

**Town of North Yarmouth
Select Board Workshop
Tuesday, September 29, 2020 - 6:00 PM
Virtual Workshop - via Zoom**

Purpose: The purpose of this workshop is to discuss the findings and determine the next steps with regards to adult use of marijuana in North Yarmouth. The Economic Development & Sustainability Committee, Planning Board, Economic Development Consultant Vanessa Farr, Code Enforcement Officer Ryan Keith, and the Town Manager will participate in the discussions.

Steps:

- 1) Remain under current state laws - no specific town laws adopted.
- 2) Adopt town regulations:
 - a) A stand-alone ordinance; **or**
 - b) Amendments to the Town Land Use Ordinance.

AGENDA

- I. Welcome/Introduction - Select Board Chairman, Steve Berry
- II. Presentation of Findings - EDSC Chair, Diane Morrison
- III. Discussion
- IV. Conclusion

To: Select Board
From: EDSC
CC: Rosemary Roy, Town Manager
Date: September 25, 2020
RE: Marijuana Workshop

Select Board:

The attached packet of information provides the Select Board with a basic orientation and understanding of the steps to opting-in or continuing in its current position as opt-out for adult use of marijuana. EDSC sees this workshop as an opportunity for the Board to ask questions about the information in this packet. Much the same as the Board, EDSC does not present personal opinions but is educating itself to better answer questions residents may have.

The packet contains material from a variety of sources including the: Maine Municipal Association; the North Yarmouth survey; Law Office of Tammie L. Snow roadmap to a License and; State of Maine Office of Marijuana.

It's important that the following disclaimer from the Maine Municipal Association be part of all information in this packet.

"This resource area is for informational purposes. It is not meant, nor should it be relied upon, as legal advice in any particular situation. The information herein is not a substitute for consultation with legal counsel or other specific guidance on the subject. The documents, media reports and statutes are only current as of the dates of publication."

SURVEY SUMMARY

- 344 RESPONSES

	Allow	Prohibit	Appropriate Zoning
• Retail	33.43%	38.37%	28.20%
• Cultivation	43.19%	32.17	24.64
• Laboratory Testing	44.35%	26.09%	29.57%
• Research Facilities	43.38%	26.67%	29.86%
• Manufacturing	33.72%	35.76%	30.52%

Ages Of Responders

- 21- 29 4.11%
- 30-39 18.18%
- 40-49 18.18%
- 50-59 22.29%
- 60 + 37.24%

Comments

Yes to Cannabis 31 responses (normalize, agricultural benefit, need the business, don't be left behind, it's legal, Just like any other business, less harmful than alcohol)

Not in our Town 24 responses (Harmful, doesn't add to town, let it be another town's problem, no economic benefit, lack of infrastructure, needs more regulations)

Eye sore 2 responses

Get a grocery store first 1 response

Medical Benefit 3 responses

Odor 6 responses

Maine Marijuana Statutes Cheat Sheet (Current as of August 21, 2019)

Prepared by MMA Legal Services. For more information on marijuana and municipalities, please contact our office at 800-452-8786, or visit our Member Center website at www.memun.org.

Marijuana Legalization Act (or Adult Use Marijuana Law) – 28-B M.R.S. §§ 101-1504

- Legalizes the use and commercial sale of marijuana for recreational (adult use) purposes
- Personal use and cultivation allowed state-wide – can grow up to 3 mature plants, 12 immature plants and unlimited seedlings
- Establishes state licensing process for 4 types of adult use marijuana establishments: cultivation facilities (including nurseries), retail stores, products manufacturing facilities, and testing facilities – **NO** social clubs
- **Default is prohibition** – municipality must vote to “opt in” to operation of adult use marijuana establishments within the municipality (if it wants to allow them)
- State licensing through Office of Marijuana Policy (OMP), conditioned on municipal approval - license application submission begins fall 2019
- Municipalities may regulate adult use marijuana establishments locally
- Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity
- State collects sales tax on retail sales and excise tax on wholesale marijuana and marijuana products (20% effective tax rate)– no state-municipal revenue sharing or local option taxation

Maine Medical Use of Marijuana Act – 22 M.R.S. §§ 2421-2430-H

- Legalizes the use and distribution of marijuana for medical purposes by qualifying patients, medical providers, caregivers, dispensaries, manufacturing facilities, and testing facilities
- Establishes registration requirements through OMP for medical marijuana caregivers, dispensaries, manufacturing facilities, and testing facilities
- Authorizes registered caregivers to operate medical marijuana retail stores (“**retail store**” now defined by statute)
- Allows 6 additional registered dispensaries, and unlimited dispensaries after 2021
- Local code enforcement officers can verify caregiver registration information with OMP
- Municipalities may regulate registered caregivers, registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities, except municipalities cannot prohibit or limit number of caregivers
- **Default is prohibition** – municipality must vote to “opt in” to operation of registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities (if it wants to allow them)
- Medical marijuana establishments already in operation with “municipal approval” as of December 13, 2018 are grandfathered – “municipal approval” means examination/approval of use of premises for medical marijuana purposes
- Most medical marijuana products sold by registered caregivers and dispensaries subject to 5.5% sales tax. Edible marijuana products subject to 8% sales tax – no state-municipal revenue sharing or local option taxation

Hemp & CBD – 7 M.R.S. § 2231

- Allows individuals to “plant, grow, harvest, possess, process, sell and buy hemp” if they hold a state license
- Municipal regulation of hemp not addressed – Maine Agriculture Protection Act (7 M.R.S. Ch.6) may apply
- **New legislation**, effective 3/27/19, redefines “hemp” to include all derivatives, namely cannabidiol (CBD), and intends to allow production and sale of hemp and hemp-derived products in *intrastate* commerce with hemp license
- **New legislation**, effective 9/12/19, overhauls hemp licensing process and amends definitions of “marijuana” in both marijuana laws to exclude hemp as defined by the hemp statute
- **Hemp and hemp-derived CBD regulated by hemp statute only. Maine’s marijuana statutes do not apply**
- Under federal law sale of CBD in *interstate* commerce still restricted.

STATE LICENSING FEES AND ROAD MAP TO A LICENSE

State License Fees

Adult-Use Cultivation

Tier	Cultivation Amount	Application Fee (non-refundable)	Annual License Fee	
			Outdoor	Indoor/Mixed
Nursery	Up to 1,000 sq. ft. plant canopy	\$50	\$350	\$350
1	Up to 30 mature plants or 500 sq. ft. plant canopy	\$100	\$9/mature plant or \$250	\$17/mature plant or \$500
2	Up to 2,000 sq. ft. plant canopy	\$500	\$1,500	\$3,000
3	Up to 7,000 sq. ft. plant canopy	\$500	\$5,000	\$10,000
4	Up to 20,000 sq. ft. plant canopy	\$500	\$15,000	\$30,000

Indoor/mixed includes grows that are completely indoors and grows that are both indoors and outdoors (e.g., greenhouse and outdoor area).

A nursery license allows cultivation of non-flowering plants, seedlings (smaller than 6"x6"), and seeds to sell to adult-use stores, adult-use cultivators, and consumers 21 and over.

Other Adult-Use Licenses



	Application Fee (non-refundable)	Annual License Fee
Retail Store	\$250	\$2,500
Manufacturing	\$250	\$2,500
Testing	\$250	\$1,000



Roadmap to a License



Marijuana: Opting In Includes Local Options

Maine Town & City - May, 2019

Maine has “legalized” both medical and adult use (recreational) marijuana, but before most types of marijuana establishments can legally be operated locally, the municipality must vote to “opt in” to allowing them if the municipality wishes to do so. (This requires a vote by the municipal legislative body – either town meeting or town or city council – and is similar to the longstanding local option law for licensed liquor establishments.) Here’s a reminder, though, for municipalities considering opting in: It’s not an all-or-nothing proposition.

For instance, municipalities can choose to permit, say, product manufacturing and testing facilities but not retail stores. The various types of marijuana establishments now recognized by State law represent a “menu” from which municipalities can pick and choose when opting in.

Additionally, and just as important, municipalities can, by ordinance, regulate marijuana establishments they have chosen to permit, either through zoning or other land use controls or by local licensing requirements or both. (Municipalities cannot, however, impose marijuana taxes or charge fees in excess of the reasonable costs of administering local ordinances.)

If a municipality opts in without also enacting a companion local ordinance, it can at least adopt a temporary moratorium to give it time to prepare and enact an appropriate ordinance. If a municipality opts in without either an ordinance or a moratorium, then for the time being anyway the permitted marijuana establishments will be governed solely by State law and State rules.

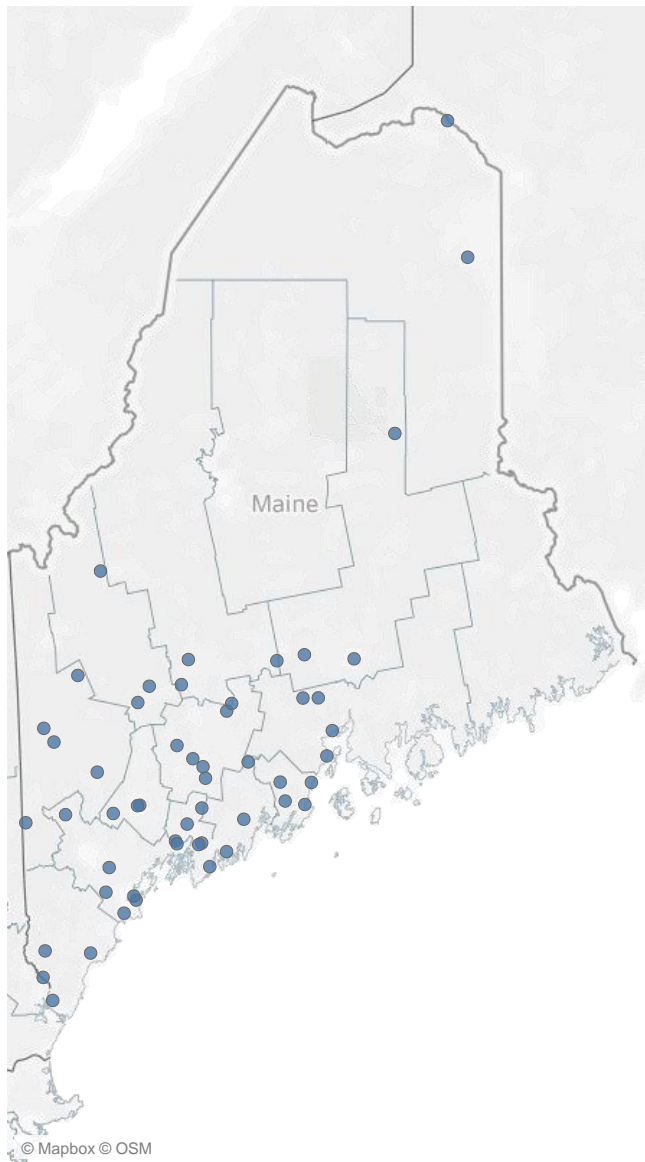
For a detailed description of municipal marijuana options (and some limitations as well), see our “Information Packets” on medical and adult use marijuana, available free to members at www.memun.org. (By R.P.F.)

Return

This information is intended for general information purposes only and is not meant as legal advice. This information should not take the place of a thorough review of pertinent statutes, consultation with legal counsel, or other specific guidance on the subject.

Adult Use Marijuana Opt-In by Municipality

The legislative bodies of the towns and cities listed have voted to authorize adult use marijuana establishments, subject to state licensing and local regulatory requirements.



	<u>Municipality</u>	<u>Retail</u>	<u>Growing</u>	<u>Manu- facturing</u>	<u>Testing</u>
1	Anson	Y	Y	Y	Y
2	Auburn	Y	Y	Y	Y
3	Bangor	Y	Y	Y	Y
4	Bath	Y	Y	Y	Y
5	Berwick	Y	Y	Y	Y
6	Bowdoinham	Y	Y	Y	Y
7	Bridgton	Y	Y	Y	Y
8	Brunswick	Y	Y	Y	Y
9	Camden	N	Y	N	N
10	Damariscotta	Y	Y	Y	Y
11	Detroit	Y	Y	Y	Y
12	Eliot	Y	Y	Y	Y
13	Etna	N	Y	Y	Y
14	Eustis	Y	Y	Y	Y
15	Fairfield	Y	Y	Y	Y
16	Farmington	Y	Y	Y	Y
17	Fryeburg	N	Y	Y	Y
18	Gardiner	Y	Y	Y	Y
19	Georgetown	N	Y	Y	Y
20	Gorham	N	Y	Y	N
21	Grand Isle	Y	Y	Y	Y
22	Hallowell	Y	Y	Y	Y
23	Jackson	Y	Y	Y	Y
24	Kennebunk	N	N	N	Y
25	Lebanon	Y	Y	Y	Y
26	Lewiston	Y	Y	Y	Y
27	Manchester	Y	Y	Y	Y
28	Mercer	N	N	Y	N
29	Monroe	N	Y	Y	N
30	Newry	Y	N	N	N
31	Northport	Y	Y	Y	Y
32	Paris	Y	Y	Y	Y
33	Poland	Y	Y	Y	Y
34	Portland	Y	Y	Y	Y
35	Presque Isle	Y	Y	Y	Y
36	Readfield	N	Y	N	N
37	Richmond	Y	Y	Y	Y
38	Rockland	Y	Y	Y	Y
39	Scarborough	N	Y	Y	Y
40	Searsport	N	Y	N	Y
41	Somerville	Y	Y	Y	Y
42	South Portland	Y	Y	Y	Y
43	Stacyville	Y	Y	Y	Y
44	Topsham	N	Y	Y	Y
45	Union	N	Y	N	N
46	Washington	Y	Y	Y	Y
47	Waterville	Y	Y	Y	Y
48	Warren	N	Y	N	N
49	Wilton	Y	Y	Y	Y
50	Windham	Y	Y	Y	Y
51	Woolwich	Y	Y	Y	Y

LD 335 - Potential Revenue Sharing

When the 129th Legislature adjourned its first regular session, lawmakers carried over a number of bills for additional consideration at a future session. Included in the list of “carryovers” is MMA’s platform legislation, LD 335, *An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*. It is expected that this bill, which has always sought a share of tax proceeds and has never proposed a new or additional tax, will be revisited in the second regular session of the Legislature that begins in January.

As amended by the Legislature, the portion of the distribution to municipalities of new tax revenues generated by the non-medical “adult use” industry was reduced from the 25% percent share proposed by the MMA Legislative Policy Committee, down to 12%. After being reduced by a separate 12% state Public Health and Safety Fund, and state staff administrative costs, [the amended version of LD 335](#) would effectively return roughly 10% of the tax revenues generated by the adult use industry for the state back to the communities which “opt in” to allow adult use businesses.

For comparison, the following percentages reflect the local revenue available in the eleven states which have legalized marijuana for non-medical purposes, in the form of local option taxes, revenue sharing, or a combination thereof. The figures show the new local revenue as a percent of the total tax imposed on adult use marijuana at the price of \$200 per ounce (not counting any general, non-marijuana specific state/municipal revenue sharing distributions):

- | | |
|-----------------------|---------------------------------------|
| ▪ Alaska – 23% | ▪ Michigan – 17% |
| ▪ California – 36% | ▪ Nevada – 10% |
| ▪ Colorado – 18% | ▪ Oregon – 9% |
| ▪ Illinois – 25% | ▪ Vermont – TBD (legislation pending) |
| ▪ Maine – 0% | ▪ Washington – 7% |
| ▪ Massachusetts – 25% | |

The best-case scenario, with the bill being enacted immediately after reconvening, is some share of revenue returning to the municipalities where it was generated by the end of calendar year 2020. Municipal officials considering whether or not to opt in should take note that it is entirely possible the worst-case scenario will come to pass, with this legislation not being enacted and Maine remaining the only legalizing state that does not provide an avenue for its local governments to receive a return on investment in the new adult use industry, or even to recoup all of their costs.

It should also be noted that LD 335 was passed to be enacted by a margin of 88 to 54 in the House, but hit a roadblock at the Appropriations Committee, where a decision regarding funding was put off until next year. Unfortunately, ordinary fiscal note drafting rules resulted in the bill appearing to impose a significant new cost for the state. Of course, the bill is all but guaranteed to open the door to new revenues for the state, not the other way around.

The reason the bill will lead to increased state revenues is two-fold. First, only communities that opt in to allow adult use marijuana businesses will generate new revenue for the state. The state receives zero revenue from municipalities that do not opt in. Second, Maine’s municipalities, even those who are proponents of legalization, generally are not inclined to opt in if it is going to create a new hole in their budgets.

Reports from other states that have legalized marijuana for adult use purposes, and from Maine’s experience with medical marijuana operations, indicate anticipated costs will include:

- Legal fees associated with potential litigation (i.e., challenges to local ordinances and licensing and enforcement actions);
- Increased risk of fires and power outages as a result of faulty electrical wiring or extraction operations;
- Mold resulting from the moisture created when plants are grown indoors, causing habitability and resale issues;
- Fertilizer runoff that can negatively impact waste water and storm water treatment efforts;
- Increased electrical and water usage and related demand on infrastructure and resources;
- Nuisance-level odor and lighting;
- Parking and transportation safety at high traffic operations; and
- General criminal issues such as OUI, and theft or burglary related in large part to this being a cash-only industry as a result of federally insured banks’ reluctance to engage in activities associated with a federally scheduled drug.

To the Association’s knowledge, less than five percent of Maine’s municipalities have opted in to date to allow adult use businesses. Questions about legislation and rules may be directed to Garrett Corbin at gcorbin@memun.org and questions related to ordinances and other local regulatory efforts should be directed to MMA’s Legal Services Department at legal@memun.org. Staff can also be reached over the phone at 1-800-452- 8786.

Note: To date, the legislature has not been back in session since COVID 19 to vote on LD 335. An official at the state house stated that all indications are that the state will not share revenues. It is suggested that the town attorney look into this further.

Sample Legislative Warrant Articles if adopted within Land Use Ordinance

Article 1. Shall an ordinance entitled “**Land Use Code** to adopt Marijuana Standards” be enacted?

Article 2. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Medical Marijuana Manufacturing Facilities” be enacted?

Article 3. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Medical Marijuana Testing Facilities” be enacted?

Article 4. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Medical Marijuana Registered Caregiver Retail Stores” be enacted?

Article 5. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Adult Use Marijuana Cultivation Facilities” be enacted?

Article 6. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Adult Use Marijuana Products Manufacturing Facilities” be enacted?

Article 7. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Adult Use Marijuana Testing Facilities” be enacted?

Article 8. Shall an ordinance entitled “**Land Use Code** to Authorize and Regulate Adult Use Marijuana Stores” be enacted?

Article 9. Shall an ordinance entitled “**Land Use Code** to Add Definitions to Section 1402 Medical Marijuana and Adult Use Marijuana Definitions” be enacted?

1403 MEDICAL MARIJUANA AND ADULT USE DEFINITIONS

Adult Use Marijuana: "Adult use marijuana" means marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

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

Adult Use Marijuana Product: "Adult use marijuana product" means a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

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

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

Adult Use Marijuana Testing Facility: "Adult use marijuana testing facility" means a facility licensed under state law to develop, research and test adult use marijuana, marijuana products and other substances.

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 Adult Use Marijuana Act.

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

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

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

plants and seedlings to marijuana stores. Cultivation facilities are categorized into tiers based on the number of adult plants and usable square footage for cultivation.

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

Marijuana Odor Mitigation: All marijuana establishments, cultivation operation, manufacturing facility, testing, and retail storefronts must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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

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

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

Medical Marijuana Registered Caregiver Retail Store: "Medical Marijuana 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.

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

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

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.

MMA - SAMPLE STAND ALONE MARIJUANA ORDINANCE

This ordinance is presented as a sample only. Municipalities are strongly encouraged to work with their local attorney to draft final ordinance language that is tailored to their needs.

[Note: Ordinances must be adopted by the municipal legislative body (council or town meeting). If the legislative body is town meeting, a warrant article to adopt this ordinance should read: "Shall an ordinance entitled 'Municipality of _____ Adult Use Marijuana Home Cultivation Ordinance' be enacted?" In addition, an attested copy of the ordinance must be posted along with the warrant.]

[Plantations under the jurisdiction of the Maine Land Use Planning Commission must follow LUPC adoption procedures.]

MUNICIPALITY OF _____ ADULT USE MARIJUANA HOME CULTIVATION ORDINANCE

Section 1. Purpose.

The purpose of this ordinance is to regulate the home cultivation of adult use marijuana within the municipality.

Section 2. Authority.

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 1502(3).

Section 3. Definitions.

For purposes of this ordinance, the following terms have the following meanings.

"Adult Use" means the use of marijuana for recreational, non-medical purposes in accordance with the Marijuana Legalization Act, 28-B M.R.S. §§ 101-1504.

"Domicile" means a person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have only one domicile.

"Cultivate or Cultivation" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana.

"Home Cultivation" means the cultivation of adult use marijuana for personal use in accordance with the Marijuana Legalization Act, 28-B M.R.S. § 1502.

"Immature Marijuana Plant" means a marijuana plant that is not a mature marijuana plant or a seedling.

"Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" does not include hemp as defined in Title 7, section 2231.

"Marijuana Plant" means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. "Marijuana Plant" does not include hemp as defined in Title 7, section 2231.

"Mature Marijuana Plant" means a marijuana plant that is flowering.

"Own or Owned" means to have legal title in fee simple, evidenced by a deed or equivalent instrument.

"Own" does not include rental agreements, leasehold interests, easements or rights of way, licenses or permissions to use real estate.

"Parcel of Land" means all contiguous land in the same ownership. Lands located on opposite sides of a public or private road are considered one parcel of land.

MMA - SAMPLE STAND ALONE MARIJUANA ORDINANCE

“Person” means a natural person.

“Seedling” means a marijuana plant that is not flowering, is less than 6 inches in height, and less than 6 inches in width.

Section 4. Limitation on Adult Use Home Cultivation.

A person 21 years of age or older may, for personal use, cultivate no more than three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings, either on the parcel of land where the person is domiciled, or on a parcel of land within the municipality which the person owns but where the person is not domiciled, but not both. A person may not cultivate marijuana for personal adult use on a parcel of land within the municipality that is not owned by the person and on which the person is not domiciled. A person under 21 years of age may not cultivate marijuana.

Section 5. No Authorization for Activities Other Than Home Cultivation

This ordinance regulates only home cultivation of adult use marijuana. It does not authorize the transfer, sale, manufacture or processing of home cultivated adult use marijuana. Activities beyond home cultivation are subject to all applicable state and local land use and licensing requirements.

Section 6. Home Cultivation Must Comply With State Law.

All home cultivation must be done in accordance with the cultivation requirements and personal limits established by the Marijuana Legalization Act, 28-B M.R.S. § 1502. This ordinance does not authorize any home cultivation or related activity to be conducted in a manner that is prohibited by the Marijuana Legalization Act or any other applicable state law.

Section 7. Not Applicable to Marijuana Cultivation for Medical Purposes

This ordinance does not apply to the cultivation of marijuana for medical use by a qualifying patient, a caregiver, a registered caregiver, or a registered dispensary as authorized by the Maine Medical Use of Marijuana Act, unless such qualifying patient, caregiver, registered caregiver, or registered dispensary is also a person engaging in home cultivation for personal adult use.

Section 8. No Local Authorization for Commercial Marijuana Establishments

This ordinance does not authorize the commercial cultivation, manufacture, sale, or testing of marijuana within the municipality by adult use establishment licensees as provided in 28-B M.R.S. § 402(1)(A), or caregiver retail stores, registered dispensaries, medical manufacturing facilities or testing facilities as provided in 22 M.R.S. § 2429-D(3).

Section 9. Effective Date; Duration.

This ordinance is effective immediately upon enactment by the municipal legislative body and shall remain in effect until it is amended or repealed.

Section 10. Penalties.

This ordinance shall be enforced by [choose one: the municipal officers or their designee/code enforcement officer/police department]. Violations of this ordinance are subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.