



Maine - State Specific Information

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

Cannabis Legalization History

Medical Use	Legalized – 1999 (LD 975, IB 2)
Recreational Use	Legalized – 2016 (IB 2015, c.)
Possession/Personal Use Specifics	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 6 mature plants or 12 immature plants. Consumption restricted to private spaces. Cannabis must be transported in a sealed container and out of reach of the driver and passengers, while public consumption is prohibited.

State Regulatory Agency Information

State Regulatory Agency	Department of Administrative and Financial Services – Office of Cannabis Policy
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Allows employers to conduct random drug testing , including tests based on reasonable suspicion of impairment, provided the policies are clearly communicated and comply with state and federal regulations. Remember, establishing robust documentation is a key risk mitigant for employers in states like Maine.
Safety Sensitive Positions	Positions that involve operating machinery or vehicles, handling hazardous materials, working in healthcare or emergency services, and overseeing public transportation, where impairment could significantly impact safety
Privacy Laws	Drug testing results and related records must be kept confidential, only disclosed to individuals with a legitimate need to know, and that employees must be informed about the testing process and privacy practices.

Recommended Procedures

Does the state have recommended procedures?	<p>It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.</p> <p>The state of Maine has provided a sample workplace safety program that can be found on their website for a free download.</p>
State Employee Procedures and Policies	<p>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.</p>

Protections for Use Outside Workplace/ Work Hours

Is Maine a “Right to Weed State”?	<p>The Maine Medical Use of Cannabis Program 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.</p>
More Detailed Information	MMCP Regulations

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	§683. Testing procedures
Main Requirement:	<p>Must be clearly outlined in a written policy that is communicated to all employees. This policy should detail the circumstances under which testing will occur, the procedures for conducting tests, and the handling of test results, ensuring transparency and consistency in the application of the policy.</p>