section 1102. [PL 1997, c. 382, §1 (NEW).]

B. "Minor" means a person who has not attained 21 years of age. [PL 1997, c. 382, §1 (NEW).]
[PL 1997, c. 382, §1 (NEW).]

2. Minor may not transport drugs. Unless possession of the drug is expressly authorized by this Title or Title 32, a minor may not:

A. Knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control; [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A after having previously violated this subsection; or [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [PL 2003, c. 452, Pt. K, §19 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. K, §19 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Violation. A minor who violates this section commits a civil violation for which a forfeiture of not more than $500 may be adjudged. A forfeiture of not less than $200 must be adjudged for a 2nd offense and a forfeiture of not less than $400 must be adjudged for a 3rd or subsequent offense, none of which may be suspended.
[PL 1997, c. 382, §1 (NEW).]

4. License suspension. The court shall suspend the operator's license or right to operate or right to obtain a license of a minor found in violation of this section as follows:

A. Thirty days for the first offense; [PL 1997, c. 382, §1 (NEW).]

B. Ninety days for the 2nd offense; and [PL 1997, c. 382, §1 (NEW).]

C. One year for any subsequent offense. [PL 1997, c. 382, §1 (NEW).]

The court shall immediately forward the license to the Secretary of State together with the record of adjudication. Immediately upon receipt of the record, the Secretary of State shall suspend the license or right to operate or right to obtain a license of the minor for the required period without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.
[PL 1997, c. 382, §1 (NEW).]

5. Execution of suspension stayed during appeal. If any person adjudicated to be in violation of this section appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license or right to operate a motor vehicle in the State must be stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn.
[PL 1997, c. 382, §1 (NEW).]

6. Penalty. If a minor is charged with a violation of this section, the minor may not be charged with a violation of section 2383 or Title 17-A, chapter 45.
[PL 1997, c. 382, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 382, §1 (NEW). PL 2003, c. 452, §K19 (AMD). PL 2003, c. 452, §X2 (AFF).

§2390. Unlawful possession of certain synthetic hallucinogenic drugs

(REPEALED)

SECTION HISTORY

PL 2011, c. 447, §1 (NEW). PL 2011, c. 465, §10 (RP).

§2391. Unlawful trafficking in certain synthetic hallucinogenic drugs

(REPEALED)

SECTION HISTORY

PL 2011, c. 447, §1 (NEW). PL 2011, c. 465, §10 (RP).

§2392. Aggravated trafficking in certain synthetic hallucinogenic drugs

(REPEALED)

SECTION HISTORY

PL 2011, c. 447, §1 (NEW). PL 2011, c. 465, §10 (RP).

§2393. Unlawfully furnishing certain synthetic hallucinogenic drugs

(REPEALED)

SECTION HISTORY

PL 2011, c. 447, §1 (NEW). PL 2011, c. 465, §10 (RP).

§2394. Aggravated furnishing of certain synthetic hallucinogenic drugs

(REPEALED)

SECTION HISTORY

PL 2011, c. 447, §1 (NEW). PL 2011, c. 465, §10 (RP).

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