



Maine - State Specific Information

Information provided is current as of December 22, 2025, 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	Adults (21+) may possess up to 2.5 ounces of cannabis (including up to 5g of concentrate) and cultivate up to 3 mature plants (note: law changed from 6 to 3) and 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	Unlike most states, Maine employers cannot test unless they have a written policy approved by the Maine Department of Labor (MDOL). Maine law generally prohibits employers from taking adverse action against an employee for off-duty use of cannabis. Remember, establishing robust documentation is a key risk mitigant for employers in states like Maine. * Effective June 2025, employers with over 20 employees are no longer required to have their Employee Assistance Program (EAP) certified by the state, but they must still have a functioning EAP to conduct testing on current employees.
Safety Sensitive Positions	Positions where impairment creates a high risk of "serious injury or death." Employers must list these specific positions in their MDOL-approved policy. Maine law limits random testing only to employees in safety-sensitive positions or those covered by a collective bargaining agreement.

Privacy Laws	Under 26 MRS § 683 , employers must use a certified laboratory and provide the employee with a copy of the test results within 3 business days of receipt.
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Recommended Procedures

Does the state have recommended procedures?	It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations. The state of Maine has provided a sample workplace safety program that can be found on their website for a free download.
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State Employee Procedures and Policies	Maine permits testing only under a Department of Labor-approved policy. While employers may prohibit workplace use/impairment, state law protects employees from discipline for off-duty consumption. Random testing is restricted to safety-sensitive roles, and employers with 20+ staff must provide an Employee Assistance Program (EAP) to test current employees.
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Protections for Use Outside Workplace/ Work Hours

Is Maine a “Right to Weed State”?	Under Title 28-B, § 112 , employers generally cannot refuse to hire or fire an individual solely because of their lawful use of cannabis outside the workplace, unless they are visibly impaired at work or the employer would lose a federal contract.
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More Detailed Information	MMCP Regulations
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State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	§683. Testing procedures
Main Requirement:	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.