

PROPOSED  
TOWN OF TURNER, MAINE  
MEDICAL MARIJUANA ESTABLISHMENT LICENSE  
FOR REGISTERED CAREGIVERS ORDINANCE

**SECTION 1: PURPOSE AND AUTHORITY:** 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. 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.

**SECTION 2: DEFINITIONS.** As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

*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.

*Marijuana testing facility.* “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

*Marijuana Manufacturing facility.* “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

*Cultivation area.* “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

*Medical marijuana establishment.* “Medical marijuana establishment” means a registered caregiver retail store, marijuana testing facility, Marijuana Manufacturing facility, or Cultivation area.

*State registration authority.* “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

*Registered caregiver* "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

*Disqualifying drug offense.* "Disqualifying drug offense" means 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.

**SECTION 3: LICENSE REQUIRED:** 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 first obtaining a license from the Board of Selectmen prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning Board, pursuant to the Town of Turner Zoning Ordinance Section 5.
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the Board of Selectmen may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have 12 months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

**SECTION 4: APPLICATION:** An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the Board of Selectmen's agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well as the following supporting materials:

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

- b. 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.
- c. 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.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. 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.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the Board of Selectmen determines that a submitted application is not complete, they 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 Board of Selectmen's request, the application may be denied.

**SECTION 5: 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 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;
- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.

- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the Board of Selectmen.

**SECTION 6: ACTION ON APPLICATION:**

- a. **PUBLIC HEARING:** Prior to granting a license, the Board of Selectmen shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. **ISSUANCE OF LICENSES:** After public hearing and within fifteen (15) days of said public hearing, the Board of Selectmen shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The Board of Selectman may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

**SECTION 7: STATUS AND DISPLAY OF LICENSE:** 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. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the Board of Selectmen.

**SECTION 8: DUTY TO UPDATE INFORMATION:** Any license holder 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 and as required in Section 4 of this Ordinance 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.

**SECTION 9: RENEWALS:** Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate

until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen.

**SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:**

Renewals of existing licenses 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 license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

**SECTION 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 license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders 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.
- b. *Security.*
  - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
  - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
    - 1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility 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.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.

c. *Ventilation.*

- i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- ii. 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.

- d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.

- e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder'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.

- f. *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.

- g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.

**SECTION 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 may be punished, at the decision of the Board of Selectmen, 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 Board of Selectman, or their designee. Notice of violations by medical marijuana establishment license holders of other provisions of this Ordinance shall be provided to the Board of Selectmen.

**SECTION 13: LICENSE FEE AND COSTS.**

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The Selectmen shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

**SECTION 14: 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.

**SECTION 15: APPEALS.** Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.