

Agenda
Town of Damariscotta, Maine
February 6, 2019, 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Community Conversation – Medical Marijuana Ordinances**
- III. Call to Order**
- IV. Minutes**
 - 1. December 5, January 2 and January 16 Meetings
- V. Financial Reports**
 - 1. Payroll Warrant
 - 2. Accounts Payable Warrants
- VI. Presentations**
 - 1. Jefferson-Nobleboro Transfer Station Recycling
- VII. Citizen Comments and General Correspondence**
- VIII. Town Manager Items**
 - 1. Waterfront Project Update
 - 2. Status of Paving Project RFP
 - 3. Community Conversation – Marijuana Adult Use Ordinances – February 20
 - 4. Selectmen’s New Email Addresses
- IX. Official Action Items**
 - 1. Town Fee and Fine Schedule
 - 2. Budget Committee Appointment
- X. Selectmen’s Discussion Items**
- XI. Adjournment**

Town Manager Notes

February 6, 2019

BOARD OF SELECTMEN'S MEETING

Community Conversation – Medical Marijuana Ordinances- This will be a continuation of the January 2 public discussion on the licensing and zoning of commercial marijuana establishments. At this meeting, citizens and businesses are being asked to provide their perspectives on medical marijuana establishments. Copies of the draft ordinances related to the licensing of both medical and adult-use establishments are attached as is a list of the changes being considered for the Towns' Land Use Ordinance. The drafts were prepared by staff as a starting point for discussion following the voters' November approval of the "opt-in" articles for both medical and adult-use commercial establishments. I am also attaching the spreadsheet that outlines the areas where local governments will have some authority under the new State Statutes and the staff recommendations on the licensing and permitted locations for these businesses.

Presentations

1. **Jefferson-Nobleboro Transfer Station Recycling** –During the discussion of the transfer station budget at your January 16 meeting, the Board showed an interest in having a presentation on the recycling activities at the facility. Transfer Station Manager Barry Howell will attend next Wednesday's meeting to provide you with a description of the recycling-related functions of the Transfer Station and will be able to respond to any questions you may have. Attached is the Transfer Station's brochure on recycling.

Town Manager Items

1. **Waterfront Project Update-** Approximately 20-25 people attended the January 17 public meeting on the planned waterfront improvements. I reviewed the overall scope of the project while Travis Prior explained more of design details. The preliminary plan that was shown at the meeting is attached.

After Travis' presentation, LeeAnna Libby from the Sanitary District talked to the group about the privately-owned sanitary sewer lines that should be replaced at the same as the parking lot and storm drainage system are reconstructed. I am setting up a follow-up meeting with the businesses who have sanitary sewer lines under the parking lot in an effort to facilitate a coordinated sewer line replacement project.

Straw votes of those present at the meeting indicated the following: most want to continue to have the reconstruction of the pavement and storm drainage as the priority, most do not want to have a walkway through the parking lot, most do not want additional green space islands added and a majority prefer June Alley over Taco Alley as the location for a pedestrian walkway. In a subsequent meeting that I have had with the new owners of most of the property on which most of June Alley is located, the owners stated that they are currently not interested in having June Alley be a pedestrian-only walkway.

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I have asked Wright-Pierce to proceed with bid documents. The plan is to have these completed next month, a competitive bid process in March and re-construction of the parking lot and storm drainage system starting this coming fall after Pumpkinfest.

2. **Status of Paving Project RFP-** I am currently working with the Public Works Committee on a Request for Proposals for the Town's 2019 paving projects. Included in the list of projects is the repaving of Belvedere Extension, a project that was delayed two years ago due to the need to fully fund the Egypt Road culvert project. The other paving projects that I plan to include would be contingent on the approval of funding in the FY2020 Budget. All of these projects were identified by the Public Work Committee as priorities during their field survey last fall. The paving projects are Church Street from Pleasant to Hillside, the 300-foot section of Chapman nearest School Street, sections of Pine Ridge Road and Hammond Road.

The draft RFP is currently being reviewed by the Public Works Committee. I hope to have this ready to email to the Board well in advance of your February 20 meeting to give you ample opportunity for review and comment prior to the document being submitted to you for final approval.

Official Action Items

1. **Town Fee and Fine Schedule-** As the Board will recall, the Town has been reformatting most of the Town ordinances so that they each follow a consistent, and logical structure. The Town Meeting approved the reformatting for most of the ordinances in 2016. Others are being reformatted as they are amended. One of the changes that has been made and continues to be made as the ordinances are redrafted is the removal of references to specific fees and in many cases, fines. Each of these ordinances now have or will have a section in them that provides for the charging of fees and fines but grants the Board of the Selectmen the authority to set the specific fees and fines. Following the Town Meeting's approval of reformatted ordinances, the Board adopted the fees at the level that they were when the amount of the fees and fines were included in the ordinances.

Town staff has prepared the attached schedule so that the fees and fines will be listed in one document. The listing includes not only the fees that the Board previously approved but also a number of fees that had been set administratively, e.g. charges for copies and faxes. It is anticipated that the fee and fine schedule will be reviewed periodically by the Board and adjustments made as needed.

Recommended Action: Approve the attached fee and fine schedule.

2. **Budget Committee Appointment** -The Budget Committee currently has one vacant regular position and two vacant alternative positions. I have received two citizen inquiries in response to the announcement of the vacancies in my last newsletter. One of the

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citizens agreed to come in for an interview and Chairperson Mayer and I met with him on Tuesday. The candidate is Matthew Farel, a new resident who lives on Bristol Road. Robin and I were very impressed with Mr. Farel's background and enthusiasm. We both think that he will be a great addition to the Committee. Moreover, he will be able to make the meetings that are currently scheduled for the Committee's review of the FY2020 Budget. In accordance with the Town Charter, the Board has the authority to fill any of the Town elected positions. Individuals appointed to elected positions by the Board serve until the next Annual Town Meeting.

Recommended Action: Appoint Matthew Farel to the Town's Budget Committee.

DAMARISCOTTA MEDICAL MARIJUANA LICENSING ORDINANCE

§902.1 - Authority.

This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

§902.2 - Purpose.

The purpose of this ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

§902.3 - Definitions.

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Disqualifying drug offense: a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Medical marijuana establishment: a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical marijuana testing facility: a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

Medical marijuana manufacturing facility: a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Registered caregiver retail store: a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary: a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

State registration authority: the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.

§902.4 - Establishments allowed; License required.

- (1) Pursuant to 22 M.R.S. §2429-D, the operation of medical marijuana establishments is allowed, subject to the restrictions of this ordinance and applicable state and local law.
- (2) No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without a valid license issued by the Town. A separate type of license must be obtained

for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a medical marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

- (3) The licensing requirements of this ordinance shall not be construed or applied to prohibit the operation of any medical marijuana establishment continuously operating with municipal approval since before December 13, 2018.

§902.5 - Application.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- (2) Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Damariscotta to obtain criminal records and other background information related to the individual.
- (6) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.

- (8) Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable food or victualer's license.
- (11) Evidence of compliance with the requirements of this ordinance.

If the Town Clerk determines that a submitted application is not complete, the clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

§902.6 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 5 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The Code Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
- (2) The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
- (3) The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

§902.7 - Action on application.

- (1) *Public hearing.* The Town Clerk upon receipt of a completed application and upon receipt of the reports required under Section 6 above, shall schedule a public hearing at a regular or special meeting of the Board of Selectmen and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Damariscotta at least six days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.

- (2) *Board of Selectmen action.* The Board after notice and public hearing, shall determine whether the applicant complies with the requirements of this ordinance. Upon such determination by the Board, the Town Clerk shall be authorized to issue the license.

§902.8 - Status of license—Display.

No license issued under this ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued.

§902.9 - Duty to update information.

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

§902.10 - Standards for approval, denial, revocation.

A license application for a medical marijuana establishment shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

§902.11 - Operating Requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) *Fixed location.*

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.

- (2) *Security.*

(a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to local emergency services authorities. Upon notification of an alarm, the licensee or an authorized representative must respond to the premises.

(b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).

(3) *Ventilation.*

(a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

(b) All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

(4) *Loitering.*

The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.

(5) *Compliance with requirements of state and local law.*

A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this ordinance, the more restrictive shall control.

§902.12 - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this ordinance, the violation of any provision of this ordinance shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to the benefit of the Town. This section shall be enforced by the Damariscotta Police Chief, the Damariscotta Code Enforcement Officer, and/or their designees. Notice of violations by medical marijuana establishment licensees of other provisions of this Code shall be provided to the Police Chief, Town officers, and Town Attorney.

§902.13 – Limitations in licenses. Lottery.

No more than the specified quantities of licenses shall be issued.

Registered caregiver retail store:	2
Registered dispensary:	1
Medical Marijuana Manufacturing facility:	1
Medical Marijuana testing facility:	4

In the event that a greater number of valid license applications (including the applicable fees) are submitted than can be issued within these limitations, a lottery shall be conducted to randomly determine which qualified applicants shall have the first opportunity to receive the public hearings required to complete the licensing process pursuant to this ordinance.

§902.14 - License fees.

The initial annual license fees shall be set by the Board of Selectmen as part of the Town’s licensing and permit fee schedule.

§902.15 - Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

§902.16 - Appeals.

An appeal from any final decision of the Board of Selectmen under this ordinance may be taken by any party to Board of Appeals within 30 days of the decision, pursuant to Board of Appeals Ordinance Section 5(A)(3).

DAMARISCOTTA ADULT USE MARIJUANA LICENSING ORDINANCE

§903.1 - Authority.

This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, and 28-B M.R.S. § 401.

§903.2 - Purpose.

The purpose of this ordinance is to provide procedures and standards relating to the operation of adult use marijuana establishments and to require their annual licensing.

§903.3 - Definitions.

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Adult use marijuana: marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

Adult use marijuana product: a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

Disqualifying drug offense: a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act.

Home cultivation of marijuana: cultivation for personal adult use by a person 21 years of age or older, which is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Marijuana cultivation: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Marijuana cultivation facility: means a facility licensed under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores. Cultivation facilities are categorized into tiers based on the number of adult plants and usable square footage for cultivation.

Marijuana establishment: a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state law.

Marijuana manufacturing or manufacture: the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana product: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Marijuana products manufacturing facility: a facility licensed under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Marijuana store: a facility licensed under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana testing facility: a facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

§903.4 – Establishments allowed; License required.

- (1) Pursuant to 28-B M.R.S. §403, the operation of marijuana establishments is allowed, subject to the restrictions of this ordinance and applicable state and local law.
- (2) No person shall operate a marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a marijuana establishment, without a valid license issued by the Town. A separate type of license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

§903.5 - Application.

Each applicant for a marijuana establishment license shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.

- (2) Evidence of all state approvals or conditional approvals required to operate a marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Damariscotta to obtain criminal records and other background information related to the individual.
- (6) A statement as to the type of establishment, the precise nature of the business, and a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the marijuana establishment.
- (8) Evidence of an interest in the premises in which the marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Evidence of all other approvals or conditional approvals required to operate the marijuana establishment, including any applicable food or victualer's license.
- (11) Evidence of compliance with the requirements of this ordinance.

If the Town Clerk determines that a submitted application is not complete, the clerk shall notify the applicant within ten (10) business days of the additional information required to process the

application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

§903.6 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 5 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The Code Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
- (2) The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
- (3) The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

§903.7 - Action on application.

- (1) *Public hearing.* The Town Clerk upon receipt of a completed application and upon receipt of the reports required under Section 6 above, shall schedule a public hearing at a regular or special meeting of the Board of Selectmen and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Damariscotta at least six days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- (2) *Board of Selectmen action.* The Board, after notice and public hearing, shall determine whether the applicant complies with the requirements of this ordinance. Upon such determination by the council, the Town Clerk shall be authorized to issue the license.

§903.8 - Status of license—Display.

No license issued under this ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the marijuana establishment for which the license is issued.

§903.9 - Duty to update information.

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

§903.10 - Standards for approval, denial, revocation.

A license application for a marijuana establishment shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

§903.11 - Operating Requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

(1) *Fixed location.*

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.

(2) *Security.*

(a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to local emergency services authorities. Upon notification of an alarm, the licensee or an authorized representative must respond to the premises.

(b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).

(3) *Ventilation.*

(a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

(b) All marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

(4) *Loitering.*

The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.

(5) *Compliance with requirements of state and local law.*

A marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing marijuana establishments that conflicts in any way with the provisions of this ordinance, the more restrictive shall control.

§903.12 - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this ordinance, the violation of any provision of this ordinance shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to the benefit of the Town. This section shall be enforced by the Damariscotta Police Chief, the Damariscotta Code Enforcement Officer, and/or their designees. Notice of violations by marijuana establishment licensees of other provisions of this Code shall be provided to the Police Chief, Town officers, and Town Attorney.

§903.13 – Limitations in licenses. Lottery.

No more than the specified quantities of licenses shall be issued.

Marijuana store:	2
Cultivation Facilities:	
Tier 1 (≤ 30 adult plants, ≤ 500 sq. ft.)	4
Tier 2 (≤ 2000 sq. ft.)	3
Tier 3 (≤ 7000 sq. ft.)	2
Tier 4 (≤ 20,000 sq. ft.)	0
Nursery (≤ 1000 sq. ft.)	3
Marijuana manufacturing facility:	1
Marijuana testing facility:	4

In the event that a greater number of valid license applications (including the applicable fees) are submitted than can be issued within these limitations, a lottery shall be conducted to randomly

determine which qualified applicants shall have the first opportunity to receive the public hearings required to complete the licensing process pursuant to this ordinance.

§903.14 - License fees.

The annual license fees shall be set by the Board of Selectmen as part of the Town's licensing and permit fee schedule.

§903.15 - Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

§903.16 - Appeals.

An appeal from any final decision of the Board of Selectmen under this ordinance may be taken by any party to Board of Appeals within 30 days of the decision, pursuant to Board of Appeals Ordinance Section 5(A)(3).

MARIJUANA AMENDMENTS – LAND USE CODE
(12-27-18)

§101.4 DEFINITIONS

Home cultivation of marijuana: “Home cultivation of marijuana” means cultivation for personal adult use by a person 21 years of age or older is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Marijuana cultivation: "Marijuana cultivation" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Marijuana cultivation facility: "Marijuana Cultivation facility" means a facility licensed under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Marijuana establishment: "Marijuana establishment" means a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state law.

Marijuana manufacturing or manufacture: "Manufacturing" or "manufacture" of marijuana means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana product: "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Marijuana products manufacturing facility: "Marijuana products manufacturing facility" means a facility licensed under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Marijuana store: "Marijuana store" means a facility licensed under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana testing facility: "Marijuana testing facility" means a facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

Medical marijuana establishment: "Medical marijuana establishment" means a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical marijuana testing facility: "Medical marijuana testing facility" means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

Medical marijuana manufacturing facility: "Medical marijuana manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Registered caregiver retail store: "Registered caregiver retail store" means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary: "Registered dispensary" means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

A. DISTRICT REGULATIONS

1. SCHEDULE OF LAND USES

Land Use	District (P = Permitted Use; C = Conditional Use)					
	GR	C1	C2	R	WC	M
Single family dwellings	P	P	P	P		
Two family dwellings	P	P	P	P		
Mobile homes	P	P	P	P		
Accessory buildings and uses	P	2	2	2		
Accessory apartments	P ¹	P ¹	P ¹	P ¹		
Home occupations	C	C	C	C		
Professional offices	C	C	C	C		
Multi-family dwelling units and condominiums	C	C	C	C		
Rooming houses	C	C	C	C		
Planned unit development	C			C		

Antique shops and galleries	C	C	C	C		
Retail and wholesale businesses and services establishments		C ³	C			
Motels, hotels and restaurants		C	C			
Clubs and movies theaters		C	C			
Banks		C	C			
Service station garages		C	C			
Public buildings such as schools, recreational recreational facilities, utility structures, and other community related uses		C	C			
Light manufacturing			C			
All medical and medical related uses			C			
Planned unit development			C			
Wireless communications facilities			C ⁴		C	
Adult entertainment establishments			C			
Agricultural and gardening businesses				P		
Forest management activities				P		
Campgrounds				C		
Mobile home parks				C		
Uses related to environmental study and education				C		
Veterinary hospital stables				C		
Structures associate with municipal utilities				C		
All occupancies and uses to serve the municipal services of the town						P
<u>Home Cultivation of Marijuana</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Marijuana cultivation facilities</u>			<u>C</u>	<u>C</u>		
<u>Marijuana products manufacturing facilities and medical marijuana manufacturing facilities</u>			<u>C</u>	<u>C</u>		
<u>Marijuana stores</u>			<u>C</u>	<u>C</u>		
<u>Registered caregiver retail stores and registered dispensaries</u>			<u>C</u>	<u>C</u>		
<u>Marijuana testing facilities and medical marijuana testing facilities</u>			<u>C</u>	<u>C</u>		

¹As long as the requirements of Article 9.Q are met, accessory apartments are allowable under a permit from the Code Enforcement Officer (CEO). The CEO may forward an accessory apartment application to the Planning Board for review as a 'Conditional Use Permit' under the Site Plan Review Ordinance. NOTE: Accessory apartments are not allowed in overlay Shoreland Zones.

² Accessory buildings and uses to permitted uses are permitted; accessory buildings and uses to conditional uses are conditional.

³No outside storage

⁴ Within the bounds of the Wireless Communications District

§101.6 GENERAL PROVISIONS

R. Limit on Home Cultivation of Marijuana.

No person shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract of land on which he or she is not domiciled.

S. Limit on Location of Marijuana Establishments.

A marijuana establishment may not be permitted or operated within 1000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

NON-RECYCLABLE ITEMS ACCEPTED

PLACE IN THE TRASH COMPACTOR

Cardboard

- waxed corrugated cardboard

Paper

- interleaf carbon paper
- hardcover books

Plastic Only ones with NO recycling code

Glass only / no ceramics

- stemware & drinking glasses
- broken bottles
- window glass (broken)

Miscellaneous

- Paint - dried or mixed with kitty litter or sawdust
- Spray paint (empty container)
- Cleaning products (empty containers)
- Light bulbs (not fluorescent)
- Styrofoam

PLACE IN THE DEMOLITION AREA

Please check with Transfer Station Office first

All Demolition Debris = .09¢ lb.







- unbroken window glass
- construction material
- furniture (wooden)
- beds (box spring, mattress)
- rugs
- tubs, toilets
- tires (car and truck, with & without rim)
- Must be weighed and/or talk to a Transfer Station employee first.

¹Small disposal fee may be involved. Please check with Transfer Station Office.

Some Recycling Facts

- The average U.S. household discards each year 13,000 paper items, 500 aluminum cans, 500 glass bottles, and 1,800 plastic items.
- Every week, more than 500,000 trees are used to produce the two-thirds of newspapers that are never recycled.
- American consumers and industry throw away enough aluminum to rebuild our entire commercial airfleet every 3 months.
- To make a 6-foot long park bench out of recycled plastics ("plastic lumber"), it takes 1,050 recycled milk jugs.

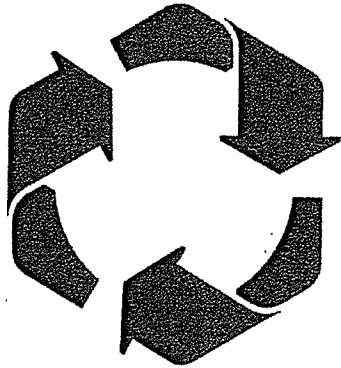
Acceptable Plastics for Recycling

	POLYETHYLENE TEREPHTHALATE	PE	PLASTIC BOTTLES
	HIGH DENSITY POLYETHYLENE	HDPE	MILK JUGS LAUNDRY DETERGENT
	VINYL/POLYVINYL CHLORIDE (PVC)	PVC	COOKING OIL BOTTLES
	POLYPROPYLENE	PP	YOGURT CUPS
	POLYSTYRENE (PS) (EXAMPLAR STYROFOAM)	PS	CARTRIDGE FOOD CONTAINERS
	ALL OTHER PLASTICS	OTHER	MICROWAVE SERVING PLASTICS

Originally prepared by the Nobleboro Conservation Commission and Recycling Committee in 2003.

Updated by Transfer Station Manager and Town Office Staff in July 2011

Recycling



Hours of Operation:
Tuesday thru Saturday
8:00 a.m. thru 4:00 p.m.

Gates close at 3:50 p.m.

Help Your Environment By
Joining Our Recycling Partnership
At The

**Nobleboro-Jefferson
Transfer Station
563-1610**

Welcome to the Nobleboro-Jefferson Transfer Station

This Transfer Station serves the communities of Nobleboro, Jefferson, Bremen, Damariscotta and Newcastle. It provides for the disposal of all types of solid waste from these five towns.

Why We Recycle

- It saves money
- It saves resources and energy
- It saves landfill space

If you're not recycling, you're throwing it all away

Recycling is one area in which you can directly impact your town's taxes. Every ton of recycled material is disposed of without cost to the five towns. The trash dumped into our trash compactors costs over \$90/ton. By directing material into the recycling bins, you can save that cost, reduce your tax bill and help the environment. Recycling is not a new idea, people have been doing it for a long time. During World War II Americans recycled many things in an effort to help the war. They saw recycling as a way to help defend our country. Now when it is clear that the amount of trash produced is posing serious problems, recycling is needed more than ever. People recognize recycling as their duty to help preserve the environment that they enjoy.

Please review this recycling list to see what you have that can be recycled.

This Transfer Station has marked bins to help you with your recycling efforts. The following lists show where recycled materials should be placed. If you're not sure where to put an item, please ask at the Transfer Station office.

Recycle Bin	55 gallon drum	Glass
• glass - green	Please place in appropriate color bin	
• glass - brown		
• glass - clear		
• broken window glass is a trash item		

Recycle Bin	55 gallon drum	Tin
• food cans	• aluminum foil	
• aluminum cans		

Recycle Bin	Plastic #2
• #2 plastic milk jugs	Please place in appropriate color bin
• #2 plastic detergent jugs	
• #2 plastic drink jugs	
Caps are usually a different type from the bottle - toss if unmarked	

Recycle Bin	Corrugated Cardboard
• Cardboard boxes (please empty and flatten)	
• Wax coated cardboard containers are trash items	

Recycle Bin	Newspapers/Magazines
• magazines	• catalogues
• phone books	
• newspapers	
May pack materials tightly in large brown grocery sacks. Keep dry. Do not tie up.	

Garden Waste ¹	Compost Area
• dead plants, wood mulch, brush and lawn clippings	
• tree limbs (1" diameter or smaller)	

Recycle Bin	Mixed Paper
• brown paper bags	<ul style="list-style-type: none"> • calendars • milk drink boxes • egg cartons (pressed board) • paper cups • paper plates • paper towels • paper napkins • box board (cereal and food boxes) • shoe boxes • foreign cardboard • juice cartons • NCR paper
• letters	
• folders	
• flyers	
• envelopes	
• computer paper	
• photocopies	
• cards	
• brochures	
• cancelled checks	
• adding machine tapes	
• manila folders	
• junk mail	
• postcards	
May pack materials tightly in large brown grocery sacks. Keep dry. Do not tie up.	
PLEASE NO PLASTIC BAGS	

Miscellaneous ¹	Transfer Station Office
• tires	• batteries
• fluorescent light bulbs	• appliances

ITEMS NOT ACCEPTED	
Automobiles	can recycle individual metal parts for scrap; [cannot contain any petroleum products]
Pesticides	NO hazardous material
Herbicides	
Fertilizers	
Petroleum Products (gasoline, oil)	
Antifreeze	

METAL
 Anything 100% metal, no Freon, i.e., dehumidifiers, air conditioners
NO PROPANE TANKS

TOWN OF DAMARISCOTTA FEE SCHEDULE

CATEGORY	FEE	CATEGORY	FEE
BUILDING PERMIT		SUBSURFACE	
Residential		Primitive System	\$150
Application Fee	\$30 fee is in addition to sq. ft	Separate grey waste disposal field	\$60
New Home or Dwelling Unit	.25¢ per sq. ft	Seasonal Conversion	\$100
		1st Time System Variance	\$30
Residential Additions/Accessory		Separate Parts of Disposal System	
Application Fee	\$30 fee is in addition to sq. ft	Alternative Toilet	\$75
Permit Fee	.10¢ per sq. ft	Disposal field (engineered)	\$200
Shoreland Zone	\$50 surcharge + permit fee (w/o site plan)	Disposal field (Non-engineered)	\$200
Commercial or Industrial		Treatment Tank (non-engineered)	\$175
Application Fee	\$30 fee is in addition to sq. ft	Treatment Tank (engineered)	\$175
Permit Fee	.30¢ per sq. ft	Holding Tank	\$175
Conditional Use	\$100 plus \$45 advertising fee	Other components (complete pump station, piping, other)	\$50
Site Review	\$50 Min or .02¢ per sq.ft	CEMETERY	
Advertising	\$45	4' X 10' burial lot	\$300
After the Fact: Commercial/Residential	Double the permit Fee	Perpetual Care	\$200 for each lot
Subdivision		Administration fee	\$50
Application	\$250	DRIVEWAY	\$25
Permit Fee	\$50 per lot	FIRE DEPT. SERVICE BILLING ORDINANCE	
Cell Antenna Arrays		Minimum call out fee	\$200
New or Replacement	\$100 each	Minimum rate for Life Flight Assist	\$400
Swimming Pools	\$25 (This is a State Fee)	Tanker Trucks	\$200 per hour
PLUMBING		Engine Trucks	\$150 per hour
Internal		Rescue Truck	\$200 per hour
Min. Fee up to 4 fixtures	\$60	Ladder Truck	\$200 per hour
Above 4 Fixtures (each)	\$15	Squad Truck	\$100 per hour
Hook up to Public Sewer	\$15	Rescue Boat	\$100 per hour
Hook up to Existing Septic	\$15	Firefighter man hours	\$18 per hour
Piping relocation w/no new Fixtures	\$15	FLOODPLAIN MANAGEMENT ORDINANCE	\$50 Non refundable Application Fee
Permit Transfer	\$15	HARBOR MANAGEMENT ORDINANCE	Managed by the Town of Newcastle per Interlocal agreement
SUBSURFACE		LICENSING	
Complete Disposal System		Dog	\$6 per spay/neutered dog, \$11 per unaltered dog
Engineered System	\$250	Entertainment	
Non-engineered System	\$300	Liquor	
		Marijuana	

CATEGORY	FEE	CATEGORY	FEE
LICENSING		FINES/PENALTIES	
Advertising: 1st time liquor/Marijuana license applicants	\$45	Disturbing the Peace Ordinance	\$100-\$300 plus any costs of recoverable for use for the Town
Shellfish		Dog Control Ordinance	\$10-\$25 dog at large &/or unvaccinated, plus cost of prosecution
Recreational License	\$7 Resident, \$12 Non Resident	Land Use Ordinance	\$100 for each day violation exists
Commercial License	\$152 Resident, \$252 Non Resident	Overdraft Fee	\$39
Vending	\$50 per year	Restricted Weight on Posted Roads Ordinance	\$250-\$1000 per violation
ROAD OPENING	\$25	Subdivision Ordinance	\$10,000 per unlawfully conveyed lot
SIGNS		Town Landing Ordinance	
Permanent	\$40 one time fee	Misuse of Public Float	\$50
Sandwich Board	\$25 yearly fee	Improper use of boat landing Area	\$50
COPIES		Unnecessary delays or exceeding time limits	\$10
Certified copies of Vital Records	\$15 for 1st copy; \$6 for any additional copy purchased	Improper tie up to public float	\$50
Copy of Comprehensive Plan	\$25	Improper tender/skiff storage	\$25
Full Book of Tax Maps	\$20	Violation of tie-up limit	\$10
on Certified Copies of Vital Records	\$10 each	Traffic & Parking Ordinance	
Copy of Ordinances	\$5 each	Parking in Handicapped Space	\$250
Copy of Tax List	\$75	Parking within 10 ft of Hydrant	\$250
FAX	Incoming/outgoing \$3	All other parking violations	\$25
NOTARY PUBLIC SERVICES/ATTESTATION	\$5 per seal/document	Violation waver fee to avoid appearing in court	\$75
FINES/PENALTIES		Damage to municipal traffic devices	\$150 per conviction
Alarm Ordinance -False Alarm	\$100 fee is after 3 false alarms in a calendar year	Impoundment immobilization	\$25
Alarm Ordinance-Violations	Civil penalty of not more than \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for the third and each subsequent violation.	Removal of immobilizing device or unauthorized removal of vehicle	\$50-\$1000
an on Single Use Plastic Carry out Bags Ordinance	\$250 per violation	Failure to notify Police Dept of activity or event	\$250
'29/19 MPC		Vending Ordinance	\$100 for 1st offence, \$150 for subsequent offenses

MARIJUANA OPT-IN ARTICLES

Town Action Required	Statutory Citation	Description	Staff Recommendation	Timeline	Comments
Overall Opt-In for allowing adult-use marijuana establishments	Title 28-B § 403	In order for any marijuana establishments to be located in town, the Town must vote to allow that particular type of establishment		Opt-In Articles approved at 11.6.18 STM by secret ballot vote	Approved: Cultivation, Manufacturing facilities, testing facilities, operation of marijuana stores
Overall Opt-In for allowing medical marijuana establishments	22 MRSA §2429-D	Statute allows municipalities to authorize caregiver retail stores, registered dispensaries, testing facilities, manufacturing facilities (establishments in existence prior to effective dates are grandfathered)		Opt-In Articles approved at 11.6.18 STM by secret ballot vote	Approved were: Caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities
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ADULT USE MARIJUANA ORDINANCES: ZONING RELATED

Town Action Required	Statutory Citation	Description	Staff Recommendation	Timeline	Comments
Zoning regulations for commercial establishments	Title 28-B § 401 (1)	A Municipality may adopt an ordinance providing land use regulations applicable to marijuana establishments within the municipality			Zoning ordinances require Planning Board Public Hearings
Cultivation Facilities	Title 28-B § 501	Allows facility to cultivate adult use marijuana to manufacturing facilities, stores or other cultivation facilities	Do not allow in Residential and C1 Conditional use in C2 and rural zones, at least 1000 feet from schools	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
Manufacturing Facilities	Title 28-B §502	Allows facility to manufacture adult use marijuana products for sale or distribution to marijuana stores or other products manufacturing facility	Do not allow in Residential and C1 zones. Conditional use in C2 and rural zones, at least 1000 feet from schools	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
Testing Facilities	Title 28-B §503	Allows facility to develop, research and test marijuana for that facility, another licensee, person who intends to use product for personal use, or qualified patient or caregiver	Do not allow in Residential and C1 zones. Conditional use in C2 and rural zones, at least 1000 feet from schools	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
Operation of Marijuana Store	Title 28-B §504	Allows facility to sell marijuana, marijuana paraphernalia, immature plants and seedlings. Other consumable marijuana products and non consumable products Page 2	Do not allow in Residential and C1 zones. Conditional use in C2 and rural zones, at least 1000 feet from schools	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance

ADULT USE MARIJUANA ORDINANCES: ZONING RELATED

Town Action Required	Statutory Citation	Description	Staff Recommendation	Timeline	Comments
Home Cultivation	Title 28-B § 1502 (3) (A)	Town can limit number of plants & seedlings to minimum allowed in Statute	MAXIMUM PER PARCEL: 3 mature plants 12 immature plants, unlimited seedlings per adult domiciled at residence	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
NOTES					

ADULT USE MARIJUANA ORDINANCES: LICENSING

Town Action Required	Statutory Citation	Description	Staff Recommendation	Annual Fees	Timeline	Comments
Licensing regulations for commercial establishments	Title 28-B § 403 (3) B & 401	If municipality allows type of establishment for which application is submitted, applicant must obtain local license before receiving final State approval	Allow for licenses for all 4 types of establishments. Separate license must be obtained for each establishment located on same premises			
Cultivation	Title 28-B §401 (3) & (4)	Tier 1 ≤ 30 plants, ≤ 500 sq. ft. Tier 2 ≤ 2,000 sq. ft. Tier 3 ≤ 7,000 sq. ft. Tier 4 ≤ 20,000 sq. ft. Nursery ≤ 1,000 sq. ft.	Maximum Number of Licenses Tier 1-4 Tier 2-3 Tier 3-2 Tier 4-0 Nursery -3	Tier 1- \$500 Tier 2-\$1000 Tier 3-\$1500 Tier 4- \$0 Nursery-\$500	Community Conversations-January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
Manufacturing Facilities	Title 28-B §401 (3) & (4)		Maximum Number of Licenses 2	\$500.00	Community Conversations-January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
Testing Facilities	Title 28-B §401 (3) & (4)		Maximum Number of Licenses 1	\$500.00	Community Conversations-January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
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ADULT USE MARIJUANA ORDINANCES: LICENSING

Town Action Required	Statutory Citation	Description	Staff Recommendation	Annual Fees	Timeline	Comments
Operation of Marijuana Store	Title 28-B §401 (3) & (4)		Maximum Number of Licenses 2	\$1,500.00	Community Conversations-January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
NOTES						
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MEDICAL MARIJUANA ORDINANCE: ZONING RELATED

Town Action Required	Statutory Citation	Description	Staff Recommendation	Timeline	Comments
Caregiver Retail Stores	22 MRSA §2423-A-2	Caregiver authorized to transfer harvested marijuana to qualifying patients and receive compensation. 22 MRSA § 2423 A-2, A-1 E	Not allowed in Residential & C1 zones. Allowed as conditional use in all other zones	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	One caregiver retail store currently allowed downtown under grandfathering clause in State Statute
Registered Dispensaries (total # limited by State Statute)	22 MRSA §2428	An entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. 22 MRSA § 2422-6	Not allowed in Residential & C1 zones. Allowed as conditional use in all other zones	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
Testing Facilities	22 MRSA §2423-A-10	Firms licensed to receive and possess samples from qualified patients, caregivers, dispensaries, and manufacturing facilities to provide testing for the cannabinoid profile and potency of samples and for contaminants in the samples 22 MRSA § 2423-A (10)	Not allowed in Residential & C1 zones. Allowed as conditional use in all other zones	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance
Manufacturing Facilities	22 MRSA §2423-F	Firms licensed for production, blending, infusing, compounding or other preparations of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. 22 MRSA § 2422-4-6	Limit to only Tier 1- (possess up to 40 lbs) no Tier 2-(possess up to 200 lbs) conditional use C2 and Rural Zones only	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Requires amendment to Land Use Ordinance

MEDICAL MARIJUANA ORDINANCE: LICENSING

Town Action Required	Statutory Citation	Description	Staff Recommendation	Annual Fees	Timeline	Comments
Caregiver Retail Stores	22 MRSA § 2429-D		Allow 2 licenses	\$1,500	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
Registered Dispensaries (total # limited by State Statute)	22 MRSA § 2429-D		Allow 1 license	\$500	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
Testing Facilities	22 MRSA § 2429-D		Allow 1 license	\$500	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
Manufacturing Facilities	22 MRSA § 2429-D		Allow 2 licenses	\$500	Community Conversations- January 2019 Planning Board & BOS P. Hearings February 2019 Special Town Meeting March 2019	Adopt as part of new Licensing Ordinance
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