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To: Current and Prospective AUCP Cultivation Licensees
From: Director John Hudak, Office of Cannabis Policy
Date: June 20, 2023
Subject: Guidance for Measuring Mature Plant Canopy

Background

The Office of Cannabis Policy (OCP) has received questions from Adult Use Cannabis Program (AUCP) licensees regarding the measurement of mature plant canopy for outdoor cultivations. The meaning of contiguous and noncontiguous areas has raised questions regarding the approach OCP will take when calculating mature plant canopy of an outdoor cultivation facility.

Title 28-B MRS Section 102 (41) defines plant canopy as:

...the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility, the surface area of each tier or shelf must be included in calculating the area of plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.

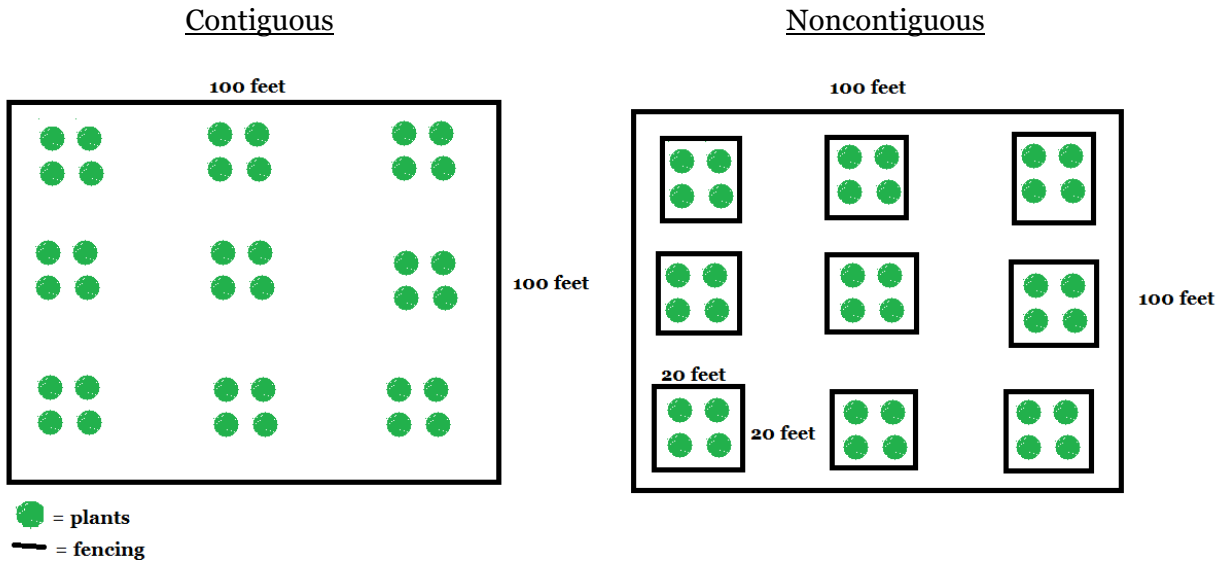
OCP is providing the following guidance to provide clarification as how mature plant canopy of outdoor cultivation facilities will be calculated for contiguous and noncontiguous areas.

Guidance

In accordance with 28-B MRS Section 102 (41), mature plant canopy will "...be calculated in square feet and measured using the outside boundaries of the area and must include all the area with the boundaries", which includes pathways, walkways, and other spaces between plants.

If a licensee's "...plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries." Meaning, if a licensee does not want OCP to include the spaces between planted areas when calculating the mature plant canopy, the licensee must separate each planted area using identifiable boundaries, such as permanent fencing or clearly delineated raised beds. Netting, snow fences, spray paint, and temporary fencing are not acceptable means of delineating noncontiguous areas.

Example:



In the example above, the contiguous plant canopy area would be calculated as 100 feet x 100 feet, so 10,000 sq/ft of mature plant canopy. The noncontiguous plant canopy area would be calculated by each fenced in 20-foot x 20-foot area, so the total mature plant canopy area would be 3,600 sq/ft.

OCP understands most, if not all, outdoor cultivation facilities have already planted for this season and will take into consideration if the facility is following a currently approved Plan of Record. Before the renewal of an outdoor cultivation facility, OCP will be conducting an inspection of the facility to examine and measure the cultivation area and explain if it is necessary for the facility to submit a new plan of record before planting next season.

Conclusion

Outdoor cultivation mature plant canopy will be calculated as a contiguous area, measuring the outside boundaries of the planted area unless the licensee has separated, by identifiable boundaries, noncontiguous areas. Licensees with questions regarding this guidance should reach out to their assigned Licensing Analyst or contact the Licensing Team at Licensing.OCP@maine.gov.