

Adult Use Cannabis Committee

June 5, 2019 at 6:00 PM at Town Hall

Minutes

Present: Stacey Wypyski, Hughes Pope, Brigham Pendleton, Dana Lee, Justice Rines

1. Open Meeting / Roll Call: Brigham opened the meeting and noted that all members were present. Town Manager Dana Lee and member of the public, Justice Rines, were also present
2. Public Comment: There was none.
3. Review / Approve Previous Minutes: A motion was made Hughes and seconded by Stacey to approve the minutes as written and was so voted 3-0.
4. New Business: Continue Work on Process and Forms
 - a. Dana presented and review a document created by town staff that laid out the internal process by which we would locally license adult use recreational cannabis establishments – see attached. The committee reviewed it. Stacey asked if this was substantially like the way we handle a new liquor license. Dana said it was very much the same.
 - b. Justice presented a memo of suggestions to the committee – see attached. In particular he noted adding #4 to Sec. 11-12: Deny an application to anyone having been found operating illegally in the wrong zone. Maybe make them ineligible to apply for at least one year. We discussed the issue applicants with intent as caregivers storefronts applying as non-profit medical dispensaries.
 - c. It was discussed that we should show preference for processing applications from Eliot first, if given the choice
 - d. The committee discussed application fees and licensing fees. After much discussion the following were recommended – see attached.
 - e. The committee felt operating hours of 9 am to 9 pm were practical and proper.
5. Next Meeting: It was discussed and decided that we would endeavor to wrap up our recommendations for the Planning Board and Select Board by meeting again on 6-19-19 at 6:00 pm
6. Adjourn: Hughes made a motion to adjourn the meeting. This was seconded by Stacey and was so voted 3 – 0.

Adult Use Cannabis Committee

Wednesday, September 25, 2019 @6pm, Town Hall

Agenda

1. Open meeting / roll call
2. Public comment
3. Review / approve previous minutes
4. New business
 - a. Recap final Ordinance
 - b. Review any news on cannabis laws
 - c. Determine where/how our committee can be of help with public awareness and information regarding the new ordinance and upcoming vote
5. Old business
 - a. Further updates on state rules
 - b. Other related updates on Maine Marijuana Law
6. Other business
 - a. Next meeting
 - b. Discuss committee's future, purpose and membership
7. Adjourn

Chapter 11

MARIJUANA ESTABLISHMENTS

Sec. 11-1. Purpose.

The purpose of this Article is to provide for and regulate the issuance of Local Licenses for Adult Use Marijuana Establishments as defined in this Article and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended.

Sec. 11-2. Authority.

This Article is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 et seq., as may be amended, and 22 M.R.S.A. § 2421 et seq., as may be amended.

Sec. 11-3. Definitions.

As used in this Article, the following words and phrases shall have the meanings ascribed to them in this section and Section 33-190 of Eliot's ordinances.

Adult use marijuana shall mean "adult use marijuana" as that term is defined in 28-B M.R.S.A. § 102(1), as may be amended.

Adult use marijuana product shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S.A. § 102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a Marijuana Establishment pursuant to this Article.

Cultivate or cultivation shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. It does not include manufacturing.

Harvested marijuana shall mean "harvested marijuana" as that term is defined in 22 M.R.S.A. § 2422(3-C), as may be amended.

Immature plant shall mean "Immature marijuana plant" as a marijuana plant that is not a mature marijuana plant or a seedling.

Licensed premises shall mean the premises specified in an application for a State or Local License pursuant to this Article that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test adult use marijuana, or adult use marijuana products, ~~medical marijuana or medical marijuana~~ products in accordance with the provisions of this Article and the requirements of State law and regulations.

Licensee shall mean a person Licensed pursuant to this Article or, in the case of a holder of an occupational License, a natural person Licensed pursuant to this Article.

Local Marijuana License shall mean any License required by and issued under the provisions of this Article.

Local Licensing Authority shall mean the Select Board as further specified in the provisions of this Article.

37 *Manufacture or manufacturing of marijuana* shall mean the production, blending, infusing,
38 compounding or other preparation of marijuana products, including, but not limited to, marijuana
39 extraction or preparation by means of chemical synthesis. It does not include cultivation.

40 *Marijuana* shall mean "Marijuana" is the leaves, stems, flowers and seeds of all species of the
41 plant genus cannabis, whether growing or not; but shall not include the resin extracted from any
42 part of such plant and every compound, manufacture, salt, derivative, mixture or preparation
43 from such resin including hashish and further, shall not include the mature stalks of such plant,
44 fiber produced from such stalks, oil or cake made from the seeds of such plant, any other
45 compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil
46 or cake or the sterilized seed of such plant which is incapable of germination and as that term is
47 defined in 28-B M.R.S.A. § 102(27), as may be amended.

48 *Marijuana concentrate* shall mean the resin extracted from any part of a marijuana plant and
49 every compound, manufacture, salt, derivative, mixture or preparation from such resin,
50 including, but not limited to, hashish. In determining the weight of marijuana concentrate in a
51 marijuana product, the weight of any other ingredient combined with marijuana to prepare a
52 marijuana product may not be included.

53 *Marijuana Cultivation Facility* shall mean a "cultivation facility" as that term is defined in 28-B
54 M.R.S.A. § 102(13), as may be amended. A Marijuana Cultivation Facility is an entity Licensed
55 to cultivate, prepare and package adult use marijuana and to sell adult use marijuana to
56 Marijuana Establishments.

57 *Marijuana Establishment* shall mean a "Marijuana Establishment" as that term is defined in 28-B
58 M.R.S.A. § 102(29), as may be amended. A Marijuana Establishment is a Marijuana Store, a
59 Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility, or a Marijuana
60 Testing Facility or a Marijuana Social Club.

61 *Marijuana Products Manufacturing Facility* shall mean a "products manufacturing facility" as
62 that term is defined in 28-B M.R.S.A. § 102(4243), as may be amended. A Marijuana Products
63 Manufacturing Facility is an entity Licensed to purchase adult use marijuana; to manufacture,
64 label and package adult use marijuana products; and to sell adult use marijuana products from a
65 Marijuana Cultivation Facility only to other Marijuana Products Manufacturing Facilities, or
66 Marijuana Stores and Marijuana Social Clubs.

67 *Marijuana Social Club* shall mean a "marijuana social club" as that term is defined in 28-B
68 M.R.S.A. § 102(33), as may be amended. A Marijuana Social Club is an entity Licensed to
69 purchase adult use marijuana products from a Marijuana Products Manufacturing Facility and to
70 sell adult use marijuana products to consumers for consumption on the Licensed premises.
71 Marijuana Social Clubs are prohibited within Eliot.

72 *Marijuana Store* shall mean a "marijuana store" as that term is defined in 28-B M.R.S.A. §
73 102(34), as may be amended. A Marijuana Store is an entity Licensed to purchase adult use
74 marijuana from a Marijuana Cultivation Facility and to purchase adult use marijuana products
75 from a Marijuana Products Manufacturing Facility and to sell adult use marijuana and adult use
76 marijuana products to consumers.

Marijuana Testing Facility shall mean a “testing facility” as that term is defined in 28-B M.R.S.A. § 102(5354), as may be amended. A Marijuana Testing Facility is a facility Licensed to develop, research and test marijuana, marijuana products and other substances.

Mature marijuana plant shall mean “Mature marijuana plant” is a marijuana plant that is flowering.

Owner shall mean a person whose beneficial interest in a Marijuana Establishment ~~and/or Medical Marijuana Establishment~~ is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Marijuana Establishment ~~and/or Medical Marijuana Establishment~~ and has a controlling interest in a Marijuana Establishment ~~and/or Medical Marijuana Establishment~~.

Plant Canopy shall mean “Plant Canopy” is 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 marijuana 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 of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by defined boundaries. If a tiered or shelving system is used by the cultivation facility Licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the Licensed cultivation facility that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

Public facility shall mean any facility, including, but not limited to, buildings, property, and recreation areas which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Seedling shall mean “Seedling” is a marijuana plant that is: a. Not flowering; b. Less than 6 inches in height; and c. Less than 6 inches in width.

State License shall mean any License, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State License, registration or certification for the cultivation, manufacture, distribution, testing and sale of adult use marijuana, **and/or** adult use marijuana products, ~~medical marijuana and/or medical marijuana products~~ in this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of adult use marijuana, **and/or** adult use marijuana products, ~~medical marijuana and/or medical marijuana products~~ in this State.

117 **Sec. 11-4. Marijuana Establishments.**

118 (a) Marijuana Establishments shall be allowed, subject to the requirements and restrictions of
119 this Chapter and Chapter 45 of this Code.

120 **Sec. 11-5. Prohibited Activities.**

121 (a) No Marijuana Establishment shall be established or operated within Eliot without first
122 receiving and then maintaining all approvals required under this Code, including, but not limited
123 to, this Chapter and Chapter 45 in Eliot's Code of Ordinances.

124 (b) No Marijuana Establishment shall conduct any activity for which it has not received the
125 required State License and Local Marijuana License.

126 (c) Marijuana Social Clubs are prohibited within Eliot.

127 **Sec. 11-6. License Required.**

128 (a) State License. A Marijuana Establishment shall not operate until it is Licensed by the State
129 Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 1, as may be
130 amended. An Applicant may not operate a Marijuana Establishment without a State License and
131 all other necessary Town approvals.

132 (b) Local Marijuana License. A Local Marijuana License issued under the provisions of this
133 Article is required for any Marijuana Cultivation Facility, Marijuana Products Manufacturing
134 Facility, or Marijuana Store. A Marijuana Testing Facility does not require a Local Marijuana
135 License issuance but is required to file an application.

136 **Sec. 11-7. Marijuana Licensing procedures.**

137 (a) License required. It shall be unlawful for a Licensee for any Marijuana Establishment, except
138 for a Marijuana Testing Facility, to operate without a valid Local Marijuana License from the
139 Town.

140 (b) Application. An applicant for a Local Marijuana License shall file in person at the office of
141 the Town Administrative Assistant a completed application made on a form provided by the
142 administrative assistant. The application shall be signed as required by subsection (c) herein and
143 shall be notarized. An application shall be considered complete when it contains the information
144 and/or items required in this subsection (b), accompanied by the appropriate License application
145 fee:

146 (1) The applicant's full legal name and any other names used by the applicant in the
147 preceding five years.

148 (2) Current business address or another mailing address for the applicant.

149 (3) Written proof of age, in the form of a driver's License, a picture identification
150 document containing the applicant's date of birth issued by a governmental agency, or a
151 copy of a birth certificate accompanied by a picture identification document issued by a
152 governmental agency.

153 (4) The business name, location, legal description, mailing address and phone number.

(5) The name and business address of the statutory agent or other agent authorized to receive service of process.

(6) A copy of the applicant's State License for operation of Marijuana Establishment.

(7) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

(8) A statement of whether any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):

a-i. Been declared by a court of law to be a nuisance; or

b-ii. Been subject to a court order of closure.

(9) The completed application entitled: Adult Use Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Application.

(10) If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.

(11) Evidence of all State approvals or conditional approvals required to operate a Marijuana Establishment, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health License.

(12) If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.

(13) If not included in the Applicant's State License 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.

(14) If not included in the Applicant's State License Application, a release authorized by 16 M.R.S.A. § 620(6), as may be amended, with the application for each Applicant and for each officer, owner, member, manager, or partner of the Applicant seeking a Local License.

(15) Evidence of all land use approvals or conditional land use approvals required to operate a Marijuana Establishment pursuant to Eliot's Code of Ordinances, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.

(16) Evidence of all other local approvals or conditional approvals required to operate a Marijuana Establishment pursuant to Eliot's Code of Ordinances, including, but not limited to, food License or victualer's License.

(17) A description of the premises for which the License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.

(18) A copy of the Applicant's security plan and operations manual.

The information provided pursuant to this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, or in person to the town administrative assistant within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) Signature. If a person who seeks a Local Marijuana License under this section is an individual, they shall sign the application as applicant. If a person who seeks a License is other than an individual, each person with an influential interest in the establishment or in a legal entity that controls the establishment shall sign the application for a License as applicant. Each applicant must be qualified under this article and each applicant shall be considered a Licensee if a marijuana License is granted.

(d) The information provided by an applicant in connection with an application for a Local Marijuana License under this article shall be maintained by the office of the Town Administrative Assistant on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by State or federal law shall be redacted prior to such disclosure.

Sec. 11-8. Issuance of Local Marijuana License

(a) Responsibilities and review authority.

(1) The Local Licensing Authority shall have the authority to impose any conditions on a License that may be necessary to ensure compliance with the requirements of this Chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the License.

(2) No Local Marijuana License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Code Enforcement Officer, and if applicable the Health Inspector have all made their recommendation upon the Applicant's ability to comply with this Article. Whenever inspections of the premises used for or in connection with the operation of a Licensed business are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of Eliot authorized to make the inspection at any reasonable time that admission is requested.

(b) Upon the filing of a completed application for a marijuana License, the town administrative assistant shall immediately schedule a public hearing on the application before the Eliot Select Board to occur within 14 30 days. The Administrative Assistant shall provide written notice of the public hearing to the applicant and to the Select Board within five days of the filing of a completed application.

(1) At the public hearing on the Local Marijuana License application, the Select Board shall take testimony of the applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a permit.

(2) The Select Board shall issue to the applicant written notice of its decision to grant or deny the License. If the board denies the permit, the written notice shall set forth the board's reasons for the denial. The Select Board shall grant a marijuana License unless it finds that the issuance of the License would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:

(i) An applicant is less than 21 years of age.

(ii) An applicant has failed to provide information required by this article for issuance of a License or has falsely answered a question or request for information on the application form.

(iii) The establishment is in a location where a Marijuana Establishment is not permitted.

(iv) Any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):

a. Been declared by a court of law to be a nuisance; or

b. Been subject to an order of closure.

c. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.

(v) A person who has had a License for a Marijuana Establishment and/or Medical Marijuana Establishment revoked by the Town or by the State.

(vi) An Applicant who has not acquired all necessary State approvals and Licenses and other required local approvals prior to the issuance of a Local Marijuana License.

(c) The Town may suspend or revoke a License for any violation of this Chapter, Chapter 45 or any other applicable building and life safety code requirements. The Town may suspend or revoke a License if the Licensee has a State License for a Marijuana Establishment and/or Medical Marijuana Establishment suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

(d) The License, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the License issued to the Licensee(s), the expiration date, and the address of the business. The License shall be posted in a conspicuous place at or near the entrance to the

270 business so that it may be read at any time that the business is occupied by patrons or is open to
271 the public.

272 (e) A Local Marijuana License renewal application shall be subject to the same review standards
273 as applied to the initial issuance of the License and the same notice requirement as a new
274 application. As part of the renewal process, the Select Board shall consider compliance from
275 prior years, and based upon that review, may add conditions to any future License to correct,
276 abate or limit past problems.

277 **Sec. 11-9. License Fees.**

278 (a) The initial License and annual renewal fees for Marijuana Establishments Licenses shall
279 follow Eliot's Master Fee Schedule.

280 **Sec. 11-10. License Expiration and Renewal.**

281 (a) Each Local Marijuana License issued shall be effective for one year from the date of
282 issuance.

283 (b) Renewal applications must be submitted at least 30 days prior to the date of expiration of the
284 annual Local Marijuana License. An application for the renewal of an expired License shall be
285 treated as a new License application.

286
287 **Sec. 11-11. Operating Requirements.**

288 The Licensee shall comply with all of the following requirements during the term of Local
289 Marijuana License:

290 (a) Display of License. The current Local Marijuana License shall be displayed at all times in a
291 conspicuous location within the Licensed Premises.

292 (b) Location. All Licensed Premises shall be in fixed, permanent locations. Licensees shall not
293 be permitted to operate Marijuana Establishments in temporary locations such as mall kiosks,
294 Town events or farm stands.

295 (c) Compliance with other laws. A Marijuana Establishment shall meet all operating and other
296 requirements of State and local law and regulation. To the extent the State of Maine has adopted
297 or adopts in the future any stricter law or regulation governing Marijuana Establishments the
298 stricter law or regulation shall control.

299 **Sec. 11-12. Transfer of Ownership and Change of Location.**

300 (a) Licenses issued under this Article are not transferable to a new owner.

301
302 (b) A State Transfer License shall require a new Local Marijuana License.

303
304 (c) Licenses are limited to the location for which they are issued and shall not be transferable to
305 a different location. A Licensee who seeks to operate in a new location shall acquire a new
306 Local License for that location.

307
308 (d) Licensees shall provide evidence to the Town Clerk annually of their License Issue date with
309 complete list of employees, owners, directors, and stake holders.

310
311 **Sec. 11-13. Appeals.**

312 (a) Any appeals of decision shall be made to the Maine Superior Court.

313 **Sec. 11-14. Violations and Penalties.**

314 (a) The operation of any Marijuana Establishment without the required Local Marijuana License
315 or in violation of the requirements of this Chapter shall be a violation of this Chapter.

316
317 (b) Fines shall be set forth for violation of any of the provisions of this article; violators shall be
318 punished by a civil penalty of not less than \$1,000 and not more than \$10,000 for each
319 violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town
320 of Eliot. Each day a violation is committed, or permitted to continue, shall constitute a
321 separate violation and shall be fined as such.

322 **Sec. 11-15. Severability.**

323 This article and each section and provision of said article hereunder, are hereby declared to be
324 independent divisions and subdivisions and, notwithstanding any other evidence of legislative
325 intent, it is hereby declared to be the controlling legislative intent that if any provisions of said
326 article, or the application thereof to any person or circumstance is held to be invalid, the
327 remaining sections or provisions and the application of such sections and provisions to any
328 person or circumstances other than those to which it is held invalid, shall not be affected thereby,
329 and it is hereby declared that such sections and provisions would have been passed
330 independently of such section or provision so known to be invalid. Should any procedural aspect
331 of this article be invalidated, such invalidation shall not affect the enforceability of the
332 substantive aspects of this article.

333 **Sec. 11-16. Other Laws.**

334 Except as otherwise specifically provided herein, this Article incorporates the requirements and
335 procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may
336 be amended. In the event of a conflict between the provisions of this Chapter and the provisions
337 of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation,
338 the more restrictive provision shall control.

339 **Sec. 11-17. Effective Date.**

340 This Article shall take effect and be in force from the time of its adoption by the voters of the
341 Town of Eliot. However, no application for any Local Marijuana License for a Marijuana
342 Establishment shall be acted upon until the effective date of regulations promulgated and
343 adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

344
345 Revised: August 1st 2019
346

2
3 **Sec. 33-190 Performance standards for Marijuana Establishments.**

4 Notwithstanding anything to the contrary of 1 M.R.S.A. § 302 or any other law, to any
5 application relating to the establishment or operation of a proposed Marijuana Establishment,
6 whether or not such application had become "pending proceeding" as defined in 1 M.R.S.A. §
7 302 prior to the enactment of this Ordinance.

8 All Marijuana Establishments require site plan review and approval from the Planning Board
9 prior to the issuance of any building permit or certificate of occupancy. The following
10 performance standards are to be used by the Planning Board in reviewing site plan applications
11 and compliance with the same shall serve as requirements for approval of such site plans.

12 Reference Chapter 11-3 for definitions related to this Section.

13 (a) All Marijuana Establishments shall be screened in accordance with section 33-175.

14 (b) All Marijuana Establishments shall comply with the parking requirements of section 45-
15 495(15).

16 (c) Signage and advertising. All signage and advertising for any Marijuana Establishment shall
17 comply with all applicable provisions of Chapter 45 in the Code of Ordinances. In addition, no
18 signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase
19 or symbol commonly understood to refer to marijuana. No interior signage, advertising as
20 described above shall be visible from the exterior of the building in which the Marijuana
21 Establishment is located. Signage containing misleading or deceptive marketing or marketing
22 towards individuals under the age of 21 is prohibited.

23 (d) Area of activities for all Marijuana Establishments; control of odors and emissions; sealed
24 walls; disposal plan; security.

25 (1) All activities of marijuana including, without limitation, cultivating, growing,
26 processing, displaying, selling and storage, shall be conducted indoors. Marijuana
27 Establishments are not permitted to conduct outdoor sales or services of any kind. Any
28 common areas, including, but not limited to storage areas and building facilities, shared
29 with another Marijuana Establishment and/or medical Marijuana Establishment must be
30 clearly identified as such on the site plan application.

31 (2) Odor management. For all Marijuana Establishments odor of marijuana must not be
32 perceptible at the exterior of the building at the premises or at any adjoining use of the
33 property. Marijuana stores, marijuana product manufacturing facilities, and marijuana
34 testing facilities, are not required to install filtration equipment on the licensed premises
35 but must satisfy the same odor standard contained herein. While Eliot does not mandate
36 any particular equipment specifications with regard to filtration, all Marijuana
37 Establishments are strongly encouraged to adopt best management practices with regard
38 to implementing state-of-the-art technologies in mitigating marijuana odor, such as air
39 scrubbers and charcoal filtration systems.

40 (3) Noxious gases and fumes. Marijuana product manufacturing facilities, and marijuana
41 testing facilities shall include appropriate ventilation systems to mitigate noxious gases or
42 other fumes used or created as part of the production.

43 (4) Sufficient measures and means of preventing smoke, debris, dust, fluids and other
44 substances from exiting a Marijuana Establishment must be provided at all times.

45 (5) All Marijuana Establishments shall have in place an operational plan for proper
46 disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in
47 accordance with all applicable federal, state and local laws and regulations. Dumpsters
48 and trash containers must not be overflowing, and the surrounding area must be kept free
49 of litter and trash. All dumpsters and containers shall be screened from public view. All
50 trash receptacles on the premises used to discard marijuana products must have a metal
51 cover or lid that is locked at all times. Security cameras must be installed to record
52 activities in the area of such trash receptacles.

53 (6) Sufficient and appropriate security measures to deter and prevent unauthorized
54 entrance into areas containing marijuana and the theft of marijuana must be provided at
55 all times. Security measures shall include, at a minimum, the following the following:

56 (a-i) security surveillance cameras installed and operating 24 hours a day, 7 days
57 a week to monitor all entrances, along with the interior and exterior of the
58 premises, to discourage and facilitate the reporting of criminal acts and nuisance
59 activities occurring at the premises;

60 (b ii) door and window intrusion robbery and burglary alarm systems with
61 audible and Police Department notification components that are professionally
62 monitored and maintained in good working condition;

63 (c-iii) a locking safe permanently affixed to the premises that is suitable for
64 storage of all adult use marijuana product and cash stored overnight on the
65 premises;

66 (d iv) exterior lighting that illuminates the exterior walls of the premises and
67 complies with applicable provisions of the Code of Ordinances; and

68 (e v) deadbolt locks on all exterior doors and locks or bars on any other access
69 points (e.g., windows).

70 All security recordings shall be preserved for at least seventy-two (72) hours. All
71 Marijuana Establishments shall provide the Police Chief or their designee with the
72 name and functioning telephone number of a 24-hour on-call staff person to
73 whom Eliot may provide notice of any operating problems associated with the
74 establishment.

75 (e) Separation from sensitive uses. (1) No marijuana store structure shall be sited within five
76 hundred (500) feet of the lot lines of a public or private school, and (2) no marijuana store
77 structure shall be sited within five hundred (500) feet of the lot lines of any public facility, places
78 of worship, residential property, or childcare facility.

79 The Planning Department will not preclude a sensitive use listed in (1), (2) above from opening
80 at a location within the applicable buffer zones.

81 A marijuana store may continue to operate in its present location as a pre-existing use if a
82 sensitive use as listed in (1), (2) above later locates within the applicable buffer zone; however,
83 the marijuana store does so at its own risk, and Town-issued licenses, permits or approvals
84 provide no protection or indemnification against enforcement of federal or other applicable laws
85 that may prohibit operation of a marijuana store, near a sensitive use listed in (1), (2) above.

86 (f) Hours of operation. Marijuana stores are limited to the same hours of operation as those for
87 establishments serving or selling alcoholic beverages or products in accordance with Chapter 6
88 Section 11 or as may be set forth in State statute. When there is a conflict between statute and
89 local zoning, the more restrictive hours of operation shall apply.

90 (g) Size limitation. The plant canopy of a marijuana cultivation facility shall not exceed their
91 Maine State issued Tier permit.

92 (h) Sale of edible products. No food products shall be sold, prepared, produced or assembled by
93 a Marijuana Establishment except in compliance with all operating and other requirements of
94 state, local law and regulation, and compliance with Eliot Codes and Ordinances including,
95 without limitation, food establishment licensing requirements. Any goods containing marijuana
96 for human consumption shall be stored in a secure area.

97 (i) Drive-through and home delivery. Marijuana Establishments are prohibited from having
98 drive-through pick-up facilities. Marijuana stores are prohibited from providing home delivery
99 services. Adult use marijuana customers may only purchase and obtain adult use marijuana
100 products from within a marijuana store.

101 (j) Pesticides. The only pesticides allowed to be used in Marijuana Establishments are non-
102 synthetic substances, unless specifically listed as "prohibited" on the National List, and
103 pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide,
104 Fungicide, and Rodenticide Act (FIFRA) and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be
105 amended from time to time. All Marijuana Establishments shall comply with all Packaging and
106 Labeling requirements from the State.

107 (k) Inspections. The Code Enforcement Officer or their designee will inspect all Marijuana
108 Establishments prior to issuance of a Certificate of Occupancy, to verify that the facilities are
109 constructed and can be operated in accordance with the application submitted, the land use
110 approval(s) issued and the requirements of this Ordinance, local and state building codes and
111 electrical codes. The Fire Chief or their designee will inspect all Marijuana Establishments prior
112 to issuance of a Certificate of Occupancy, to verify that the facilities are constructed and can be
113 operated in accordance with the requirements of all applicable State and local fire codes. The
114 initial inspection shall occur after the establishment is ready for operation, but no marijuana,
115 marijuana products will be permitted on the premises until the inspection is complete and a
116 Certificate of Occupancy is issued. Nothing herein shall prevent the Fire Chief or their designee
117 from inspecting Marijuana Establishments at random intervals, but not to exceed four times a
118 year and without advance notice provided that the inspection is during normal business hours of
119 the establishment.

120 (l) Change of use/addition of use. If any type of Marijuana Establishment to change to another
121 type of establishment or to add another type of Marijuana Establishment to its existing
122 operations, such change of use or additional use must be reviewed and approved by the Planning
123 Board for compliance with this Ordinance.

124 (m) Other laws remain applicable. A Marijuana Establishment shall meet all operating, local and
125 State licensing and other requirements of State and local laws and regulations. To the extent the
126 State of Maine has adopted or adopts in the future any stricter law or regulation governing adult
127 use marijuana and/or Marijuana Establishments, the stricter law or regulation shall control.

128

129 Revised: August 1st 2019

draft

Application Date: _____

Application Number: _____ (Office Use)

TOWN OF ELIOT
Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities,
and Testing Facilities Application

Check the Classification of the Adult Use Marijuana Business:☐ Marijuana Store☐ Cultivation Facility☐ Manufacturing Facility☐ Testing FacilityCheck the Classification of the Medical Marijuana Business:☐ Marijuana Store☐ Cultivation Facility☐ Manufacturing Facility☐ Testing Facility☐ **REGULAR APPLICATION FEE: \$1,500** ☐ **EXCHANGE/CONVERSION APPLICATION FEE: \$750****Note:** If constructing a new building, contact the Code Enforcement Office.**Note:** Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing facilities are restricted to certain areas under the Table of Uses in the Town's Zoning Ordinance and are subject to specific setbacks in the Town's Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance. You must check with the Town's Planning Office for this information before filing an application for a permit/license.**Note:** All applicants for any Adult Use Marijuana Business permit/license (except Adult Use Marijuana Testing Facilities) are required to have lived in Maine and paid taxes in Maine for a period of not less than four (4) years immediately preceding the date of application per 28-B M.R.S. c. 1. (This requirement expires on June 1, 2021).

Map and Lot of Subject Property: Map _____ Lot _____ Zone: _____

Physical Address of Subject Property: _____

If an applicant is a corporation, partnership, or limited liability company, every officer, director, and/or managing partner must be a person who is a resident, and a majority of the shares, partnership interests, membership interests, and/or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

☐ Corporation☐ Partnership☐ Limited Liability Company**Name of Applicant** (For additional individual(s), attach sheet listing name(s) with the following information):

Mailing Address: _____

Telephone: _____

Email Address: _____

State of Maine Driver's License Number: _____

Date of Birth: _____

Social Security Number: _____

Federal Tax Identification Number: _____

☐ Attach a recent passport-style photo(s) of all applicant(s) here:

Has the applicant or any officer, partner, director, stockholder, or member of the applicant ever been convicted of a felony in a federal, State, or other court? ☐ Yes ☐ No If Yes, please provide the following:

Name and Location of Court	Charge Convicted of	Sentence	Date of Sentencing	Last Date of Incarceration/Parole/Probation

Has the applicant been denied an application for an adult use or a medical marijuana license by another jurisdiction?

☐ Yes ☐ No If yes, explain on a separate sheet.

Has the applicant had an adult use or a medical marijuana license suspended or revoked by another jurisdiction?

☐ Yes ☐ No If yes, explain on a separate sheet.

Name of Authorized Agent: (Attach notarized statement designating agent(s) if applicable)

Mailing Address:

Telephone:

Email Address:

State Maine Driver's License:

Date of Birth:

Social Security Number:

Name of Property Owner (If different than applicant):

Mailing Address:

Telephone:

Email Address:

☐ Attach copy of lease of subject property

Property Owner Signature

Property Owner Printed Name

Date

☐ Attach copy of all current State Marijuana License(s) if any.

☐ If a State of Maine application for a Medical Marijuana Business and/or Adult Use Marijuana Business has been filed, but has not yet been granted, attach complete copies. Date(s) filed: _____

Is the applicant proposing to surrender their Medical Marijuana Business license and entirely convert to an Adult Use Marijuana Business on their currently licensed premises? ☐ Yes ☐ No

☐ If Yes, attach proof of surrendered license.

NOTE: That Adult Use and Medical Marijuana businesses cannot be co-located in the same store. Co-location with cultivation and manufacturing facilities is allowed with restrictions per 28-B M.R.S. §501.

Is there currently a Medical Marijuana Business on the subject property that began operating before the enactment of 28-B M.R.S. c. 1? ☐ Yes ☐ No

☐ If Yes, attach evidence that a Medical Marijuana Business had commenced on the property prior to December 31, 2016.

Is the proposed Adult Use Marijuana Business is within 1,000 feet of a public or preexisting private school, and/or within 500 feet of a college, daycare, hospital, religious institution, designated recreation area for children up to 18 years in age, or municipal "safe zone" per 30-A M.R.S. §3253? ☐ Yes ☐ No

Description of Plan for developing and operating a Marijuana Store, Cultivation Facility, Manufacturing Facility, or Testing Facility: (Attach additional information if necessary)

Anticipated date for project commencement: _____ Anticipated date for project completion: _____

☐ Attach a sketch showing the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

☐ Attach a copy of a Town Tax Map depicting the subject's property lines and any structures containing existing Marijuana Businesses within 1,000 feet of the subject property; the property lines of any public or preexisting private school within 1,000 of the subject's property lines; and the property lines of any established college, daycare, hospital, religious institution, designated recreational area for children up to 18 years, or municipal "safe zone" per 30-A M.R.S. §3253 within 500 feet of the subject's property lines.

State the estimated average number of vehicles per day anticipated on or using the site: (Include owner(s), employee(s), landlord(s), contractor(s), and staff).

State the number of parking spaces planned for the site:

Note: The nominal parking dimension is 9'x18'. For more information regarding accessible parking standards, contact the Town's Planning Dept. at 439-1813.

Describe method of sewage disposal for proposed site:

Describe method of water supply to proposed site:

Are there additional federal, State or local permits or approvals required? ☐ Yes ☐ No

If yes, please list:

State the hours and days of operation: (Note: Maximum open hours are between 9 AM to 9 PM)

Sun _____ Mon _____ Tues _____ Wed _____ Thu _____ Fri _____ Sat _____

List below the names and addresses of the owners of abutting property and those with property on the opposite side of the street or public way. (Attach a separate sheet if necessary)

Name

Address

Map/Lot

Name	Address	Map/Lot
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FOR MARIJUANA STORES ONLY:

Describe how you will ensure that the Marijuana Store will not sell, give, distribute, or deliver marijuana or marijuana products to persons who are under the age of twenty-one (21), or to persons who appear to be under the influence of an alcohol, inhalants, or other controlled substance: (Attach additional sheets if necessary)

Describe how marijuana and marijuana products at the Marijuana Store will be displayed and sold: (Attach additional sheets if necessary)

☐ Attach samples of the logo and labeling that will be used in the store, and the sign to be attached to the store.

☐ Attach the Security Plan for this location. (Include location of Knox Box)

☐ Attach the Odor Control Plan for this location.

- The Planning Office shall notify the following Department Heads, and request a letter regarding whether there is adequate traffic safety and emergency vehicle access: Fire Rescue Chief; Police Chief; Director of Public Works.
- The Planning Office shall notify the Town Manager for their review and any recommendations.
- The Planning Officer, in conjunction with the Code Enforcement Office, shall submit a letter regarding whether the applicant is in violation of any Town land use ordinance on the subject parcel. They shall also notify all abutting property owners through certified mail.
- The cost of advertising public hearing notices and the cost of postage for notifying abutters is included in the application fee.

Upon Planning Board approval, the application shall be forwarded to the Select Board for a Public Hearing for consideration of approval of a permit/license. All advertising fees for the public hearing will be invoiced to the applicant.

Permit/License Fees (Payable upon Board of Selectmen permit/license issuance):

- ☐ Marijuana Store: \$7,500
- ☐ Marijuana Cultivation:
 - ☐ Tier I Cultivation: Up to 30 mature plants \$1,500
 - ☐ Tier II Cultivation: 501-2,000 SF of mature plant canopy: \$3,500
 - ☐ Tier III Cultivation: 2,001-7,000 SF of mature plant canopy: \$7,500
 - ☐ Tier IV Cultivation: 7,001-20,000 SF of mature plant canopy: \$15,000
 - ☐ Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy per 28-B M.R.S. §501.3
\$2,000
- ☐ Marijuana Manufacturing Facility: \$5,000
- ☐ Marijuana Testing Facility: \$500

Only sign next to the following statement if you are applying for a Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Products Manufacturing Facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Testing Facility license.

Applicant Signature

Applicant Printed Name

Date

Only sign the following statement if you are applying for a Marijuana Testing Facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Manufacturing Facility.

Applicant Signature

Applicant Printed Name

Date

By operating an adult use marijuana business pursuant to a conditional use permit issued by the Eliot Planning Board, and an annual Town of Eliot Adult Use Marijuana municipal license issued by the Municipal Officers, a permit holder releases the Town of Eliot, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients or customers for a violation of any state or federal law, rule or regulations related to marijuana, or from forced closure of the licensed premises because the Maine Adult Use Marijuana Legalization Act M.R.S.A. Title 28-B is found to be invalid under any applicable law, including but not limited to Federal law. As part of the conditional use permit application and the Town of Eliot Adult Use Marijuana municipal license application for an adult use marijuana facility in the Town of Eliot, an applicant shall sign and submit a waiver that states the following:

1. By applying for and accepting a Conditional Use Permit issued by the Eliot Planning Board, and an annual Town of Eliot Adult Use Marijuana municipal license issued by the Municipal Officers, the permit holder waives and releases the Town of Eliot, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
2. By applying for and accepting a Conditional Use Permit, and an annual Town of Eliot Adult Use Marijuana municipal license all permit holders, jointly and severally if more than one agree to indemnify, defend, and hold harmless the Town of Eliot, its officers, elected and appointed officials, employees, attorneys and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the adult use marijuana business that is subject of the conditional use permit and an annual Town of Eliot adult use marijuana municipal license.

Signature of Applicant

Applicant Printed Name

Title 28-B

Chapter 1 – Marijuana Legalization Act

Subchapter 1: General Provisions

- [28-B §101. Short title](http://legislature.maine.gov/statutes/28-B/title28-Bsec101.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec101.html>)
- [28-B §102. Definitions](http://legislature.maine.gov/statutes/28-B/title28-Bsec102.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec102.html>)
- [28-B §103. Unauthorized conduct; penalties](http://legislature.maine.gov/statutes/28-B/title28-Bsec103.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec103.html>)
- [28-B §104. Implementation, administration and enforcement; staffing; rulemaking](http://legislature.maine.gov/statutes/28-B/title28-Bsec104.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec104.html>)
- [28-B §105. Tracking system](http://legislature.maine.gov/statutes/28-B/title28-Bsec105.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec105.html>)
- [28-B §106. Individual identification cards](http://legislature.maine.gov/statutes/28-B/title28-Bsec106.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec106.html>)
- [28-B §107. Collection and analysis of public health and safety data](http://legislature.maine.gov/statutes/28-B/title28-Bsec107.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec107.html>)
- [28-B §108. Awareness and education on public health and safety matters](http://legislature.maine.gov/statutes/28-B/title28-Bsec108.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec108.html>)
- [28-B §109. Enhanced training for criminal justice agencies](http://legislature.maine.gov/statutes/28-B/title28-Bsec109.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec109.html>)
- [28-B §110. Investigation by a criminal justice agency of unlawful activity](http://legislature.maine.gov/statutes/28-B/title28-Bsec110.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec110.html>)
- [28-B §111. Cultivation, care or sale of marijuana by state or local agency prohibited](http://legislature.maine.gov/statutes/28-B/title28-Bsec111.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec111.html>)
- [28-B §112. Employment policies](http://legislature.maine.gov/statutes/28-B/title28-Bsec112.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec112.html>)
- [28-B §113. Report to Legislature](http://legislature.maine.gov/statutes/28-B/title28-Bsec113.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec113.html>)

Subchapter 2: General Licensing Requirements

- [28-B §201. License process; license types](http://legislature.maine.gov/statutes/28-B/title28-Bsec201.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec201.html>)
- [28-B §202. General licensing criteria](http://legislature.maine.gov/statutes/28-B/title28-Bsec202.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec202.html>)
- [28-B §203. Additional licensing considerations](http://legislature.maine.gov/statutes/28-B/title28-Bsec203.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec203.html>)
- [28-B §204. Criminal history record check](http://legislature.maine.gov/statutes/28-B/title28-Bsec204.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec204.html>)
- [28-B §205. Application process; issuance of license](http://legislature.maine.gov/statutes/28-B/title28-Bsec205.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec205.html>)
- [28-B §206. Denial of license](http://legislature.maine.gov/statutes/28-B/title28-Bsec206.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec206.html>)
- [28-B §207. Application fees; license fees](http://legislature.maine.gov/statutes/28-B/title28-Bsec207.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec207.html>)
- [28-B §208. License term](http://legislature.maine.gov/statutes/28-B/title28-Bsec208.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec208.html>)
- [28-B §209. License renewal](http://legislature.maine.gov/statutes/28-B/title28-Bsec209.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec209.html>)
- [28-B §210. Transfer of ownership interests](http://legislature.maine.gov/statutes/28-B/title28-Bsec210.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec210.html>)
- [28-B §211. Relocation of licensed premises](http://legislature.maine.gov/statutes/28-B/title28-Bsec211.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec211.html>)
- [28-B §212. Termination of license](http://legislature.maine.gov/statutes/28-B/title28-Bsec212.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec212.html>)

- [28-B §213. Notice of new owner, officer, manager or employee](http://legislature.maine.gov/statutes/28-B/title28-Bsec213.html)
- [28-B §214. Inactive licenses](http://legislature.maine.gov/statutes/28-B/title28-Bsec214.html)
- [28-B §215. Notification to municipality; sharing of information with Bureau of Revenue Services](http://legislature.maine.gov/statutes/28-B/title28-Bsec215.html)

Subchapter 3: Licensing Requirements for Cultivation Facilities

- [28-B §301. Cultivation facility license types](http://legislature.maine.gov/statutes/28-B/title28-Bsec301.html)
- [28-B §302. Additional information required for application for cultivation facility license](http://legislature.maine.gov/statutes/28-B/title28-Bsec302.html)
- [28-B §303. Increase in cultivation tier upon renewal](http://legislature.maine.gov/statutes/28-B/title28-Bsec303.html)
- [28-B §304. Increase in maximum licensed plant canopy upon renewal of tier 4 license](http://legislature.maine.gov/statutes/28-B/title28-Bsec304.html)

Subchapter 4: Local Regulation of Marijuana Establishments

- [28-B §401. Municipal regulation of marijuana establishments generally](http://legislature.maine.gov/statutes/28-B/title28-Bsec401.html)
- [28-B §402. Local authorization of marijuana establishments within municipalities](http://legislature.maine.gov/statutes/28-B/title28-Bsec402.html)
- [28-B §403. Local authorization of marijuana establishments within towns, plantations and townships in the unorganized and deorganized areas](http://legislature.maine.gov/statutes/28-B/title28-Bsec403.html)
- [28-B §404. Authority of Maine Land Use Planning Commission](http://legislature.maine.gov/statutes/28-B/title28-Bsec404.html)
- [28-B §405. Information requests](http://legislature.maine.gov/statutes/28-B/title28-Bsec405.html)
- [28-B §406. Notification to department](http://legislature.maine.gov/statutes/28-B/title28-Bsec406.html)

Subchapter 5: Operating Requirements for Marijuana Establishments

- [28-B §501. Operation of cultivation facilities](http://legislature.maine.gov/statutes/28-B/title28-Bsec501.html)
- [28-B §502. Operation of products manufacturing facilities](http://legislature.maine.gov/statutes/28-B/title28-Bsec502.html)
- [28-B §503. Operation of testing facilities](http://legislature.maine.gov/statutes/28-B/title28-Bsec503.html)
- [28-B §504. Operation of marijuana stores](http://legislature.maine.gov/statutes/28-B/title28-Bsec504.html)
- [28-B §505. Transportation of adult use marijuana and adult use marijuana products](http://legislature.maine.gov/statutes/28-B/title28-Bsec505.html)
- [28-B §506. Employment of persons under 21 years of age prohibited](http://legislature.maine.gov/statutes/28-B/title28-Bsec506.html)
- [28-B §507. Entry into marijuana establishment by persons under 21 years of age prohibited](http://legislature.maine.gov/statutes/28-B/title28-Bsec507.html)
- [28-B §508. Use of adult use marijuana and adult use marijuana products within licensed premises](http://legislature.maine.gov/statutes/28-B/title28-Bsec508.html)
- [28-B §509. License to be conspicuously displayed](http://legislature.maine.gov/statutes/28-B/title28-Bsec509.html)
- [28-B §510. Limited access areas](http://legislature.maine.gov/statutes/28-B/title28-Bsec510.html)
- [28-B §511. Record keeping and inspection of records; audits](http://legislature.maine.gov/statutes/28-B/title28-Bsec511.html)
- [28-B §512. Inspection of licensed premises; testing and sampling for product quality control](http://legislature.maine.gov/statutes/28-B/title28-Bsec512.html)

- 28-B §513. Licensee compliance with regulatory requirements (<http://legislature.maine.gov/statutes/28-B/title28-Bsec513.html>)

Subchapter 6: Testing of Marijuana and Marijuana Products

- 28-B §601. Testing program established (<http://legislature.maine.gov/statutes/28-B/title28-Bsec601.html>)
- 28-B §602. Mandatory testing (<http://legislature.maine.gov/statutes/28-B/title28-Bsec602.html>)
- 28-B §603. Notification requirements (<http://legislature.maine.gov/statutes/28-B/title28-Bsec603.html>)
- 28-B §604. Sampling for testing (<http://legislature.maine.gov/statutes/28-B/title28-Bsec604.html>)
- 28-B §605. Additional testing not required (<http://legislature.maine.gov/statutes/28-B/title28-Bsec605.html>)
- 28-B §606. Coordination with testing program and rules for marijuana and marijuana products for medical use (<http://legislature.maine.gov/statutes/28-B/title28-Bsec606.html>)

Subchapter 7: Labeling and Packaging; Signs, Advertising and Marketing; Health and Safety

- 28-B §701. Labeling and packaging (<http://legislature.maine.gov/statutes/28-B/title28-Bsec701.html>)
- 28-B §702. Signs, advertising and marketing (<http://legislature.maine.gov/statutes/28-B/title28-Bsec702.html>)
- 28-B §703. Other health and safety requirements and restrictions; rules (<http://legislature.maine.gov/statutes/28-B/title28-Bsec703.html>)
- 28-B §704. Coordination with labeling and packaging rules for marijuana and marijuana products for medical use (<http://legislature.maine.gov/statutes/28-B/title28-Bsec704.html>)

Subchapter 8: License Violations; Penalties

- 28-B §801. Department May Impose Penalty On Licensee For License Violation; Maine Administrative Procedure Act Applies (<http://legislature.maine.gov/statutes/28-B/title28-Bsec801.html>)
- 28-B §802. Penalties (<http://legislature.maine.gov/statutes/28-B/title28-Bsec802.html>)
- 28-B §803. Disposition Of Unauthorized Marijuana Or Marijuana Products Of Licensee (<http://legislature.maine.gov/statutes/28-B/title28-Bsec803.html>)
- 28-B §804. Rules (<http://legislature.maine.gov/statutes/28-B/title28-Bsec804.html>)

Subchapter 9: Marijuana Advisory Commission

- 28-B §901. Establishment (<http://legislature.maine.gov/statutes/28-B/title28-Bsec901.html>)
- 28-B §902. Membership; chairs; terms; vacancies; quorum (<http://legislature.maine.gov/statutes/28-B/title28-Bsec902.html>)
- 28-B §903. Duties (<http://legislature.maine.gov/statutes/28-B/title28-Bsec903.html>)
- 28-B §904. Organization; staffing; consultation (<http://legislature.maine.gov/statutes/28-B/title28-Bsec904.html>)
- 28-B §905. Reimbursement of expenses (<http://legislature.maine.gov/statutes/28-B/title28-Bsec905.html>)

Subchapter 10: Excise Tax on Adult Use Marijuana

- 28-B §1001. Excise tax imposed (<http://legislature.maine.gov/statutes/28-B/title28-Bsec1001.html>)
- 28-B §1002. Payment of excise tax (<http://legislature.maine.gov/statutes/28-B/title28-Bsec1002.html>)
- 28-B §1003. Application of excise tax revenue (<http://legislature.maine.gov/statutes/28-B/title28-Bsec1003.html>)

Subchapter 11: Adult Use Marijuana Public Health and Safety Fund; Adult Use Marijuana Regulatory Coordination Fund

- [28-B §1101. Adult Use Marijuana Public Health and Safety Fund](http://legislature.maine.gov/statutes/28-B/title28-Bsec1101.html)
(<http://legislature.maine.gov/statutes/28-B/title28-Bsec1101.html>)
- [28-B §1102. Adult Use Marijuana Regulatory Coordination Fund](http://legislature.maine.gov/statutes/28-B/title28-Bsec1102.html)
(<http://legislature.maine.gov/statutes/28-B/title28-Bsec1102.html>)

Chapter 3 - Personal Adult Use of Marijuana and Marijuana Products; Home Cultivation of Marijuana for Personal Adult Use

- [28-B §1501. Personal adult use of marijuana and marijuana products](http://legislature.maine.gov/statutes/28-B/title28-Bsec1501.html)
(<http://legislature.maine.gov/statutes/28-B/title28-Bsec1501.html>)
- [28-B §1502. Home cultivation of marijuana for personal adult use](http://legislature.maine.gov/statutes/28-B/title28-Bsec1502.html)
(<http://legislature.maine.gov/statutes/28-B/title28-Bsec1502.html>)
- [28-B §1503. Home extraction of marijuana concentrate by use of inherently hazardous substance prohibited](http://legislature.maine.gov/statutes/28-B/title28-Bsec1503.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec1503.html>)
- [28-B §1504. Violations; penalties](http://legislature.maine.gov/statutes/28-B/title28-Bsec1504.html) (<http://legislature.maine.gov/statutes/28-B/title28-Bsec1504.html>)

Credit

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Office of Marijuana Policy
162 State House Station
Augusta, ME 04333
Phone: (207) 624-7491
Fax: (207) 287-2671

Commemorating
200 Years of
Statehood



Town of Eliot

Voter Information

Public Hearing on Warrant Article 3: Amendment to the Tax Increment Financing Development Program

When: Tuesday, October 22nd @ 7pm

Location: Marshwood Middle School Gymnasium

Public Hearing on Warrant Article's 4 through 9 and Non-Binding Referendum 1

When: Thursday, October 24th @ 7pm

Location: Eliot Town Office

Special Town Meeting Election & Referendum

When: Tuesday, November 5, 2019

Opening Ceremonies & Election of Moderator: 7:30AM to 8:00AM

Polling Hours: 8:00AM to 8:00PM

Location: Marshwood Middle School Gymnasium

Question #3: Amendment to the Tax Increment Financing Development Program (Findings and Draft Development Plan)

Question #3 asks voters if they approve of an amended Tax Increment Financing (TIF) Development Program and TIF Map. An appointed TIF Committee could not find a reasonable way to make the last TIF Development Program work (Village Plan). Ultimately, the TIF Committee made a recommendation to the Select Board to amend the Development Program and TIF Map to return to the original intent of the TIF, which included extending water mains and hydrants on Rte. 236, but excluded the ability to extend sewer mains on Rte. 236. The Select Board and TIF Committee have added the ability to extend sewer on Rte. 236 to this amended TIF Development Program, among other changes. The Maine Department of Transportation intends to do a significant roadway project on Rte. 236 during 2021, and the Committee recommended integrating water and sewer main extensions into their work. You are not voting on a water and sewer project; that will require a separate vote by Eliot residents to authorize the project and expenditures. An entire newsletter regarding the amended TIF proposal can be found at <https://www.eliotmaine.org>. The Select Board has recommended approval of this question (4 in favor, 0 against and 1 absent)

Question #4: Amendments to Chapter 45, Zoning, Section 45-290

Question #5: Chapter 11, Marijuana Establishments

Question #6: Amendments to Chapter 33, Planning and Development

Questions 4, 5 and 6 are related to allowing retail, adult-use marijuana establishments in the Town of Eliot on Rte. 236 only. These questions are worded such that if Question 4 fails, then Question 5 and 6 necessarily fail also. These three questions essentially do the following 1) allow adult use marijuana stores, cultivation facilities, products manufacturing facilities, and testing facilities; 2) establish limitations, performance standards and other guidelines to govern such uses, and; 3) amend the Table of Uses to include marijuana establishments. The Planning Board recommends approval (5 in favor, 0 against) as does the Select Board (4 in favor, 0 against and 1 absent).

Question #7: Amendments to Chapter 18, Sewer Systems

This question would update the Town's Sewer Ordinance. Major components of the update include better addressing "private sewer systems," the elimination of references to the Sewer Committee, and changing the term "Betterment Fee" to the more standard term of "System Development Charge." This amendment would also clarify that sewer users must use a Kittery Water District water meter, if trying to reduce their sewer bill (not their own meter). This amendment contains two Appendices: one for Sewer Construction Standards and one for Administrative Policies and Procedures. The Select Board has recommended approval of Question #7 (4 in favor, 0 against and 1 absent).

Question #8: Establish Maximum Growth Permits for 2020

This question would allow the Town to issue up to 24 growth permits for new, residential dwelling units for calendar year 2020, as recommended by the Eliot Planning Board, in accordance with the Growth Management chapter of the Municipal Code of Ordinances. If Question #8 is defeated, the number of growth permits allocated in 2020 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years. That number is estimated to be 16. The Planning Board has recommended approval of this question (5 in favor, 0 against) as did the Select Board (4 in favor, 0 against and 1 absent).

Question #9: Citizen Initiative: Agricultural Tourism Ordinance

The Agricultural Tourism Ordinance has been proposed through Citizen Petition. If passed by the voters, working farms would provide flexibility for agriculture enterprises to engage in activities similar to agriculture, such as pumpkin patches, hay rides, pick-your-own operations, farm tours, and processing demonstrations. Neither the Planning Board nor the Select Board made any recommendations on this Citizen Petition.

**OFFICIAL BALLOT
MUNICIPAL ELECTION
FOR THE TOWN OF ELIOT
NOVEMBER 5, 2019**

BUDGET COMMITTEE

ONE member for term to JUNE 2022

Vote for no more than ONE

Holt, Diane

Write-in

QUESTION 3: Shall the voters of the Town of Eliot, Maine amend the existing Town of Eliot Municipal Development and Tax Increment Financing District boundaries and adopt the Second Amended and Restated Development Program which would revise the list of approved project costs, all based on the findings attached to the town meeting warrant approved by the Select Board?

Select Board Recommend (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 4: Shall an ordinance entitled "Amendments to Chapter 45, Zoning, Section 45-290, Table of permitted and prohibited uses" of the Municipal Code of Ordinances of the Town of Eliot, Maine be enacted to permit adult use marijuana stores, cultivation facilities, products manufacturing facilities, and testing facilities in the Town of Eliot?

Planning Board Recommends (Yes 5 – No 0)

Select Board Recommends (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 5: Shall an ordinance entitled "Chapter 11, Marijuana Establishments" of the Municipal Code of Ordinances of the Town of Eliot Maine be enacted only if voters approve Article 4 permitting adult use marijuana stores, cultivation facilities, products manufacturing facilities, and testing facilities in the Town of Eliot?

Planning Board Recommends (Yes 5 – No 0)

Select Board Recommends (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 6: Shall an ordinance entitled "Amendments to Chapter 33, Planning and Development" of the Municipal Code of Ordinances of the Town of Eliot Maine be enacted only if voters approve Article 4 permitting adult use marijuana stores, cultivation facilities, products manufacturing facilities, and testing facilities in the Town of Eliot?

Planning Board Recommends (Yes 5 – No 0)

Select Board Recommends (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 7: Shall an ordinance entitled "November 2019 Amendments to "Chapter 18, Sewer Systems" of the Municipal Code of Ordinances of the Town of Eliot, Maine be enacted?

Select Board Recommend (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 8: Shall the Town allocate a maximum of 24 growth permits for new, residential dwelling units for calendar year 2020, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?

**Note: In the event this article does not pass, the number of growth permits allocated in 2020 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 16.*

Planning Board Recommends (Yes 4 – No 1)

Select Board Recommends (Yes 4 – No 0 – Absent 1)

☐ Yes
☐ No

QUESTION 9: Shall an ordinance entitled "Agricultural Tourism Ordinance" be enacted?

☐ Yes
☐ No

***** ADVISORY SURVEY – NON-BINDING REFERENDUM *****

QUESTION 1: CHLORAMINES

Portions of Eliot are served by public water from Kittery Water District. Recently, the idea of changing their water treatment from just Chlorine to Chlorine plus Ammonia (Chloramine) has been discussed. What is your view?

☐ I support the idea of using Chloramines to treat our public water
☐ I do not support the idea of using Chloramines to treat our public water
☐ I have no opinion on the topic / need more information

TOWN OF ELIOT, MAINE

SPECIAL TOWN MEETING ELECTION & REFERENDUM WARRANT

TUESDAY, NOVEMBER 6, 2018

To Grant M. Hirst, a Resident of the Town of Eliot, in the County of York, State of Maine

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Eliot, County of York, State of Maine, qualified by law to vote in town affairs, to meet at Marshwood Middle School, 626 H. L. Dow Highway, Eliot, Maine, on Tuesday, November 6, 2018 at 7:30 AM for opening ceremonies and action on Article One; Election of Moderator. The polls for voting will be open from 8:00 AM to 8:00 PM for secret ballot voting on Articles Two through Ten and Advisory Survey Non-Binding Referendum Question One.

Pursuant to Title 21-A, Section 759(7) absentee ballots will be processed at the polling place from 9:00 AM – 8:00 PM on the hour, every hour as needed.

The Town will provide any reasonable accommodations for any disabled resident to attend this Election. Please notify the Town Manager at the Town Office of the need. This is in accordance with the ADA Law.

ARTICLE 1: To elect a moderator by written ballot to preside at said meeting.

ARTICLE 2: To elect One (1) Select Board/Overseer of the Poor to fill an unexpired term to June 2020.

ARTICLE 3: To elect One (1) Budget Committee member to fill an unexpired term to June 2019.

ARTICLE 4: Shall an ordinance entitled 'November 2018 Amendments to the Town of Eliot Referendum Town Meeting Ordinance be enacted?

ARTICLE 5: Shall amendments to "Section 1-2, Definitions and Rules of Construction, and Section 44, Shoreland Zoning of the Municipal Code of Ordinances of the Town of Eliot, Maine", to update the Town's Shoreland Zoning Standards to be consistent with Maine Department of Environmental Protection 2015 Chapter 1000 Guidelines be enacted?

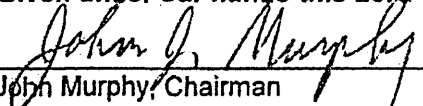
ARTICLE 6: Shall an amendment to "Section 29-42 of the Municipal Code of Ordinances of the Town of Eliot, Maine", to change one word from "application" to "permit" to clarify that residents pay a permit fee, not an application fee for growth permits be enacted?

ARTICLE 7: Shall amendments to "Section 1-2, Section 29-5, Section 33-63, Section 33-140, Section 33-181, and Section 41-91 of the Municipal Code of Ordinances of the Town of Eliot, Maine", to update the former job title of "Planning Assistant" to "Planner" be enacted?

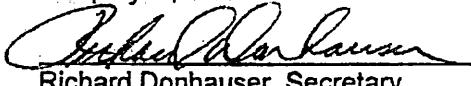
ARTICLE 8: Shall amendments to "Section 45-405 of the Municipal Code of Ordinances of the Town of Eliot, Maine", to delete reference to repealed section 33-174, delete note e and reference to note e, and add note f be enacted?

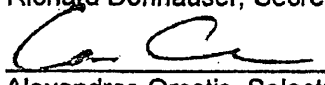
ARTICLE 9: Pursuant to 30-A MRS § 2501, shall the Town vote to be governed by Title 21-A MRS § 696(2)(C) and § 722-A, intending that votes for write-in candidates in municipal elections beginning with the 2019 Annual Election will be counted only if that candidate has filed a timely declaration of write-in candidacy with the Municipal Clerk?

Given under our hands this 23rd day of August, 2018.


John Murphy, Chairman


Philip Lytle, Vice Chairman


Richard Donhauser, Secretary


Alexandros Orestis, Selectman

Select Board
Town of Eliot, Maine

MUNICIPAL ELECTION & REFERENDUM – NOVEMBER 6, 2018
MODERATOR'S RETURN OF VOTES CAST

Total Votes Cast: 3,741

I, Maryann Place, duly appointed Deputy Moderator, do hereby certify the following to be the true results of the Municipal Election and Referendum Election held in Eliot on Tuesday, November 6, 2018. Said election was held in accordance with the provisions of 30-A MRSA Section 2531(4):

CANDIDATES / REFERENDUMS **VOTES RECEIVED**

SELECTMAN & OVERSEER OF THE POOR – (1) Member, Term to June 2020

McPherson, Robert O	2,874
Write-in	68
Blank	799

BUDGET COMMITTEE – (1) Member, Term to June 2019

Write-in	333
Blank	3,408

QUESTION 4

Yes	1,870
No	1,094
Blank	777

QUESTION 5

Yes	2,572
No	785
Blank	384

QUESTION 6

Yes	2,918
No	510
Blank	313

QUESTION 7

Yes	2,590
No	791
Blank	360

SPECIAL TOWN MEETING ELECTION / REFERENDUM WARRANT

TUESDAY, NOVEMBER 8, 2016

To Grant M. Hirst, a resident of the Town of Elliot, in the County of York, State of Maine

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Elliot, County of York, State of Maine, qualified by law to vote in town affairs, to meet at Marshwood Middle School, 626 H. L. Dow Highway, Eliot, Maine, on Tuesday November 8, 2016 at 7:30AM for opening ceremonies and action on Article One, Election of Moderator. The polls for voting will then open at 8:00AM for secret ballot voting on Articles Two through Five.

Pursuant to Title 21-A, Section 759(7) absentee ballots will be processed at the polling place from 9:00 AM – 8:00 PM on the hour as needed.

The Town will provide any reasonable accommodations for any disabled resident to attend this Election. Please notify the Town Manager at the Town Office of the need. This is in accordance with the ADA Law.

NOTE: Please use the Depot Road entrance to the Parking Lot.

Article 1: To elect a moderator by written ballot to preside at said meeting.

Article 2: To elect one Select Board / Overseer of the Poor to fill an unexpired vacancy with a term to June 2018.

Article 3: Sewer Pump Stations' Repair Bond

Statement of Fact: The question below asks voters to approve borrowing \$1,700,000 to repair and upgrade two sewer pump stations (Main Street Pump Station and King's Highway Pump Station). The repayment of the debt is intended to be funded by 100% sewer fees.

Shall the Town (1) approve the design, construction, equipping and other reasonably related costs thereto of the two sewer pump stations (the "Project"); (2) appropriate a sum not to exceed \$1,700,000 for the costs of this project; (3) to the extent any grant monies become available to the Town for this Project, they are hereby appropriated for the Project and shall reduce the municipal indebtedness otherwise to be incurred, and (4) to fund this appropriation, authorize the Treasurer and the Chairman of the Board of Selectmen to issue, at one time or from time to time, general and/or revenue obligation securities of the Town of Eliot, Maine, including temporary notes in anticipation of the sale thereof and refunding obligations, in an aggregate principal amount not to exceed \$1,700,000 and to delegate to the Treasurer and Chairman of the Board of

ARTICLE 5: Citizen Initiative

Shall Chapter 33 Section 189, Sub-section (a) – (h) of the Eliot Land Use Ordinance – Nonprofit medical marijuana dispensaries - be amended as follows (The new language is underlined).

Sec. 33-189. - Nonprofit medical marijuana dispensaries and registered primary caregivers.

- (a) The provisions for nonprofit medical marijuana dispensaries shall apply to both dispensaries and registered primary caregivers.
- (b) The applicant must hold a current dispensary certificate or registered primary caregiver license in good standing from the State of Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to making an application with the town. If approved, the dispensary or registered primary caregiver facility operator shall annually submit a copy of the current dispensary certificate or registered primary caregiver license to the code enforcement officer.
- (c) A dispensary or registered primary caregiver facility may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility.
- (d) All cultivation of marijuana must take place in a fully enclosed and locked structure. Outdoor cultivation of marijuana is prohibited.
- (e) The property shall be screened in accordance with section 33-175.
- (f) The dispensary or registered primary caregiver facility shall comply with the parking requirements of section 45-495(9).
- (g) The dispensary or registered primary caregivers shall comply with all applicable town and state regulations.
- (h) No materials described in the definition of a nonprofit medical marijuana facility shall be visible from the exterior of the building in which the nonprofit medical marijuana dispensary or registered primary caregiver facility is located.

Dated: September 22, 2016

Russell Davis
Roland Fernald
John J. Murphy
Robert J. Gaudin

Municipal Officers

Attest: A True Copy
Robert J. Gaudin Town Clerk
Signature & Date 09/23/2016

RETURN OF THE WARRANT

Eliot, Maine

Oct 12, 2016

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Eliot Town Office Interior & Exterior Bulletin Boards, the Eliot Transfer Station Bulletin Board, the Eliot Post Office Bulletin Board and the William Fogg Library Bulletin Board in said town, being public and conspicuous places in said town, on the 12th day of October 2016 being at least seven days before the meeting.

Grant M. Hirst
Grant M. Hirst
Resident, Town of Eliot, Maine

6/18/2011

11/8/16

ARTICLE 35 Shall an ordinance entitled "Amendments to Chapter 1, General Provisions, Chapter 33, Planning and Development, and Chapter 44, Shoreland Zoning, and Chapter 45, Zoning" of the Municipal Code of Ordinances of the Town of Eliot, Maine, to regulate medical marijuana dispensaries" dated June 18, 2011 be enacted? The Amendment will:

- Establish local regulations for medical marijuana dispensaries in accordance with the State of Maine Rules Governing the Maine Medical Use of Marijuana Program.
- Upon adoption this ordinance will replace the Town of Eliot Public Safety Ordinance Governing the Local Production and Regional Distribution State-of-Maine-Sanctioned Controlled Drugs (Medical Marijuana)

- *A complete copy of the text is available for review at the Eliot Town Hall.*
- *The Planning Board held their public hearing on January 25th, 2011*

Amendments to Chapter 1, General Provisions, Chapter 33, Planning and Development, and Chapter 44, Shoreland Zoning, and Chapter 45, Zoning" of the Municipal Code of Ordinances of the Town of Eliot, Maine, to regulate medical marijuana dispensaries .

Add the following definitions to Section 1-2:

Nonprofit medical marijuana dispensary means a not for profit entity licensed under Section 6 of the Rules Governing the Maine Medical Use of Marijuana Program, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia, prepared marijuana any marijuana products or byproducts, or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.

Paraphernalia means equipment, products and materials that are ordinarily used in planting, propagating, cultivating, growing, harvesting, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body and includes all items listed in the State definition.

Prepared marijuana means the dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks and roots of the marijuana or other ingredients in goods prepared for human consumption and use.

Registered primary caregiver means a person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's use of marijuana.

Amend Section 44-34 by adding the following entry:

Land Use	S&WP	RP	LR	LC	GD
<u>Nonprofit medical marijuana dispensary</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

Amend Section 45-290 by adding the following entry:

Land Use	R	S	V	C/I
<u>Nonprofit medical marijuana dispensary</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>SPR¹⁹</u>

19. Must conform to the requirements of Section 33-189

Add the following Section to Chapter 33, Planning and Development:

Sec. 33-189. Nonprofit medical marijuana dispensaries.

1. The provisions for nonprofit medical marijuana dispensaries shall apply to both dispensaries and registered primary caregivers.
2. The applicant must hold a current dispensary certificate in good standing from the State of Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to making an application with the town. If approved, the dispensary operator shall annually submit a copy of the current dispensary certificate to the Code Enforcement Officer.
3. A dispensary may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility.
4. All cultivation of marijuana must take place in a fully enclosed and locked structure. Outdoor cultivation of marijuana is prohibited.
5. The property shall be screened in accordance with Sec. 33-175.
6. The dispensary shall comply with the parking requirements of Sec. 45-495(9).
7. The dispensary shall comply with all applicable Town and State regulations.
8. No materials described in the definition of a nonprofit medical marijuana facility shall be visible from the exterior of the building in which the nonprofit medical marijuana dispensary is located.

Amend Section 45-495, Schedule of minimum required offsite parking spaces, as follows:

Use	Standards
(9) Public building and professional offices (excluding medical and dental offices), <u>nonprofit medical marijuana dispensaries</u>	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas.

We, the undersigned, being the Municipal Officers of the Town of Eliot, Maine, hereby certify the foregoing Ordinance entitled "Amendments to Chapter 1, General Provisions, Chapter 33, Planning and Development, and Chapter 44, Shoreland Zoning, and Chapter 45, Zoning" to regulate medical marijuana dispensaries" dated June 18, 2011 as being the Ordinance to be voted on at the June 18, 2011 Town Meeting.

Roland R. Fernald, Chairman

Michael Moynahan

Roberta Place
Eliot Board of Selectmen

Orland McPherson

Dated: _____