



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

August 31, 2020

Dear Stakeholder:

This document was produced by the Office of Marijuana Policy to provide guidance to qualified Adult Use Marijuana Program (AUMP) cultivation facility licensees and registered caregivers and registered dispensaries operating in the Maine Medical Use of Marijuana Program (MMMP) regarding the requirements related to the limited authorization for the sale of marijuana plants and marijuana seeds from the MMMP to the AUMP, pursuant to 28-B MRS § 501(6).

AUMP cultivation facility licensees are the only licensees that may purchase marijuana plants and seeds from the MMMP and may only do so if their active license contains language authorizing the limited authorized transfer.

Cultivation Facility Licensee Requirements and Responsibilities

A cultivation licensee that is authorized to purchase marijuana plants and seeds from a registered caregiver or registered dispensary must:

- Possess an active cultivation facility license for the licensed premise where the transferred plants and seeds will be received;
- Record in Metrc each marijuana plant and marijuana seeds promptly following their receipt, including a record of the MMMP registrant number (e.g. CGR00000 or DSP000) and phone number of the seller; and
- Remit all required excise taxes to the State Tax Assessor.

Excise taxes on marijuana plants and marijuana seeds transferred into the AUMP from the MMMP must be paid by the cultivation facility licensee purchasing the plants and seeds from the MMMP. All excise taxes must be paid in accordance with Title 36, ch. 723 and the Department of Administrative and Financial Services' *Emergency Rule Regarding the Imposition of Excise Taxes on Sales, Purchases and Transfers by Adult Use Marijuana Program Cultivation Facility Licensees*, 18-691 CMR, ch. 3.

Recording in Metrc and Calculating Excise Tax of Mature Marijuana Plants

Every mature marijuana plant transferred from the MMMP to the AUMP must be weighed and recorded in Metrc at the time of transfer. The weight of each mature marijuana plant, to be recorded in Metrc, is the weight of the plant, minus the weight of the central stalk, roots and growing medium.

For the purposes of calculating the excise tax for each mature marijuana plant, the cultivation facility licensee should adjust the weight of the mature marijuana plant by a 75 percent deduction to account for the water weight in the wet mature marijuana plant.

Transfer of Mature Marijuana Plants from MMMP to AUMP

For the purpose of transporting mature marijuana plants from a registered caregiver or registered dispensary to a licensed cultivation facility, the mature marijuana plants may, but are not required to, be cut at the base of the stalk. The mature marijuana plant that has been cut must be entered into Metrc, as a mature marijuana plant and excise tax calculated for each mature marijuana plant, within six hours of being cut at that stalk and before harvesting.

Q: Can I harvest a mature marijuana plant immediately upon being received at the licensed cultivation facility?

A: Yes. Upon receipt of the mature marijuana plant and it being entered into Metrc as a mature marijuana plant, a mature marijuana plant may be immediately harvested.

All transfers of marijuana and seeds, as part of the limited authorized transfer, from a MMMP registrant to an AUMP licensee require the use of a trip ticket. Copies of the trip ticket should be kept by both the cultivation facility licensee and MMMP registrant, in accordance with MMMP record retention requirements.

Registered Caregiver and Registered Dispensary Requirements and Responsibilities

Registered caregivers and registered dispensaries selling marijuana plants and seeds to cultivation facility licensees in the AUMP may only make **one** authorized sale from the MMMP to the AUMP. “One authorized sale” means that the registered caregiver or registered dispensary may transfer all or some of the marijuana plants and seeds lawfully in their possession as a result of their MMMP registration to a single AUMP cultivation facility on the one particular calendar day the registered caregiver or registered dispensary makes the authorized transfer. Under no circumstances may a registered caregiver or registered dispensary arrange a sale of marijuana plants or seeds that results in the registered caregiver or registered dispensary transferring inventory to the same cultivation facility licensee on more than one occasion. Similarly, a registered caregiver or registered dispensary may not transfer marijuana plants or marijuana seeds to any other AUMP licensees once they have completed their “one authorized sale”.

Any registered caregiver or registered dispensary that makes more than one authorized sale of marijuana plants and seeds to an adult use cultivation facility licensee may be subject to administrative penalties.

Sincerely,



Erik Gundersen
Director
Office of Marijuana Policy