



Maine Cannabis Laws Related to Highway Safety

Underlying Statutes	M.R.S.: 17-A; 22; 29-A	Maine Medical Use of Cannabis Act 22 M.R.S. Chapter 558-C	M.R.S.: 17-A; 22; 29-A	Maine Medical Use of Cannabis Act 22 M.R.S. Chapter 558-C	Title 28-B, Chapter 3: Personal Adult Use Cannabis+++	Maine Medical Use of Cannabis Act 22 M.R.S. Chapter 558-C
Cannabis Status	Person under 18	Qualifying Patient (QP) under 18	Person 18, 19, or 20	QP 18, 19, or 20	Person 21 & Over	QP 21 & Over
May Consume Cannabis?	There is no law prohibiting a person under 18 from consuming cannabis.	YES But cannot smoke (or vape): 22 M.R.S. §2423-A(1) M.++	There is no law prohibiting a person, 18, 19, or 20 years of age from consuming cannabis.	YES 22 M.R.S. §2423-A(1) M.	YES But not in public, and not in a motor vehicle on a public way: 28-B M.R.S. § 1501(2) B.	YES But not in public, and not in a motor vehicle on a public way: 28-B M.R.S. § 1501(2) B.
May Possess Cannabis?	NO 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	YES 22 M.R.S. §2423-A(1) M.	NO 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	YES 22 M.R.S. §2423-A(1) A.	YES 28-B M.R.S. § 1501(1) B. <i>Note</i> : Possession amounts between Adult Use and Medical Use can vary significantly.	YES 22 M.R.S. §2423-A(1) A.
May Furnish Cannabis to Another Person?	NO 17-A M.R.S. §1106; 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.* <i>Also Note</i> : furnishing any form of cannabis to a person under 18 who is not a QP is a Class C felony. 17-A M.R.S. §1105-C.	YES As long as: (1) only to another QP; (2) only up to possession limits; and (3) no remuneration is allowed. 22 M.R.S. §2423-A(1) D. <i>Note</i> : furnishing any form of cannabis to a person under 18 who is not a QP is a Class C felony. 17-A M.R.S. §1105-C.	NO 17-A M.R.S. §1106; 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	YES As long as: (1) only to another QP; (2) only up to possession limits; and (3) no remuneration is allowed. 22 M.R.S. §2423-A(1) D. <i>Note</i> : furnishing any form of cannabis to a person under 18 who is not a QP is a Class C felony. 17-A M.R.S. §1105-C.	YES Provided that: (1) it's to another person 21 & over; (2) without remuneration; and (3) within possession limits. 28-B M.R.S. §1501(1). <i>Note</i> : furnishing any form of cannabis to a person under 18 who is not a QP is a Class C felony. 17-A M.R.S. §1105-C.	YES As long as: (1) only to another QP; (2) only up to possession limits; and (3) no remuneration is allowed. 22 M.R.S. §2423-A(1) D. <i>Note</i> : furnishing any form of cannabis to a person under 18 who is not a QP is a Class C felony. 17-A M.R.S. §1105-C.
May Transport Cannabis?	NO <i>Illegal Transportation of Drugs by a Minor.</i> 22 M.R.S. §2389 <i>OR Possession</i> : 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	YES 22 M.R.S. §2423-A(1) L. Provided the transportation is for that QPs medical use of cannabis in accordance to the medical use laws.	NO <i>Illegal Transportation of Drugs by a Minor.</i> 22 M.R.S. §2389 <i>OR Possession</i> : 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	YES 22 M.R.S. §2423-A(1) L. Provided the transportation is for that QPs medical use of cannabis in accordance to the medical use laws.	YES Up to possession amounts. 28-B M.R.S. § 1501(1) B.	YES 22 M.R.S. §2423-A(1) L. Provided the transportation is for that QPs medical use of cannabis in accordance to the medical use laws.
May Use Cannabis While Operating a MV?	NO <i>Illegal Transportation of Drugs by a Minor.</i> 22 M.R.S. §2389 <i>OR Possession</i> : 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	NO A QP under 18 may not smoke or vape "harvested cannabis" 22 M.R.S. §2423-A(1) M. <i>Note</i> : "Harvested Cannabis" includes Cannabis Concentrate and Cannabis Products. However, there are no statutory prohibitions to prevent a QP under 18 from consuming cannabis in a way other than smoking (e.g., eating or drinking) while operating a motor vehicle.	NO <i>Illegal Transportation of Drugs by a Minor.</i> 22 M.R.S. §2389 <i>OR Possession</i> : 22 M.R.S. §2383 (under 2 1/2 oz.). Over 2 1/2 oz. is criminal: 17-A M.R.S. §1107-A. <i>Note</i> : if it's cannabis concentrate (made from the resin of the cannabis plant) it's treated as Hashish under 17-A.*	NO There are no statutory prohibitions to prevent a QP who is 18, 19, or 20 years old from consuming cannabis while operating, or a being passenger in, a motor vehicle.	NO 28-B M.R.S. § 1501(2) B. <i>Note</i> : if any passenger in the MV is under 18, and the use consisted of smoking, 29-A M.R.S. §2120 would still apply as well.	NO 28-B M.R.S. § 1501(2) B.
Operating a MV Under the Influence	NO 29-A M.R.S. 2411.	NO 29-A M.R.S. 2411.	NO 29-A M.R.S. 2411.	NO 29-A M.R.S. 2411.	NO 29-A M.R.S. 2411.	NO 29-A M.R.S. 2411.
Is There an Administrative Suspension for OUI Drugs?	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+	NO If a non-DRE officer arrests a person for OUI drugs there is no administrative suspension. However, if a DRE has PC that a person is operating under the influence of a specific drug category, and there is a confirmatory test, or that person refuses a test, then BMV may suspend. 29-A M.R.S. §2525.+
Is There an Administrative Suspension for a Person Under 21 Operating with Any Amount of Cannabis?	NO	NO	NO	NO	N/A	N/A
NOTES:	*Neither of the definitions of "Cannabis" 22 M.R.S. §2383 & 28-A M.R.S. §102(27) nor the definition of "Marijuana" under 17-A M.R.S. §1101(1), include the resin from cannabis used to produce cannabis concentrate. Therefore, possession or use of Cannabis Concentrate outside of the Adult Use or Medical Use Statutes is otherwise governed by 17-A M.R.S. §1101(5) as <i>Hashish</i> which is a Schedule X Drug.	**A minor cannot be charged with both a violation of 22 M.R.S. §2389 and either §2382 or a violation of 17-A Chapter 45. <i>Note</i> : the Possession violation is a civil fine and the Transportation violation requires a mandatory license suspension.	***Under 29-A M.R.S. §2120 "smoking" must include combustion and <i>does not include</i> the use of an electronic smoking device or vaping. Furthermore, a "minor" is defined as a person less than 18 years old. 29-A M.R.S. §101(34).	+29-A M.R.S. 2521 provides for an administrative suspension if an <i>officer</i> has PC for OUI and the person refuses a test. However, it is not enforced by BMV for OUI Drugs, unless the refusal results from a <i>DRE</i> developing PC and ordering the person to take the test under 29-A M.R.S. §2525	++Smoking: The Medical Marijuana Act uses the Title 22 definition of "smoking" which <i>includes</i> the use of an electronic cigarette or vape: 22 M.R.S. §1541(6), & (1-A).	+++Under the Adult Use Statute: "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. This includes "cannabis concentrate" but does not include hemp or a "cannabis product." 28-B M.R.S. §101 (27). <i>Also Note</i> : The Adult Use and Medical Use Statutes are not mutually exclusive but coexist. E.g., a QP can interact with Cannabis in the same manner as any adult over 21 in Maine.

