Town of Eliot, Maine

Planning Office

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To: Eliot Planning Board
Cc: Dana Lee, Town Manager
Mark Mitchell, Code Enforcement Officer
From: Doug Greene, Town Planner
Date: December 3, 2018
Re: **Eliot - Cannabis – preliminary ordinance framework**

Purpose:
Creating the framework for Eliot town ordinances governing commercial operation of recreational and medical marijuana production, testing & sale

History:
1913 Maine marijuana is prohibited
1976 Maine decriminalizes possession of small amounts of marijuana
1999 Maine permits limited proscribing & possession of medical marijuana
2009 Maine passes Medical Marijuana Act which permits non-profit dispensaries for chronic or debilitating medical conditions (administered by Maine DHHS) only 8, 1 in each district
2013-2014 Portland & S.Portland decriminalize possession & recreational use of marijuana
2017 Adult Use Marijuana Act (LD 1719) – enacted **May 2, 2018** as emergency legislation – replaces the citizen initiative Marijuana Legalization Act
Legalizes use & commercial sale of marijuana for recreational purposes
Establishes state licensing process for adult use marijuana establishments (no social clubs)
Default is prohibition – municipalities must opt in to operation of adult use marijuana establishments
State licensing conditioned on municipal approval
State licensing of adult use marijuana establishments will not begin until at least summer 2019
Municipalities can regulate adult use marijuana establishments
Municipalities can regulate home cultivation, but may not generally prohibit, zone or license the activity
2017 Amendment to the Maine Medical Use of Marijuana Act (LD 238) – enacted **July 9, 2018** as emergency legislation
Establishes state registration requirements for medical marijuana products manufacturing, recognizes municipal home rule authority to regulate registered caregivers, dispensaries, testing & manufacturing facilities
*municipalities cannot prohibit or limit number of caregivers
2017 Medical Marijuana Law Amendments (LD 1539)
Complete overhaul of Maine Medical Use of Marijuana Act – enacted **July 9, 2018**, but won't go into effect until **December 13, 2018**
Authorizes registered caregivers to operate medical marijuana retail stores
Permits 6 additional registered dispensaries, eliminates cap on dispensaries after 2021
Establishes state registration requirements for medical marijuana products manufacturing
Local code enforcement officers can obtain caregiver registration information from state
Recognizes municipal home rule authority to regulate registered caregivers, retail stores, dispensaries, testing & manufacturing facilities, except cannot prohibit or limit the number of caregivers
Default is prohibition – after **December 13, 2018** – municipalities must vote to opt-in to operation of registered Care-giver facilities
Medical marijuana establishments already in operation with municipal approval as of **December 13, 2018** will be grandfathered

Latest state legislation provides for 1 set of rules governing commercial medical & recreational marijuana cultivation, processing, testing & sale allowing better local control & easier guidelines for building permit & zoning regulation and specifically addressing the existing caregivers' storefronts.

Proposed Categories/Format/Considerations:

Order &/or sequence
Definitions, terms, language
Classifications
Licensing
Host community agreements / Impact Fees
Renewals/Revocations/Suspensions/Terminations – basis, duration, penalties
Transfer ability
Zoning – where, when, buffers, how
Noise, Sight, Use, Signs, Odor