

BRIDGTON BOARD OF SELECTMEN'S MEETING AGENDA

DATE: Tuesday, September 8, 2020

TIME: 5:00 P.M.

PLACE: Bridgton Town Office, 10 Iredale Street

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/643445045>

You can also dial in using your phone.

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 643-445-045

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
 - a. August 26, 2020
4. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
5. Committee Reports
6. Correspondence, Presentations and Other Pertinent Information
 - a. Hauler's Licensing – Bridgton Recycling Committee
7. New Business
 - a. Awards and Other Administrative Recommendations
 1. Discussion of Engineering Services for In Town Streets
 2. Marijuana Licensing Fees
 - b. Permits/Documents Requiring Board Approval
 1. Certification of "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License"?
 - c. Selectmen's Concerns
 - d. Town Manager's Report/Deputy Town Manager's Report
8. Old Business (*Board of Selectmen Discussion Only*)
 - a. Wastewater Status Update
 - b. Streetscape: Upper and Lower Main Street Status Update
9. Treasurer's Warrants
10. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
11. Dates for the Next Board of Selectmen's Meetings

September 22, 2020
October 13, 2020
12. Adjourn

**Town Manager's Notes
Board of Selectmen's Meeting
September 8, 2020**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
 - a. August 26, 2020

Suggested Motion: Move to approve the August 26, 2020 Selectboard Minutes.
6. **Correspondence, Presentations and Other Pertinent Information**
 - a. The Recycling Committee will be present to discuss haulers' licensing.
7. **New Business**
 - a. Awards and Other Administrative Recommendations
 1. In your binder, please find a proposed Engineering Services Agreement between the Town and Woodard & Curran for Culvert/Storm Drain Evaluations. The work is in preparation for repairing/reconstruction/paving of the side streets after sewer installation. I am proposing that the funding be taken from the Capital Projects Reserve which has a current balance of \$525,901. As the request exceeds \$10,000, Selectboard approval is required. Additionally, the current "Amounts and Limits" needs to be increased. A copy of the Agreement, Reserve Policy and governing section of the Municipal Purchasing and Sale of Supplies, Materials, or Equipment Policy may be found in your binder.

Suggested motion: Move to authorize the Town Manager to sign the Culvert/Storm Drain Evaluations Agreement between the Town and Woodard & Curran for a cost not to exceed \$45,000 with the cost to be from the Capital Projects Reserve.

Suggested motion: Move to increase the Capital Projects Reserve "Amounts and Limits" to \$750,000.
 2. In your binder, please find a memo with supporting documents prepared by the Community Development Director regarding proposed fees for marijuana establishments. Page 2 suggests fees for Bridgton.

Suggested motion: Move to approve the proposed fee schedule for marijuana establishments.
 - b. Permits/Documents Requiring Board Approval
 1. In your binder, please find the memo with supporting materials from Community Development Director Linda LaCroix discussing proposed amendments to the Victualers License related to marijuana licensing.

Motion: I move that the Order entitled "Order to Place Referendum Question on the November 3, 2020 Ballot" be adopted in form presented this meeting, and that an attested copy of this Order be filed with the minutes of this meeting.
8. **Old Business**
 - a. Project Updates

Board of Selectmen's Meeting Minutes
August 26, 2020; 4:00 P.M.

Board Members Present: Liston E. Eastman, Chairman; Glenn R. Zaidman, Vice-Chairman; Carmen Lone; G. Frederick Packard; Paul A. Tworog

Administration Present: Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Community Development Director Linda LaCroix; Fire Chief Tom Harriman; Police Chief Phillip Jones

1. Call to Order

Deputy Town Manager Fleck called the meeting to order at 4:00 P.M.

Deputy Town Manager Fleck read the results of the August 25, 2020 Run-off Election.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Elect Chairman and Vice-Chairman

Motion was made by Selectman Zaidman to nominate Lee Eastman to service as Chairman of the Board; second from Selectman Packard. **Motion** was made by Selectman Eastman to nominate Glenn Zaidman to serve as Vice-Chairman; second from Selectman Packard. All in favor.

4. Executive Sessions

a. 4:00 P.M. Per MRS Title 36 § 841: Poverty Tax Abatement Hearing

Motion was made by Vice-Chairman Zaidman to enter executive session at 4:04 P.M. per MRS Title 36, Section 841 for a poverty abatement hearing; second from Selectman Lone. 5 approve/0 oppose

Motion was made by Vice-Chairman Zaidman to exit executive session at 4:36 P.M.; second from Selectman Lone. 5 approve/0 oppose

b. 4:30 P.M. Per MRS Title 1 § 405.6.E.: Legal Matters

Motion was made by Vice-Chairman Zaidman to enter executive session at 4:36 P.M. per MRS Title 1, Section 405.6.E. for discussion of legal matters; second from Selectman Packard. 5 approve/0 oppose

Motion was made by Selectman Lone to exit executive session at 5:16 P.M.; second from Vice-Chairman Zaidman. 5 approve/0 oppose

Action Items Following Executive Session

a. Poverty Tax Abatement

Motion was made By Vice-Chairman Zaidman to approve the poverty tax abatement application; second from Selectman Lone. 0 approve/5 oppose

5. Organizational Matters

a. Meeting Schedule Dates and Times

There were no changes made to the meeting schedule.

b. Schedule for Review of Treasurer's Warrants
July-Sept 2020 = Chairman Eastman / Selectman Tworog
Oct-Dec 2020 = Selectman Lone
Jan-March 2021 = Selectman Packard
April-June 2021 = Vice-Chairman Zaidman

c. Committee Liaisons

All liaisons will remain the same, with one exception, Paul Tworog will serve as the Pondicherry Park liaison.

6. Approval of Minutes

a. August 11, 2020

Motion was made by Selectman Lone for approval of the minutes from the August 11, 2020 Board Meeting; second from Selectman Packard. 5 approve/0 oppose

7. Police Chief Phillip Jones; Oath of Office Ceremony

Town Clerk Laurie Chadbourne administered the Oath of Office to Police Chief Phillip Jones. Former Bridgton Police Chief Richard Stillman pinned the chief badge on Phillip Jones and stated that it was an honor to do so. He added that Phil was an outstanding sergeant and he is proud that he has been promoted to Chief. He congratulated Chief Jones and his family.

8. Public Comments on Non-Agenda Items

Community Development Director Linda LaCroix provided the Board with a copy of the certificate of approval issued by the Maine State Housing Authority for the 15 Harrison Road Municipal Affordable Housing Development and Tax Increment Financing District.

Community Development Director Linda LaCroix provided the Board with a copy of the proposed amended Victualer's Licensing Ordinance with changes red-lined.

Community Development Director Linda LaCroix reported that the Town set aside funds for a ribbon cutting ceremony and dedication of the first phases of the wastewater and streetscape project, i.e. Upper Main Street. In addition, there is promotional monies under a carry forward and a small budget under the CDD to use for this type of event. Now that the project is substantially complete, the Community Development Office put together an event under the moniker "Bridgton Celebrates." (additional discussion below)

Community Development Director Linda LaCroix reported that the marijuana licensing fees will be ready for Board consideration at their meeting on September 8, 2020.

Chairman Eastman brought agenda item 11.b.5. forward.

11. New Business

b. Permits/Documents Requiring Board Approval

5. Police Department Carry Forwards

Motion was made by Vice-Chairman Zaidman to approve the Police Chief's requested carry forwards; second from Selectman Packard. 5 approve/0 oppose

b. Permits/Documents Requiring Board Approval

1. Orders for Placement of Referendum Questions on November 3, 2020 Ballot:

- a. Shall the Town enact an ordinance entitled, "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License"?

Community Development Director Linda LaCroix stated that a marijuana licensing ordinance could stand alone but the Town Attorney advised that it is more efficient to amend the Victualer's Licensing Ordinance. The Board directed Director LaCroix to work with the Attorney to draft simpler language and not to change the title to which Director LaCroix responded that she will have the revised document at the next meeting for certification. **Motion** was made by Selectman Lone to approve the "Order to Place Referendum Question on the November 3, 2020 Ballot;" second from Chairman Eastman. 5 approve/0 oppose

2. Certificate of Commitment of Sewer User Rates Commitment #242

Motion was made by Vice-Chairman Zaidman to commit the March 1, 2020 to May 31, 2020 Sewer User Rate Commitment #242 comprising of 2 pages totaling \$8,004.57 to the Treasurer for collection; second from Selectman Packard. 5 approve/0 oppose

3. Vote to Authorize Lease Purchase of a 2020 Dodge Ram 2500 4X4 Truck and Related Accessories in Principal Amount of up to \$44,223.00

This item was addressed earlier in the meeting.

4. Amendments to Consolidated Tax Acquired Property Policy and Procedures for the Disposal of Tax Acquired Properties

Motion was made by Selectman Packard to approve the revised Consolidated Tax Acquired Property Policy; second from Selectman Tworog. 5 approve/0 oppose

5. Police Department Carry Forwards

This item was addressed earlier in the meeting.

c. Selectmen's Concerns

Selectman Packard had no concerns.

Selectman Tworog had no concerns.

Vice-Chairman Zaidman made a **motion** to direct the Town Manager to prepare a request for proposal for legal services by the end of September; second from Selectman Packard. 5 approve/0 oppose

Vice-Chairman Zaidman requested that the Town Manager ensure that the manhole covers meet the Town's expectations and are functioning properly.

Selectman Lone reported that some parking lot lights and streetlights are out and has been reported.

Selectman Lone voiced concerns on the condition of the tattered flags in Town and requested that they be replaced as soon as possible.

Selectman Lone reported that the new carpets at the Community Center look great and all the doors now have a locking system.

Chairman Eastman had no concerns.

d. Town Manager's Report/Deputy Town Manager's Report

Deputy Town Manager Fleck submitted and read the following report into the record:

Deputy Town Manager's Report; August 26, 2020

Run-off Election

The Special Town Meeting/run off election held Tuesday, August 25, 2020, yesterday, for Bernard N. King Jr., and Paul A. Tworog and resulted in Paul A. Tworog being elected with 260 votes. I would like to say thank you to both candidates for their interest in this position and congratulate Paul on winning the candidacy.

General

Health Officer, Catherine Pinkham, will be passing out masks and hand sanitizer with information COVID #19 at Food City on Monday, August 31st.

We were notified by Laura Reading of The Developers Collaborative of the Harrison Road development project that the TIF for the development to be located at 15 Harrison Road has been approved by the Maine Housing Authority.

The Dam Site/Brookside park project is complete and came in \$2,600 under the proposed budget. We are finalizing the Main Hill Parking lot landscaping plan and acquiring easements.

Representative for the United States Census will be on-site on Thursday, August 27th located at the main entrance of the Bridgton Town Office from 9:00a.m. to 1:00p.m. to assist residents with their 2020 Census. If you have not yet filled out your census or need assistance completing it, please stop by and the representatives will be happy to assist.

Linda Lacroix, Community Development Director, continues work with the Broadband Assessment Ad Hoc Committee in an effort to report findings to the Select Board on its research on expanding and securing robust broadband access for residents and businesses of the town. The Committee is part of a larger group of state and county officials, providers and interested residents that includes the Towns of Bridgton, Harrison, Naples and Denmark. If anyone is interested in keeping up with the work of the committee or becoming active please contact Linda at 803-9956 or by email llacroix@bridgtonmaine.org.

Fall Soccer and Run Club have opened with a registration deadline of September 4th. The Soccer season will begin September 14th and Run Club, a flexible youth running program, will begin the week of September 14th for elementary school children. There will be required temperature readings at each practice and hand sanitizer will be at all program events. We want to thank Norway Savings Bank for sponsoring all registration fees for Bridgton residents for the fall soccer program. Pre-K through 6th grade Bridgton residents may participate in youth soccer for FREE this fall. For more information please call Recreation Director Gary Colello at 207-647-1126 or refer to our website at www.bridgtonmaine.org

Bridgton Fire Department

The Department completed a two-evening joint training with Harrison and Sweden on vehicle crash response which Harrison sponsored. The training was well-attended and everyone should be more comfortable working together. Members are working hard completing renovations to the air boat, which should be back in service soon. Annual apparatus pump testing, and hose testing are being done next week, staff will be assisting. The department will send a detail to a former officer's memorial service this Friday.

Until next time....be safe and be well.

Respectfully submitted,
Georgiann M. Fleck, Deputy Town
Manager

12. Old Business (*Board of Selectmen Discussion Only*)

a. Wastewater Status Update

b. Streetscape: Upper and Lower Main Street Status Update

Deputy Town Manager Fleck provided a brief update of the Wastewater Status and the status of the Upper and Lower Main Street projects.

13. Treasurer's Warrants

Motion was made by Chairman Eastman for approval of Treasurer's Warrants numbered 17, 18, 19, 20, and 159; second from Selectman Packard. 5 approve/0 oppose

14. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

15. Dates for the Next Board of Selectmen's Meetings

September 8, 2020

September 22, 2020

16. Adjourn

Chairman Eastman adjourned the meeting at 7:37 P.M.

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk

Georgiann M Fleck

From: Sally & Jon <beepbeep207@roadrunner.com>
Sent: Wednesday, September 2, 2020 4:04 PM
To: Georgiann M Fleck
Subject: upcoming Select Board meeting

Hello Georgeann,

I was wondering if the Bridgton Recycling Committee could be placed on the agenda for the Sept. 8th Select Board meeting. We would be bringing up haulers' licensing. Thank you. I look forward to hearing from you.

Sally Chappell

Chair, Bridgton Recycling Committee

TOWN OF BRIDGTON RESERVE ACCOUNTS POLICY

Purpose

The purpose of this policy is to provide process and oversight to the establishment and utilization of reserve accounts comprising a reserve fund established by the Town of Bridgton for financing the acquisition or reconstruction of a specific, or a type of, capital improvement; financing the acquisition of a specific item or type of capital equipment; or a sinking fund account for paying a funded debt.

Authorization to establish a reserve fund

Pursuant to 30-A M.R.S.A. § 5801, the Town of Bridgton shall establish a reserve fund. Said reserve fund shall consist of certain designated reserve accounts. The reserve accounts shall be categorized as a capital improvement reserve, capital equipment reserve, or sinking fund account.

Designated reserve accounts

The Town Manager upon consultation with the respective Department Head shall recommend to and the Select Board may approve the establishment of a designated reserve account or the elimination of an established reserve account.

There are hereby established the following designated reserve accounts:

1. Police Cruiser Purchase Reserve
2. Fire Apparatus Reserve
3. Public Works Equipment Reserve
4. Transfer Station Equipment Reserve
5. Capital Projects Reserve
6. Municipal Buildings Reserve
7. Recreation Department Reserve
8. Employees Accrued Benefits Reserve
9. Wastewater Reserve
10. Salmon Point Reserve
11. Revaluation Reserve
12. Pondicherry Park Reserve
13. Sabatis Island Reserve
14. Capital Projects Maintenance Reserve

Reserve accounts currently existing and not included in the above list shall either continue to be used for their intended purpose until depletion or shall lapse into the Undesignated Fund Balance

Approved 04/14/15

Revised 09/12/17; 12/10/19

as of June 30, 2015. Any “carry forwards” currently budgeted and intended to function as a reserve may be used to fund the established appropriate reserve fund.

Funding for reserve accounts

The reserve accounts may be funded by direct annual appropriation by inclusion in the annual budget voted at Town Meeting; unanticipated revenues such as sale of forfeiture property; proceeds from vehicle sales or the sale of goods; or funds from the undesignated fund balance if so approved by the legislative body at an Annual or Special Town Meeting. Donations specific to a particular Town operation may also be credited to a reserve account.

Authority to use and withdraw

The Town Manager must authorize the use and withdrawal of any and all reserve account funds. All expenditures exceeding \$10,000 require a Select Board vote.

Administration responsibilities

The Finance Officer shall be responsible for monitoring the Town’s reserve accounts and for insuring that this policy is adhered to. The Finance Officer shall annually, as part of the budget process, submit a report outlining the status of the Town’s reserve accounts which shall be included in the proposed budget submitted to the Select Board and Budget Committee. The Finance Officer may also provide partial or complete status reports at other times to the Select Board, Budget Committee, Town Manager, or Department Heads. The Town Manager shall present a five (5) year capital expenditure plan for Reserve Accounts annually in October.

How to establish a Reserve Account

- 1) An account is established during the budget process unless Select Board makes an exception;
- 2) The request is reviewed and approved by the Town Manager;
- 3) The request must contain:
 - a. Statement of purpose
 - b. Source(s) of funding
 - c. Amounts and limits;
 - d. Special considerations if applicable; and
- 4) The establishment of the account must be approved by the Select Board.

Specific reserve account requirements

1. Police Cruiser Purchase Reserve

- 1) **Purpose.** The purpose of the account is to annually fund either partially or completely the purchase of a police cruiser.

- 2) **Funding.** The Police Cruiser Purchase Reserve Account may be funded by direct appropriation in the annual budget or by the sale of police cruisers.
- 3) **Amounts and Limits.** The Police Cruiser Purchase Reserve Account may not exceed \$30,000 in a given fiscal year. Funding in excess of \$30,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
2. **Fire Apparatus Reserve**
 - 1) **Purpose.** The purpose of the account is to fund the purchase of specific fire apparatus designated in the five year capital plan.
 - 2) **Funding.** The Fire Apparatus Reserve Account may be funded by direct appropriation in the annual budget and by the sale of apparatus.
 - 3) **Amounts and Limits.** The Fire Apparatus Reserve Account shall not exceed \$375,000. Funding in excess of \$375,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
3. **Public Works Equipment Reserve**
 - 1) **Purpose.** The purpose of the account is to fund either partially or completely the purchase of Public Works equipment.
 - 2) **Funding.** The Public Works Equipment Reserve Account may be funded by direct appropriation in the annual budget and by the sale of equipment.
 - 3) **Amounts and Limits.** The Public Works Equipment Reserve Account shall not exceed \$200,000. Funding in excess of \$200,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
4. **Transfer Station Equipment Reserve**
 - 1) **Purpose.** The purpose of the account is to fund either partially or completely the purchase of Transfer Station equipment.
 - 2) **Funding.** The Transfer Station Equipment Reserve Account may be funded by direct appropriation in the annual budget and by the sale of equipment.
 - 3) **Amounts and Limits.** The Transfer Station Equipment Reserve Account shall not exceed \$100,000. Funding in excess of \$100,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
5. **Capital Projects Reserve**
 - 1) **Purpose.** The purpose of the account shall be to fund capital improvement projects as identified in the Capital Improvement Plan.
 - 2) **Funding.** The Capital Projects Reserve may be funded by direct appropriation in the annual budget or, pursuant to Town Meeting approval, unexpended balances remaining at the end of each fiscal year from the Town's annual appropriations for Capital Expenditures.
 - 3) **Amounts and Limits.** The Capital Projects Reserve shall not exceed \$100,000. Funding in excess of \$100,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
6. **Municipal Buildings Reserve**
 - 1) **Purpose.** The purpose of the account shall be to fund extraordinary building repair and maintenance expenditures for any municipally owned building. The funds shall be segregated as to intended purpose: Town Office, Town Hall, Fire Department Buildings, Public Works Department Buildings, Recreation Department Buildings and Armory. The

- Board of Selectmen, at their sole discretion, may commingle funds if a specific need, conforming to the intended purpose of the Reserve, arises.
- 2) **Funding.** The Municipal Buildings Reserve may be funded by direct appropriation in the annual budget.
 - 3) **Amounts and Limits.** The Municipal Buildings Reserve shall not have a fund balance limit.
7. **Recreation Department Reserve**
- 1) **Purpose.** The purpose of the account shall be to fund the cost of capital recreational equipment and facilities such as playground equipment or facility improvements.
 - 2) **Funding.** Recreation Department Reserve may be funded by direct appropriation in the annual budget, fundraising, and/or donations.
 - 3) **Amounts and Limits.** The Recreational Department Reserve shall not exceed \$50,000.
8. **Employees Accrued Benefits Reserve**
- 1) **Purpose.** The purpose of the account is to pay accrued vacation and sick leave to employees terminating their employment with the Town pursuant to the most current Town of Bridgton Personnel Policy or the most current union contract.
 - 2) **Funding.** The Employee's Accrued Benefits Reserve may be funded by direct appropriation in the annual budget.
 - 3) **Amounts and Limits.** The Employee's Accrued Benefits Reserve shall not exceed the aggregate liability for the current budget year.
9. **Wastewater Reserve**
- 1) **Purpose.** The purpose of the Wastewater Reserve account is to provide funding for capital projects and/or equipment as identified in the Capital Improvement Plan or emergency repairs for the Town's Wastewater system.
 - 2) **Funding.** The Wastewater Reserve may be funded by direct appropriation in the annual budget and excess revenues at the end of the fiscal year.
 - 3) **Amounts and Limits.** The Wastewater Reserve shall not exceed \$200,000. Should the Reserve limit be reached, no additional funds shall be budgeted until the balance falls below the identified limit.
10. **Salmon Point Reserve**
- 1) **Purpose.** The purpose of the Salmon Point Reserve account is to provide funding for capital projects and/or equipment as identified in the Capital Improvement Plan or emergency repairs at Salmon Point.
 - 2) **Funding.** The Salmon Point Reserve may be funded by direct appropriation in the annual budget and excess revenues at the end of the fiscal year.
 - 3) **Amounts and Limits.** The Salmon Point Reserve shall not exceed \$150,000. Should the Reserve limit be reached, no additional funds shall be budgeted until the balance falls below the identified limit.
11. **Revaluation Reserve**
- 1) **Purpose.** The purpose of the Revaluation Reserve account is to provide funding for a real estate and personal property revaluation.
 - 2) **Funding.** The Revaluation Reserve may be funded by direct appropriation in the annual budget.
 - 3) **Amounts and Limits.** The Revaluation Reserve shall not exceed the estimated cost of undergoing a revaluation currently estimated at \$200,000. Should the Reserve limit be

reached, no additional funds shall be budgeted until the balance falls below the identified limit.

12. Pondicherry Park Reserve

- 1) **Purpose.** The purpose of the account shall be to fund the cost of capital improvements and emergency repairs.
- 2) **Funding.** Pondicherry Park Reserve may be funded by direct appropriation in the annual budget, fundraising, and/or donations.
- 3) **Amounts and Limits.** The Pondicherry Park Reserve shall not exceed \$250,000.

13. Sabatis Island Reserve

- 1) **Purpose.** The purpose of the account shall be to fund the cost of capital improvements, maintenance and emergency repairs.
- 2) **Funding.** Sabatis Island Reserve may be funded by direct appropriation in the annual budget, fundraising, donations, fees and timber harvesting.
- 3) **Amounts and Limits.** The Sabatis Island Reserve shall not have a fund balance limit. Upon termination of the lease agreement with State of Maine, any remaining funds will be deposited in the Moose Pond Land Trust Fund.

14. Capital Projects Maintenance Reserve

- 1) **Purpose.** The purpose of the account shall be to off-set extraordinary maintenance or repair costs for completed capital improvement projects.
- 2) **Funding.** The Capital Projects Maintenance Reserve may be funded by direct appropriation in the annual budget, sale of tax acquired properties or unexpended capital improvement bond proceeds.
- 3) **Amounts and Limits.** The Capital Projects Maintenance Reserve shall not exceed \$200,000. Funding in excess of \$200,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.



WOODARD & CURRAN TERMS & CONDITIONS

WORK ORDER NUMBER 02

Issued Pursuant to the Engineering Services Agreement – Work Order Basis Between
Woodard & Curran, Inc. and Town of Bridgton, dated as of June 26, 2019.

This Work Order is issued pursuant to, and in accordance with the Agreement, the terms and conditions of which are incorporated herein by this reference. Unless otherwise specified, all capitalized terms used in this Work Order shall have the same meaning as used in the Agreement. This Work Order will not be deemed valid and binding upon the Parties until both Engineer and Client have signed below.

Project: Culvert/Storm Drain Evaluations

Scope of Services:

Engineer agrees to provide the following Services to Client:



FIGURE 1 – LIMIT OF STORM DRAIN EVALUATION



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TERMS & CONDITIONS

- Task 1 – Initial Culvert/Storm Drain Inventory

The focus of the inventory will be to identify locations that may contain a culvert or storm drain, based on the existing field survey done for the 24,092 linear feet of Town owned roads affected by the sewer collection system project. The current GIS database has culverts identified, but not the storm drain system.

First, Woodard & Curran will facilitate and coordinate an inventory meeting between our team and key representatives from the Town to identify and discuss Town resources for review. Resources for this culvert/storm drain inventory include:

- Woodard & Curran's topo and location survey of the proposed sewers on Town owned roads;
- Town staff historical knowledge;
- GIS data;
- LiDAR orthophotography; and
- Other data identified during the meeting.

Next, a GIS-based assessment will be conducted, including an analysis of where hydrography data layers and road/trail centerlines intersect, areas of topographic depressions in the built environment, and may include other GIS-based evaluations depending on the nature and quality of available GIS data. This assessment will be used to identify possible gaps in the existing GIS database. We will utilize our existing dataset, derived from the topo and location survey information, to identify existing conditions, photos, and other information associated with known culverts/storm drains, including differentiation of State and Town assets.

This inventory will be used to verify the culvert and storm drain assets that will be used for planning and assessment in subsequent tasks.

Task 1 Deliverables

Existing culverts and storm drains shown on survey sheets with associated final inspection forms.

- Task 2 – Culvert/Storm Drain Mapping and Conditions Assessment:

Woodard & Curran, in concert with our subconsultant Ted Berry, will conduct visual inspections and inventory of the culverts and storm drains as identified in Task 2. The field assessment will be performed by a two-person crew, a Woodard & Curran engineer, and a NASSCO certified PAPC operator/inspector from Ted Berry.

Woodard & Curran will use the Town's GIS system to collect information developed on the Inventory Field Form, developed in collaboration with the Town in Task 2. Information to include, but not limited to:

- Storm Drain Catch Basin / Manhole
- Culvert inlet and outlet;
- Headwall;
- Roadway condition at the crossing; and



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- Basic stream channel characteristics where appropriate.

Utilizing GIS technology, our field personnel will collect and record the information provided utilizing a mobile device, which will automatically update the GIS database and feed this data out into a web-viewer.

The culvert/storm drain inlet and outlet location will be determined using GPS equipment that will directly upload collected information into the GIS database. These new features will be merged with existing data along with new attributes, which will be used for future asset management efforts in subsequent tasks.

Zoom camera technology will be used to assist the visual observations and will provide a video of the culvert or storm drain condition in addition to still photographs. Our team will associate videos with the GIS dataset, if possible and desired.

Woodard & Curran assumes access to the culverts will allow for the inspections of approximately 20 culverts/storm drains per day, hence we assumed eight 10-hour field days with a two-person field crew to complete the inspections. While we are relatively confident with this estimate, which is based on our experience and assumptions herein, should certain assumptions and estimates included in this proposal need to be revisited based on actual field conditions and rate of production, we will advise the Town accordingly. Upon completion of the investigation, Woodard & Curran will develop a memorandum for the town describing the inventory protocol. The memorandum will include a concise field guide fact sheet, which can be utilized by the Town for future investigations.

Task 2 Deliverables

- Culvert/Storm Drain inventory map (digital) in GIS;
- Microsoft Excel file of a complete list of culverts/storm drains;
- Field guide for Town personnel to continue investigations of culverts;
- Presentation of the inventory protocol;
- Completed condition assessment field reports in GIS, including cleaning and dewatering suggestions for culverts/storm drains with submerged conditions;
- Recommendations for any additional investigations;
- Draft prioritization plan; and
- Budgetary opinions of probable costs will be prepared for replacement costs, repair/rehabilitation costs, and/or costs for further evaluation

utilities, sensitive flooding receptors, FEMA designated flood hazard zones, etc. to preliminarily identify the most critical drainage assets in the Town. An example CoF rating is as follows:



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ASSUMPTION AND CLARIFICATIONS

- Woodard & Curran assumes the culverts/storm drains that are associated with Town owned roads with proposed sewers will be identified for inspection and evaluation.
- Culvert assessment will include struts and minor spans (<20 feet crossing width). We will not assess bridges.
- Inspections will be performed without pre-cleaning or dewatering. Pipes requiring heavy cleaning will be “flagged” as requiring future heavy cleaning. Field estimates will be made regarding dewatering and cleaning level of effort. Heavy cleaning will be identified as a maintenance activity.
- Costs for the visual inspections varies depending on a number of factors (sediment and debris, water levels in the culvert/storm drain, access to the culvert inlets and outlets, etc.). Woodard & Curran has assumed that inspections may be completed from the inlet and outlet of the culvert/storm drain. Woodard & Curran will not enter a space defined as a “confined space” by OSHA. Should a confined space entry be required, or other aforementioned factors be encountered, the culvert will be “flagged” as requiring future special access considerations and will be identified as a maintenance activity.
- Inspections will be conducted by a two-person field crew with traffic cones for maintenance and protection of traffic (MPT). If a police detail or other MPT measures are required, we will discuss the needs with the Town. Woodard & Curran’s fee does not include police details or other flagging.
- All work will be performed within Town’s right-of-ways and/or easements. No work will be performed on private properties unless the Town obtains permission from the landowner prior to the investigation.
- Woodard & Curran is not required to obtain any permits for execution of the project.
- The project does not include hydraulic modeling of the Town’s storm drain system for capacity limitations. If it is determined that comprehensive modeling will be required for future compliance or drainage analysis, those recommendations will be included in projection of future costs in operations or CIP budgets during completion of the work.
- One set of consolidated comments will be provided.



Annually, Public Works does a generic bid request for material and equipment rental rates, which shall be considered an informal bid.

10. **Purchase:** Buying, renting, leasing, or otherwise acquiring supplies or services for a price.
11. **Purchasing Agent:** Purchasing Agent means the town manager or the town manager's designee.
12. **Services:** The lease or rental of equipment; the repair or maintenance of equipment owned by the Town or that is the responsibility of the Town; all labor furnished to the Town by persons, firms, individuals, or corporations not part of, or connected with Town government. It shall not include:
 - 12.1. Professional services provided to or for the Town by attorneys, architects, engineers, auditors, and other professional consultants;
 - 12.2. Utilities such as electricity, water, sewer, etc.
13. **Specifications:** Standards, including quality, set by department heads as a guide to the purchasing agent and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as is practicable, yet be specific enough to meet the requirements of the department; or non-technical specifications for bids which shall state in general terms how the quality requirements will be achieved. Department heads may rely on technical advice from suppliers, salesman and other agencies in developing specifications.
14. **Supplies:** All materials and equipment.

SECTION III. APPLICABILITY

This regulation shall apply to purchases made by departments and agencies of the Town, except as otherwise specified herein.

SECTION IV. APPROPRIATION

Neither the purchasing agent nor any department head shall make any purchase or allow any purchase to be made until an appropriation has been approved by the Town Meeting or Select Board, if applicable. However, the town manager may permit an item to be bid

Town of Bridgton
Office of the Community Development Director

MEMORANDUM

To: Select Board, Town Manager
From: Linda LaCroix, Community Development Director
RE: Victualers License Amendments
Date: 08/18/2020

At the meeting of August 11, 2020, the Select Board organized a working group to include Select Board member Carmen Lone, the CDD, CEO, Police Chief and Fire Chief to gather additional research and input in support of a recommended fee schedule for marijuana establishments in the Town of Bridgton submitted by the CDD and CEO. The working group gathered cost information on town staff likely to be involved in the licensing, administration, and enforcement of the established licensing regime; contacted other Maine towns to gain information on fee schedules, issues and impacts related to licensing; and held a meeting on August 17 to review and discuss its findings. Based on those discussions, the working group concluded:

1. Fee schedules and the reasoning behind the rates varied widely.
2. Based on the wide range of fee levels, a reasonable indicator of use to the town's determination of what fees to charge would be the average across multiple towns with similar ranges of fees, eliminating the outliers. This would put Bridgton in line with other towns so as not to create an incentive or disincentive to industry participants to establish in Bridgton.
3. Based on discussions with staff likely to engage in the licensing process, the working group concluded that the potential cost for staff engagement that might be anticipated did not as of now seem to indicate activities/costs outside the normal course of work.
4. The group concluded that it would be valuable to generally keep track of any unusual interactions of length or scope and revisit with the BOS should either grow in frequency or intensity. For now, the group did not feel that there was adequate input or experience here or elsewhere to be able to predict appropriate fee levels based on staff engagement with the new regime.

Attached is a summary of fee averages based on research with other towns, as well as some backup materials from other towns. The summary shows both an average that excluded generally high and low fees, together with the average of all towns' fees in the list. From there the group agreed to recommend a slightly revised set of fees in the schedule as outlined under the Bridgton column that accords better with both averages. Back-up data showing the fee details is also included.

Attached as well is a series of documents provided by counsel, coming from the state and related to state and/or local oversight and licensing processes. We included these documents as background information concerning requirements and information that establishments must meet/provide prior to and/or as part of their application to the town.

Town of Bridgton Community Development

Marijuana Licensing Fee Comparisons and Averages

Generally high and low fees not included in Select Average

Bridgton recommended fees not included in Select or Inclusive Averages

Category/Establishment Type	Bridgton	Select Average	Inclusive Average
Dispensary · Medical Marijuana Registered Dispensary	\$2,500	\$2,625	\$2,625
Retail Store · Medical Marijuana Caregiver Retail Store · Adult Use Marijuana Store	\$2,000	\$2,450	\$3,317
Medical Marijuana Cultivation Facility · Medical Marijuana Large-Scale Caregiver Operation · Medical Marijuana Multiple Registered Caregiver Facility	\$2,000		
Adult Use Cultivation Facility			
Tier 1 (canopy up to 500 sf)	\$500	\$713	\$814
Tier 2 (canopy up to 2,000 sf)	\$1,500	\$2,000	\$2,018
Tier 3 (canopy up to 7,000 sf)	\$2,000	\$3,571	\$4,560
Tier 4 (canopy over 7,000 sf)	\$4,000	\$4,875	\$8,967
Manufacturing Facility · Medical Marijuana Manufacturing Facility · Adult Use Marijuana Products Manufacturing Facility	\$1,500	\$1,750	\$1,809
Testing Facility · Medical Marijuana Testing Facility · Adult Use Marijuana Testing Facility	\$ 1,500	\$917	\$1,194
Extraction Facility · Medical Marijuana Inherently Hazardous Substances Extraction Operation	\$1,500		
OTHER FEES			
Application Fee			
Exchange/Conversion Fee			
Nursery Cultivation			

Town of Bridgton Community Development

Marijuana Licensing Fee Comparisons and Averages

Generally high and low fees not included in Select Average

Bridgton recommended fees not included in Select or Inclusive Averages

Category/Establishment Type	Bridgton	South Portland	Farmington	Lewiston	Poland	Windham	Gorham	Lisbon	Fairfield	Brunswick	Portland	Presque Isle	Elliot	Auburn	Select Average	Inclusive Average
Dispensary																
• Medical Marijuana Registered Dispensary	\$2,500							\$250			\$5,000				\$2,625	\$2,625
Retail Store																
• Medical Marijuana Caregiver Retail Store	\$2,000	\$1,400	\$1,250	\$5,000	\$1,500	\$2,500		\$250	\$1,500	\$1,400	\$10,000	\$2,500	\$ 7,500	\$5,000	\$2,450	\$3,317
• Adult Use Marijuana Store																
Medical Marijuana Cultivation Facility																
• Medical Marijuana Large-Scale Caregiver Operation	\$2,000															
• Medical Marijuana Multiple Registered Caregiver Facility																
Adult Use Cultivation Facility																
Tier 1 (canopy up to 500 sf)	\$500	\$600	\$250	\$1,000	\$500		\$1,000		\$1,500	\$600	\$500	\$500	\$ 1,500	\$1,000	\$713	\$814
Tier 2 (canopy up to 2,000 sf)	\$1,500	\$600	1,500	\$1,500	\$1,000		\$1,500		\$2,500	\$600	\$5,000	\$3,000	\$ 3,500	\$1,500	\$2,000	\$2,018
Tier 3 (canopy up to 7,000 sf)	\$2,000	\$600	\$5,000	\$2,500	\$1,500		\$2,500		\$3,500	\$600	\$10,000	\$10,000	\$ 7,500	\$2,500	\$3,571	\$4,560
Tier 4 (canopy over 7,000 sf)	\$4,000	\$600	\$15,000	\$5,000			\$5,000		\$4,500	\$600		\$30,000	\$ 15,000	\$5,000	\$4,875	\$8,967
Manufacturing Facility																
• Medical Marijuana Manufacturing Facility	\$1,500	\$300	\$1,250	\$2,500		\$1,000	\$5,000	\$250	\$1,500	\$300		\$300	\$ 5,000	\$2,500	\$1,750	\$1,809
• Adult Use Marijuana Products Manufacturing Facility																
Testing Facility																
• Medical Marijuana Testing Facility	\$ 1,500		\$500	\$2,500		\$1,000		\$250	\$1,500		\$1,000	\$1,000	\$ 500	\$2,500	\$917	\$1,194
• Adult Use Marijuana Testing Facility																
Extraction Facility																
• Medical Marijuana Inherently Hazardous Substances Extraction Operation	\$1,500															
OTHER FEES																
Application Fee													\$ 1,500			
Exchange/Conversion Fee													\$ 750			
Nursery Cultivation													\$ 2,000			

Marijuana Business Licensing Fees

City of South Portland Fees:

Population: 25,532

Retail store: \$1,400

Manufacturing Facility: \$300

Testing Facility: N/A

Cultivation Facility: Tier 1: 0 to 500 SF: \$600
 Tier 2: 501 to 2,000 SF: \$600
 Tier 3: 2,001 to 7,000 SF: \$600
 Tier 4: > 7,000 SF: \$600

Emily Scully- Town Clerk

- How fees were generated- The town based their fees off the liquor license template. Compared the ordinance and mimic the fee structure. They did not want the fee's to be too high causing businesses not to come to their city.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees will cover the cost of police and administration.

Town of Farmington Fees:

Population: 7,762

Retail store: \$1,250

Manufacturing Facility: \$1,250

Testing Facility: \$500

Cultivation Facility:

Tier 1: up to 30 mature plants (unlimited plants & seedlings) or up to 500 SF of plants
 by plant count- \$10/indoor only or in/out or \$5/out only
 by Square foot- \$250/indoor only or in/out or \$125/out only

Tier 2: 501-2,000 SF of mature plant canopy- \$1,500/indoor only or in/out or \$750/out only

Tier 3: 2,001-7,000 SF of mature plant canopy- \$5,000/indoor only or in/out or \$2,500/out only

Tier 4: 7,001-20,000 SF of mature plant canopy- \$15,000/indoor only or in/out or \$7,500/out only

Nursery: not more than 1,000 SF of plant canopy per 28-B M.R.S \$175

J. Stevens Kaiser- Code Enforcement Officer

- How fees were generated- The town based their fees off the state fee and cut it in half.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees go into the general fund and nothing is earmarked.

Town of Lewiston Fees:

Population: 36,225

Retail Storefront: \$5,000

Manufacturing Facility: \$2,500

Testing Facility: \$2,500

Registered dispensary: \$5,000

Nursery: \$1,000

Cultivation Facility: Tier 1: 0 to 500: \$1,000
 Tier 2: 501 to 2000: \$1,500
 Tier 3: 2001 to 7,000: \$2,500
 Tier 4: 7,001 to 20,000: \$5,000

Reached out to the town- James Buzzell is the point of contact for these questions and he is on vacation.

Marijuana Business Licensing Fees

Town of Poland Fees: Population: 5,647

Medical-

Storefront: \$500

Manufacturing: \$500

Testing Facility: \$500

Adult use-

Storefront: \$1,500

Manufacturing Facility: \$500

Testing Facility: \$500

Cultivation Facility:

 Tier 1: ≤500 SF: \$500

 Tier 2: ≤2000 SF: \$1,000

 Tier 3: ≤7000 SF: \$1,500

Nikki Pratt- Deputy Town Manager

- How fees were generated- The town had a community of citizens to come up with the fee. They want businesses to be able to afford it.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees are going into the general fund as revenue.

Town of Windham Fees: Population: 18,540

Adult use Store: \$2,500

Cultivation Facility: \$1,000

Manufacturing Facility: \$1,000

Reg. Caregiver/conducted onsite: \$300

Reg. caregiver/not on site: \$150

Registered Caregiver retail store: \$2,500

Testing Facility: \$1,000

Reached out to the town- Did not receive a call back.

Town of Gorham Fees: Population: 17,978

Manufacturing Facility: \$5,000

Nursery: capped at 1,000 SF- \$1,000

Cultivation Facility:

 Tier 1: 0 to 500 SF: \$1,000

 Tier 2: 501 to 2,000 SF: \$1,500

 Tier 3: 2,001 to 7,000 SF: \$2,500

 Tier 4: > 7,000 SF: \$5,000

Tom Poirier- Community Development Director

- How fees were generated- The town called around to other surrounding towns to find what was a reasonable amount.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees are going into the general fund.

Marijuana Business Licensing Fees

Town of Lisbon Fees: Population: 9,005

Retail store: \$250

Manufacturing Facility: \$250

Testing Facility: \$250

Medical Dispensary: \$250

Twila D. Lycette- Town Clerk

- How were fees generated- The town did not feel they could justify a high fee, so they chose with one overall rate.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees will cover inspections, police chief, code enforcement and administrative time.

Town of Fairfield Fees: Population: 6,552

Retail store: \$1,500

Manufacturing Facility: \$1,500

Testing Facility: \$1,500

Cultivation Facility: Tier 1- \$1,500

 Tier 2- \$2,500

 Tier 3- \$3,500

 Tier 4- \$4,500

Nicole Martin- Code Enforcement Officer

- How were fees generated- The town council based it off the liquor license fee because it is another adult use license. They also factored in that there will not be any tax revue to the town.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees will go into the general fund.

Town of Brunswick Fees: Population: 20,535

Retail Store: \$1,400

Manufacturing Facility: \$300

Testing Facility: N/A

Cultivation Facility: Tier 1: 0 to 500 SF: \$600

 Tier 2: 501 to 2,000 SF: \$600

 Tier 3: 2,001 to 7,000 SF: \$600

 Tier 4: > 7,000 SF: \$600

Fran Smith- Town Clerk

- How were fees generated- The town copied South Portland because their ordinance is almost the same.
- Has there been any issues- No, they have not run into any issues.
- What are the fees covering- The fees will go into the general fund, not earmarked.

Marijuana Business Licensing Fees

Town of Damariscotta: PROPOSED

Retail store: \$1,500

Manufacturing Facility: \$500

Testing Facility: \$500

Cultivation Facility:

Tier 1- ≤30 or ≤500 SF: \$500

Tier 2- ≤2,000 SF: \$1,000

Tier 3- ≤7,000 SF: \$1,500

Tier 4- ≤20,000 SF: N/A

Nursery: ≤1,000 SF: \$500

Medical

Caregiver retail store: \$1,500

Manufacturing Facility: \$500

Testing Facility: \$500

Registered Dispensary: \$1,500

Reached out to the town- Did not receive a call back.

Town of Fryeburg:

Adult use: \$250

Did not include due to the lack of information available.

Off the record comment from another town employee- Do not go cheap on your fees. There is a lot of work involved. You do have to chase some applicants down for more information. Inspections need to be done by various departments that take up a lot of time. There is also a lot of administrative work. The applicants will be willing to pay the fee. They are going to be proposing an increase in their fees.

When reviewing the information provided on the sample sheet of fees compared to the research provided by Erin O'Connor, I found no discrepancies.

Application Date: _____

Application Number: _____ (Office Use)

TOWN OF FARMINGTON
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 Facility

Check the Classification of the Medical Marijuana Business:

☐ Marijuana Store ☐ Cultivation Facility ☐ Manufacturing Facility ☐ Testing Facility

☐ **REGULAR APPLICATION FEE: \$250** ☐ **EXCHANGE/CONVERSION APPLICATION FEE: \$100**

Note: If constructing a new building, contact the Code/Planning 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 Code/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 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 of 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 an Adult Use Marijuana Business and/or Medical 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: Adult Use and Medical Marijuana businesses cannot be co-located in the same facility or building by the same licensee. 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 if a Medical Marijuana Business had commenced on the property prior to December 31, 2017.

Is the proposed Marijuana Business 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

If Yes, you cannot submit an application for an Adult Use Marijuana Business, but you can submit an application for a Medical Marijuana Business if exempt under §11-14.10.A.9 in the Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance.

Note: The holder of a permit/license for a Medical Marijuana Store located in the following districts - General Purpose, Residential/Light Commercial, or Village Business outside of Village Business Historic - may apply to exchange their permit/license for an Adult Use Marijuana Store permit/license in the same location.

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 Code/Planning Office at 778-5874.

Describe method of sewage disposal for proposed site:

(Please check with the Sewer Clerk if connected to public sewer - 778-6539)

Describe method of water supply to proposed site:

(Please check with the Farmington Village Corporation if connected to public water - 778-4777)

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 properties and those with property on the opposite side of the street or public way. (Attach a separate sheet if necessary)

Name

Address

Map/Lot

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FOR ADULT USE AND MEDICAL 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 Code/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 Code/Planning Office shall notify the Town Manager for their review and any recommendations.
- The Code/Planning Officer shall submit a letter regarding whether the applicant is in violation of any Town land use ordinance on the subject parcel, and notify all abutting property owners through certified mail. The applicant will be invoiced for postage if the application has been deemed complete.
- The Wastewater Treatment Facility Superintendent shall submit a letter regarding whether the project will cause an unreasonable burden on the municipal sewer system.
- The Code/Planning Office shall notify the Farmington Village Corporation (FVC) of application being made if the subject is supplied by public water.
- If applicable, the application shall be reviewed under the Americans with Disabilities Act (ADA) for ADA accessibility and compliance with ADA regulations by the Code/Planning Office.

Upon Planning Board approval, the application shall be forwarded to the Board of Selectmen 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: \$1,250
- ☐ Marijuana Cultivation:
 - ☐ Tier I Cultivation: Up to 30 mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of mature plant canopy:
Permit/License by plant count: ☐ \$10/plant indoor or indoor/outdoor ☐ \$5/plant outdoor
Permit/License by SF: ☐ \$250/indoor or indoor/outdoor ☐ \$125/outdoor
 - ☐ Tier II Cultivation: 501-2,000 SF of mature plant canopy:
☐ \$1,500/indoor or indoor/outdoor ☐ \$750/outdoor
 - ☐ Tier III Cultivation: 2,001-7,000 SF of mature plant canopy:
☐ \$5,000/indoor or indoor/outdoor ☐ \$2,500/outdoor
 - ☐ Tier IV Cultivation: 7,001-20,000 SF of mature plant canopy:
☐ \$15,000/indoor or indoor/outdoor ☐ \$7,500/outdoor
 - ☐ Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy per 28-B M.R.S. §501.3 \$175
- ☐ Adult Use Marijuana Manufacturing Facility: \$1,250
- ☐ Marijuana Testing Facility: \$500

- ☐ Tier I Medical Marijuana Manufacturing Facility (≤40 lbs.): \$300
- ☐ Tier II Medical Marijuana Manufacturing Facility (≤200 lbs.): \$500
- ☐ Tier I or Tier II Medical Marijuana Manufacturing Facility Using Inherently Hazardous Substances: \$700

- ☐ I'm applying for a Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Products Manufacturing Facility license, and I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Testing Facility license.
- ☐ I'm applying for a Marijuana Testing Facility license, and 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

TOWN OF FARMINGTON

**Adult Use and Medical Marijuana Stores, Cultivation
Facilities, Manufacturing Facilities, and Testing
Facilities Ordinance**

ENACTED: March 25, 2019

CERTIFIED BY: _____

Bonnie A. Baker

Deputy Town Clerk
Title

Affix Seal

**Town of Farmington
Chapter 11 – Land Use
Table of Contents**

**Article 14 – Adult Use and Medical Marijuana Stores, Cultivation Facilities,
Manufacturing Facilities, and Testing Facilities Ordinance**

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**Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing
Facilities, and Testing Facilities Ordinance
Chapter 11 - Land Use**

11 - 14.1 Title:

This ordinance shall be known and cited as the "Town of Farmington Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance" and will be referred to hereinafter as "this Ordinance". This Ordinance limits all subject Adult Use and Medical Marijuana businesses to the zoning districts specified under the Zoning Ordinance Table of Uses, prescribes definitions of Adult Use and Medical Marijuana businesses, provides for permitting/licensing and regulation of Adult Use and Medical Marijuana businesses, and provides standards for Adult Use and Medical Marijuana businesses.

11 - 14.2 Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, cultivation, manufacturing, and testing for both Adult Use and Medical Marijuana, a controlled substance, is a complex function with significant administrative demands on the Town of Farmington; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a Medical Marijuana Patient Card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of a controlled substance; and

WHEREAS, the Town of Farmington believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to Adult Use and Medical Marijuana throughout the Town of Farmington; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. c. 1; Maine's Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-A M.R.S. §3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq.

11 - 14.3 Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Farmington, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana businesses in Farmington.

Persons or entities wishing to establish an Adult Use or a Medical Marijuana business within the Town of Farmington shall first obtain a permit/license from the Farmington Board of Selectmen (hereinafter "the Municipal Officers") and shall be subject to the provisions of this Ordinance.

This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, caregiver, or registered caregiver under Maine's Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C, except that Medical Marijuana Stores operated by registered caregivers are subject to the provisions of this Ordinance.

11 - 14.4 Conflict with Other Ordinances; Severability:

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

11 - 14.5 Effective Date:

The effective date of this Ordinance, and the permitting/licensing of the establishment or operation of any Adult Use or Medical Marijuana Store, Adult Use or Medical Marijuana Cultivation Facility, Adult Use or Medical Marijuana Manufacturing Facility, or Adult Use or Medical Marijuana Testing Facility in Farmington thereunder, shall be the date of adoption by the voters at Town Meeting.

11 - 14.6 Validity and Severability:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

11 - 14.7 Definitions:

For the purpose of this Ordinance, Adult Use Marijuana businesses, including Adult Use Marijuana Stores, Adult Use Marijuana Cultivation Facilities (including Adult Use Marijuana Nursery Cultivation Facilities), Adult Use Marijuana Manufacturing Facilities, and Adult Use Marijuana Testing Facilities, are defined as set forth in 28-B M.R.S. §102.

For the purpose of this Ordinance, Medical Marijuana businesses, including Medical Marijuana Stores, Medical Marijuana Cultivation Facilities, Medical Marijuana Manufacturing Facilities, and Medical Marijuana Testing Facilities are either defined in Maine's Medical Marijuana Law or are the medical equivalent of those Adult Use Marijuana businesses listed in the previous paragraph.

For the purpose of this Ordinance, the term, "Marijuana Business" means any Adult Use or Medical Marijuana business listed in the two preceding paragraphs.

For the purpose of this Ordinance, the term, "Plant Canopy" is defined as set forth in 28-B M.R.S. §102.

For the purpose of this Ordinance, the term "Medical Marijuana Stores" includes storefronts operated by registered caregivers and medical marijuana dispensaries.

11 - 14.8 Permit/License Required:

No person may establish, operate or maintain an Adult Use or Medical Marijuana business without first obtaining a permit/license from the Municipal Officers.

It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of Farmington without a valid Adult Use or Medical Marijuana business permit/license issued by the Town pursuant to this Ordinance.

It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of Farmington without a valid Adult Use or Medical Marijuana business permit/license issued by the State pursuant to State Adult Use and Medical Marijuana laws and regulations.

Pursuant to 28-B M.R.S. §402, the Town has placed the following permit/license limits for the following four (4) categories of Adult Use and Medical Marijuana businesses: Stores - seven (7) total, four (4) Adult Use and three (3) Medical; Cultivation Facilities - seven (7) total; Manufacturing Facilities - five (5) total; and Testing Facilities - two (2) total. Whenever a permit/license expires and is not renewed, or the Town declines to renew a permit/license, other permit/license applications may be reviewed, but the cap of permits/licenses per each category shall be maintained.

In the event of the proposed sale of a marijuana business, the tentative purchaser shall be given preference to obtain a new permit/license to replace the seller's permit/license within sixty (60) days prior to the date of the sale.

The tentative purchaser shall file an application with fee and provide all the information required in this Ordinance. If the application is approved by the Town, the Municipal Officers shall specify that the permit/license for same is contingent on the sale being completed and the Town's receipt of permit/license fees.

The holder of a permit/license for a Medical Marijuana Store located in the following districts - General Purpose, Residential/Light Commercial, or Village Business outside of Village Business Historic – may exchange their permit/license for an Adult Use Marijuana Store permit/license in the same location. Said holder must file an application and pay a \$100 fee.

The holder of a permit/license for an Adult Use Marijuana Store located in the following districts - General Purpose, Residential/Light Commercial, or Village Business – may exchange their permit/license for a Medical Marijuana Store permit/license in the same location. Said holder must file an application and pay a \$100 fee.

All Adult Use and Medical Marijuana Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer, on the day the order is made, pays for and picks up such orders in the store.

Adult Use and Medical Marijuana Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.

11 - 14.9 Application Procedure:

A. An application for a permit/license must be made on the form for same provided by the Town.

B. All applicants must be qualified according to the provisions of this Ordinance. The application requests and the applicant shall provide information so the Town can determine whether the applicant meets the qualifications established in this Ordinance.

C. The Town will give first priority to applicants, who for the two (2) year period immediately preceding the date of application: (i) have been cultivating Medical Marijuana within the Town in compliance with applicable State law and regulations for same; (ii) have continuously held a Caregiver's Registry Identification Card (unless this requirement is waived by the Town for good cause); and (iii) have had at least three (3) patients in each year of the two (2) year period.

D. Applications to establish an Adult Use or Medical Marijuana business:

1. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is a single individual, this person must sign the application for a permit/license. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is more than one individual, each person who has an interest in the business must sign the application for a permit/license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a permittee/licensee if a permit/license is granted.
2. The completed application for an Adult Use or Medical Marijuana business permit/license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
 - c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that

all officers, directors and principal stockholders are at least twenty-one (21) years of age.

- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Adult Use or Medical Marijuana business under a name other than that of the applicant, they must state the business' name and submit the required registration documents.
- f. If the applicant or a potential employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous permit/license under this Ordinance or other similar marijuana business ordinances from another Town, City, or State denied, suspended or revoked, they must list the name and location of the marijuana business for which the permit/license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar marijuana business ordinance from another Town, City, or State and, if so, the names and locations of such other permitted/licensed businesses must also be provided.
- i. The classification of permit/license for which the applicant is filing.
- j. The location of the proposed Adult Use or Medical Marijuana business, including a legal description of the property, street address, and telephone number.
- k. The applicant's mailing address and residential address.
- l. Recent passport-style photograph(s) of the applicant(s).
- m. The applicant's driver's license and Social Security numbers.
- n. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

Marijuana Cultivation:

Tier 1: Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of plant canopy:

By plant count: Permit/License Fee: \$5/mature plant for an outdoor cultivation and \$10/mature plant for an indoor or indoor/outdoor cultivation.

By canopy, 0-500 SF: Permit/Licensing Fee: \$250/indoor or indoor/outdoor, \$125/outdoor.

Tier 2: 501-2,000 SF of mature plant canopy: Permit/License Fee: \$1,500/indoor or indoor/outdoor cultivation, \$750/outdoor cultivation.

Tier 3: 2,001-7,000 SF of mature plant canopy: Permit/License Fee: \$5,000/indoor or indoor/outdoor cultivation, \$2,500/outdoor cultivation.

Tier 4: 7,001-20,000 SF of mature plant canopy: Permit/License Fee: \$15,000/indoor or indoor/outdoor, \$7,500/outdoor. For each approved increase of 7,000 SF, the additional fee is: \$2,500 for outdoor cultivation, and \$5,000 for indoor or indoor/outdoor cultivation.

Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy in compliance with 28-B M.R.S. §501.3: Permit/License Fee: \$175 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Every two (2) years, Tier 4 renewal applicants may seek a 7,000 SF plant canopy increase if in compliance with applicable State law.

Renewal applicants for Marijuana Cultivation permits/licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Marijuana Cultivation permits/licenses may not hold more than three (3) such permits/licenses or a total combined plant canopy in excess of 30,000 SF.

11- 14.10 Standards for Permit/License:

A. General

1. Adult Use and Medical Marijuana businesses, whether Retail Stores (including Medical Marijuana storefronts), Cultivation Facilities, Manufacturing Facilities, or Testing Facilities, may only exist and operate in the districts listed in the Zoning Ordinance Table of Uses, and as further restricted below in §11-14.10.A.2.a&b.
2. Adult Use and Medical Marijuana businesses may not be operated on property located within:
 - a. One thousand (1,000) feet of the property line of a public or preexisting private school (K-12) per 28-A M.R.S. §402.2.A; and/or
 - b. Five hundred (500) feet of the property line of: the University of Maine at Farmington (UMF) property; Franklin Memorial Hospital (FMH) property;

property used primarily for religious worship and related religious activities;
property used for licensed daycare use under 10-148 CMR c. 32; recreational
areas designated for use by children up to eighteen (18) years in age; or
areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253.

Required setbacks under 2. a. & b. above shall be measured as the most direct,
level, shortest, straight-line distance between property lines.

3. A property containing a building housing one or more Adult Use or Medical Marijuana business(es) may not be located within one thousand (1,000) feet of another property containing a building housing one or more Adult Use or Medical Marijuana business(es).
4. More than one Adult Use or Medical Marijuana business (Store and/or Cultivation Facility and/or Manufacturing Facility and/or Testing Facility) may be co-located and operated within the same building, structure, or portion thereof, as long as all ordinance and application requirements are met.
5. Adult Use and Medical Marijuana businesses may be open for business only between the hours of 9:00 a.m. and 9:00 p.m., locally prevailing time.
6. The sale or offering for sale of Medical Marijuana and/or Medical Marijuana products under permit/license and the sale or offering for sale of Adult Use Marijuana and/or Adult Use Marijuana products under permit/license within the same facility or building by the same licensee is prohibited per 28-B M.R.S. §504.5.
7. For the purpose of subsection A.2 of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest property line of a property containing a building or structure used as the premises where an Adult Use or Medical Marijuana business is conducted, to the nearest property line of the premises of a use listed in subsection A.2. Presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
8. For purposes of subsection A.3 of this Section, the distance between any two properties containing a building housing one or more Adult Use or Medical Marijuana businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest property line of each property containing the building in which each business is located.
9. Medical Marijuana businesses located in the Village Business Historic District and operating within Farmington under and in compliance with Maine's Medical Marijuana laws and regulations on or before December 31, 2017, who file applications for Medical Marijuana business permit/license for locations that they currently operate within and have continuously operated within since December 31, 2017, are exempt from subsections A.1 and A.2 of this Section (§11-14.10.A.1&2).

10. Medical Marijuana businesses located in the following districts - General Purpose, Residential/Light Commercial, and Village Business outside of Village Business Historic, and operating within Farmington under and in compliance with Maine's Medical Marijuana laws and regulations on or before December 31, 2017, who file applications for Adult Use or Medical Marijuana business permit/license for locations that they currently operate within and have continuously operated within since December 31, 2017, are exempt from subsections A.1 and A.2 of this Section (§11-14.10.A.1&2).
11. Security measures at all Adult Use and Medical Marijuana business premises shall include, at a minimum, the following:
- a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with ten (10) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the Town of Farmington Zoning Ordinance; and
 - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
 - f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

12. Ventilation

All Adult Use and Medical Marijuana businesses are required to be in compliance with the Odor Nuisance Control and Abatement Performance Standard in the Town's Zoning Ordinance, and all indoor Adult Use and Medical Marijuana Cultivation facilities shall have odor mitigation systems.

13. Required Notices

There shall be posted in a conspicuous location inside each Adult Use and Medical Marijuana Store, at least one legible sign containing the following information:

"Use of or allowed on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed, except a minor with a Medical Marijuana Card; Loitering prohibited".

14. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims.

All signage shall meet the Town's Sign Ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana. The exterior of all Adult Use and Medical Marijuana Stores shall display a 1' x 1' image of any universal symbol for same adopted by the State's Department of Administration and Financial Services.

B. Right of Access/Background Check/Inspection

Every Adult Use and Medical Marijuana business shall allow law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of an Adult Use or Medical Marijuana business applying for a permit/license, shall contact the Farmington Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Adult Use and Medical Marijuana businesses shall submit emergency contact information to the Farmington Police Department.

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation and Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, diethyl ether, heptane, CO², etc.), products with flash points under 100°F, high-pressure extraction methods (CO², etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Farmington Fire Rescue Department.

Marijuana Cultivation and Manufacturing Facilities must comply with NFPA-1 Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities*, and these standards will be utilized by the Farmington Fire Rescue Department during their inspections of these premises. A Knox Box shall be installed at the structure's exterior entrance for emergency access, and all Knox Boxes shall be obtained and installed in coordination with the Farmington Fire Rescue Department.

C. Indemnification

By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Adult Use or Medical Marijuana business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal 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 a permitted/licensed Adult Use or Medical Marijuana business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Marijuana Store, Cultivation Facility, Manufacturing Facility, or Testing Facility in Farmington.

Compliance with 28-B M.R.S. c. 1, State laws and regulations pertaining to medical marijuana, and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any permit/license under this Ordinance, and noncompliance with 28-B M.R.S. c. 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any permit/license issued hereunder.

11 - 14.11 Enforcement:

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452. Each day of violation constitutes a separate offense.
2. Commencement of any Adult Use or Medical Marijuana business without a Town permit/license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the Town can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Code Enforcement Officer (CEO)

1. If the CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
2. The CEO shall keep a complete record of all essential transactions of the CEO, including Adult Use and Medical Marijuana permit/license applications submitted, permits/licenses granted or denied, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found and fees collected.

C. Law Enforcement Officers

Law enforcement officers may at any reasonable time conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit/license approvals, and shall investigate all complaints of alleged violations of the Ordinance.

D. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Adult Use or Medical Marijuana business, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

E. Penalties/Fines

Any person, including but not limited to, an Adult Use or Medical Marijuana business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

11 - 14.12 Amendments:

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of the Municipal Officers has so voted; or

2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial election.

B. Public Hearing

The Municipal Officers shall hold a Public Hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

C. Adoption of Amendment

An amendment of this Ordinance shall be adopted by a majority vote at a Town Meeting.



Town of Windham, Maine
Town Clerk's Office
8 School Road
Windham, ME 04062
(207) 892-1900

Marijuana Business License Application

Chapter 160 Town of Windham Marijuana Licensing Ordinance

State Law references: 30-A M.R.S.A. §3001, 22 M.R.S.A. §2429-D and 28-B M.R.S.A. §402

Date: _____ Applicant Name: _____

For Office Use Only		
Date Received _____	Amount Received _____	Clerk's Initials _____

Type of Business (Check All That Apply):

☐ New ☐ Renewal

☐ **Adult Use Marijuana Store:** A facility licensed under 28-B MRS Chapter 1 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 manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

☐ **Marijuana Cultivation Facility:** A facility used to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to cultivate medical marijuana that exceeds 1,000 square feet floor area; to sell marijuana to products manufacturing facilities, 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 may be of the following types:

- (1) Tier 1 Marijuana Cultivation Facility. Not more than 500 square feet of plant canopy.
- (2) Tier 2 Marijuana Cultivation Facility. Not more than 2,000 square feet of plant canopy.
- (3) Tier 3 Marijuana Cultivation Facility. Not more than 7,000 square feet of plant canopy
- (4) Tier 4 Marijuana Cultivation Facility. Not more than 20,000 square feet of plant canopy

☐ **Marijuana Manufacturing Facility:** (1) a registered tier 1 or tier 2 manufacturing facility, as designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS §2423- F; or (2) a facility licensed under M.R.S. 28-B, Subchapter 2 to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package marijuana and marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products manufacturing facilities. (Annual fee \$300.00)

☐ **Marijuana Testing Facility:** A public or private laboratory that is authorized and accredited in accordance with state law for the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

☐ **Medical Marijuana Registered Caregiver:** A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law.

☐ **Medical Marijuana Registered Caregiver (Home Occupation):** Medical Marijuana Registered Caregiver (Home Occupation). A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law and in accordance with the Home Occupation permitting and operational standards of this ordinance.

Town of Windham Marijuana Business License Application

☐ **Medical Marijuana Caregiver Retail Store:** A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Name of Business: _____

Name of Corporation/LLC (if different): _____

Physical Address of Business (Must be in Windham): _____

Mailing Address of Business: _____

President or Individual Owner of Business (if a corporation, please provide a completed Management Affidavit, attached): _____

Owner's Mailing Address (if different from above): _____

Owner's Contact Numbers: _____

Owner's Email Address: _____

Emergency Contact Person (must be available 24/7): _____

Emergency Contact Telephone Numbers: _____

Emergency Contact Email Address: _____

Days & Hours of Operation:

Have you ever had a license for Marijuana Business suspended or revoked? If so, explain:

Have you ever been issued a notice of violation by any state or municipality related to a Marijuana Business? If so, explain:

Town of Windham Marijuana Business License Application

Have you ever been convicted of a criminal violation arising out of the operation of a Marijuana Business? If so, provide the date, jurisdiction, nature of the offense and any penalty(ies) assessed:

Have you, within 10 years of the date of this application, been convicted of selling marijuana, alcohol or scheduled drugs to a minor? If so, provide the date, jurisdiction, nature of the offense and any penalty(ies) assessed:

What interest do you have in the business premises for which licensure is sought (e.g. deed, lease, purchase and sale agreement, etc.)? Attach deed or lease if that is the source of your interest.

I certify all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.

Signature _____

Date _____

The original signed copy of this application must be accompanied by:

- The required application and education fees.
- Two (2) collated submission packets, which must include the required information found in Section 160-6 of the Marijuana Business Licensing Ordinance.
 - The checklist below offers a brief description of these requirements for the purpose of determining the completeness of a submission. Please use the Ordinance for assembling the submission packets.
- Electronic submission in PDF format of all application submission requirements.

Town of Windham Marijuana Business License Application

Application Submission Requirements		Applicant	Staff
1	Complete license application form		
2	Payment of the application and education fees		
3	Copy of State License/ Conditional License / Caregiver registration (if received)		
4	Copy of State License Application (for Businesses other than Caregiver / Caregiver (home occupation)		
5	If not included in the Applicant's State License Application, attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement, or articles of association that govern the entity that will own and/or operate the Marijuana Business.		
6	Ownership affidavit		
7	Signed Background Check Release form		
8	Evidence of all land use approvals (Planning and/or Code Enforcement)		
9	Evidence of all other local approvals, including food or victualer's license		
10	A description and a floor plan of premises for which license is sought		
11	Copy of license(s) held for other Marijuana Business(es)		
12	Operations Plan (Adult Use Marijuana Stores and Medical Marijuana Caregiver Retail Stores only)		

License Fee: _____

Adult Use Marijuana Store - \$2,500

Marijuana Cultivation Facility - \$1,000

Marijuana Manufacturing Facility - \$1,000

Medical Marijuana Registered Caregiver - Cultivation conducted on site - \$300

Medical Marijuana Registered Caregiver (Home Occupation) - Cultivation not conducted on site - \$150

Medical Marijuana Caregiver Retail Store - \$2,500

Marijuana Testing Facility - \$1,000

Education fee: _____

40% of the license fee (minimum \$100)

Total: _____

TOWN OF WINDHAM
OWNERSHIP AFFIDAVIT FOR MARIJUANA BUSINESS LICENSE

I, _____, hereby state and affirm to the best of my knowledge, that the following individuals represent all owners, officers, members, managers or partners of the Applicant,

_____:

1. Name: _____
Position: _____
Current residence address: _____
Other residence addresses held in last three years (list address and dates of residency): _____

This person is over age 21.

2. Name: _____
Position: _____
Current residence address: _____
Other residence addresses held in last three years (list address and dates of residency): _____

This person is over age 21.

3. Name: _____
Position: _____
Current residence address: _____
Other residence addresses held in last three years (list address and dates of residency): _____

This person is over age 21.

4. Name: _____
Position: _____
Current residence address: _____
Other residence addresses held in last three years (list address and dates of residency): _____

This person is over age 21.

If any of the individuals named in this Affidavit have been (1) convicted of a crime arising from the operation of a Marijuana Business; or (2) convicted of selling marijuana, alcohol or any scheduled drug to a minor, please attach a document describing the date and nature of the offense as well as any penalties adjudged.

TOWN OF WINDHAM

OWNERSHIP AFFIDAVIT FOR MARIJUANA BUSINESS LICENSE

I hereby swear that the above information is true and correct to the best of my knowledge.

Print Name: _____

Date: _____

Personally appeared the above-named _____ and made oath that the foregoing statements are true.

Notary Public

My commission expires: _____

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

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

ELIOT**Master Fee Schedule for Marijuana Establishments**

7/1/2020

Application Fees		
Application Fee		\$ 1,500.00
Exchange / Conversion Fee		\$ 750.00
Annual Fees		
Marijuana Store		\$ 7,500.00
Marijuana Cultivation		
	Tier I	\$ 1,500.00
	Tier II	\$ 3,500.00
	Tier III	\$ 7,500.00
	Tier IV	\$ 15,000.00
	Nursery Cult.	\$ 2,000.00
Marijuana Manufacturing Facility		\$ 5,000.00
Marijuana Testing Facility		\$ 500.00

**** See Application for Further Details***



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OFFICIAL PLAN OF RECORD SECURITY PLAN

CULTIVATION, PRODUCTS MANUFACTURING, MARIJUANA TESTING and MARIJUANA STORES

Pursuant the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the application for a marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Security Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other security documents. Although the applicant or licensee may submit additional security documents for reference, this Security Plan is designed to be a succinct, standalone document.

Although a revised Security Plan must be submitted within 14 days any time a material change is made to security measures, applicants/licensees are encouraged to utilize the Application for Changes to a Plan of Record when submitting a revised Security Plan to the Department prior to making material changes as the Department may determine that the revised Security Plan fails to meet minimum requirements. Material changes include, but are not limited to, the addition or removal of sensors or cameras, changing of monitoring companies, additions of points of entry and changes to lighting.

SECTION 1: Maine Adult Use Marijuana Establishment – Applicant/Licensee Information

Legal Business Name		Maine Adult Use Marijuana Establishment License Number		
Trade Name/DBA (if applicable)		Federal Taxpayer ID/EIN		
Point of Contact Name	Point of Contact Phone Number	Point of Contact Email Address		
Physical Address of Facility		City	State	ZIP

SECTION 2: Security Measures

All marijuana establishments must enact security measures to prevent the diversion of marijuana or marijuana products that are being cultivated, manufactured, tested, packaged, stored, displayed or transported. Provide sufficient detail so that the Department may determine whether the following requirements are met.

SECTION 2(a): Diagram(s)

For clarity, the use of numbering, labeling, and/or a diagram legend or key should be used to incorporate the information requested below.

1. Provide a diagram of the layout of the facility, including all limited access areas, display areas, commercial kitchen areas, and points of entry, if applicable. Include legal ingress onto the property from the closest maintained public way, as well as the square footage of the establishment and of the separate areas listed above. Limited access area means a building, room or other area within the licensed premises of a marijuana establishment where a licensee is authorized to cultivate, store, weigh, manufacture, package or otherwise prepare for sale adult use marijuana and adult use marijuana products. *

2. Provide a diagram of the layout of the facility, including windows and doors (designating those which are lockable), alarm control panels, alarm sensors, video surveillance storage devices, video cameras, communication devices (internet/telephone), fences, and any other additional security measures. *

*** To the extent the information requested to be included in this diagram and in any section below can be incorporated into one master diagram, the applicant/licensee may do so with the goal of providing the clearest information for the Department.**

SECTION 2(b): Lights

1. Do gates and/or perimeter entry points have lighting sufficient for observers to see, and cameras to record, any activity within 10 feet of the gate or entry?
☐ Yes ☐ No
2. Describe perimeter lighting at any point of entry or exit, whether it is a gate or access from a building.
3. List equipment and provide rating for all lights as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 2(c): Doors and Windows

1. Do all perimeter entry doors and all doors separating limited access areas from areas open to visitors and customers have commercial grade locks, appropriate for facilities requiring high levels of physical security?
☐ Yes ☐ No
2. Are all external entrances to indoor facilities on the licensed premises lockable?
☐ Yes ☐ No
3. List equipment and describe commercial grade locks on all perimeter and limited access doors as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).
4. Are all perimeter windows in good condition and lockable?
☐ Yes ☐ No
5. List equipment and describe locks on each perimeter window as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 2(d): Alarm System

1. Do you have an alarm system(s) monitored by a licensed security company capable of contacting the licensee and, if necessary, law enforcement?
☐ Yes ☐ No
2. Does the system include an audible alarm, which is capable of being disabled remotely by the security company?
☐ Yes ☐ No
3. List equipment and describe the alarm system.
4. Provide the name of the licensed security company, a specific point of contact, and that person's contact information.
5. Do you have monitored sensors on all perimeter entry points and perimeter windows?
☐ Yes ☐ No
6. List equipment and describe monitored sensors on all perimeter entry points and perimeter windows as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 2(e): Video Surveillance

1. Do you have a video surveillance system that meets the following minimum requirements? Check all that apply.
 - ☐ Minimum resolution of 720p
 - ☐ Internet protocol capability
 - ☐ Continuous recording, 24 hours per day, at a minimum of 15 frames per second
 - ☐ Clear and accurate display of the time and date on all recorded images
 - ☐ Ability to copy and provide video surveillance recordings to the Department or law enforcement upon request
2. List equipment and describe, in detail, the video surveillance system, including the number and location of all permanently fixed cameras as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).
3. Check each box below to confirm the following requirements are met and reflected in the diagram(s) and corresponding description(s) above.

- ☐ Cameras must be permanently fixed inside each entry/exit point (perimeter and limited access area) to allow identification of persons entering the premises and limited access areas.
- ☐ Cameras must be permanently fixed outside each entry/exit point (perimeter and limited access area) to allow identification of persons exiting the premises and limited access areas.
- ☐ A sufficient number of cameras must be permanently fixed to allow the viewing, in its entirety, of any area where marijuana, marijuana plants, immature marijuana plants, seedlings, seeds, marijuana concentrate or marijuana products are cultivated, manufactured, stored or prepared for transfer or sale or where samples for mandatory testing are collected, and prepared and sealed for transport to a marijuana testing facility.
- ☐ A sufficient number of cameras must be permanently fixed to allow the viewing, in its entirety, of any area where marijuana waste is stored before being made unusable, or where marijuana waste is made unusable.
- ☐ A camera must be permanently fixed at each point of sale to monitor the identity of the purchaser and ensure facial identity.

4. The video surveillance storage device must be secured. Indicate below which of the following approved methods will be used to meet this requirement.

- ☐ On premise
 - ☐ Lockbox
 - ☐ Cabinet
 - ☐ Closet
 - ☐ Secured in another manner to protect from employee tampering or theft
- ☐ Off premise, third-party server

5. If the video surveillance storage device is secured on premise, list equipment and describe the manner in which it is secured. *Must be reflected in diagram(s).

6. If the video surveillance storage device is secured off premise with a third-party server, provide the name of the third-party server, a specific point of contact, and that person's contact information.

7. Describe the video surveillance records retention policy, including the minimum number of days video surveillance records are maintained on the licensee's recording device.

8. Describe how the applicant/licensee shall maintain a list of all persons with access to the video surveillance recordings and procedures for controlling access to the recordings.

SECTION 2(f): Fencing and Lighting Requirements for Cultivation Facilities.

This section applies to cultivation facilities that cultivate seedlings, immature plants, or mature plants in outdoor areas or in greenhouses or other structures that do not meet all security requirements for buildings.

1. Are all fencing and gates secure, at least 6 feet high and obscure, or have a cover that obscures, the Limited Access Area from being readily viewed from outside of the fenced in area.
☐ Yes ☐ No

2. List equipment and describe secure fencing and all gates, including height and material used to obscure the Limited Access Area from being readily viewed from outside of the fenced in area as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

3. Is there sufficient lighting to illuminate a perimeter of at least 10 feet around any point of entry, either it is a gate or access from the building?
☐ Yes ☐ No

4. List equipment and describe all lighting as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

5. Are there a sufficient number of cameras permanently fixed to allow recording of all areas outside of the premises within 10 feet of the exterior fence and gates of a cultivation facility with outdoor growing.
☐ Yes ☐ No

6. List equipment and describe all video cameras as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 3: Controlling Access to the Marijuana Establishment

SECTION 3(a): Controlling Public Access

1. Are all entry points designed so that no person under 21 years of age is allowed entry to the licensed premise?
☐ Yes ☐ No

2. Describe all of entry points designated as the place where the licensee or licensee's employee will verify the age and identity of all persons entering the premises as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

3. For nursery cultivation facilities and marijuana stores only, describe a designated entry point at which a licensee or licensee's employee will check for a valid government issued form of identification prior to allowing access to areas of the premises designated for retail sales.

4. Describe all entry points designated as a place where the licensee or licensee's employees will receive mail or other deliveries as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

5. Describe how applicant/licensee will ensure that all licensees, employees, and security guards maintain compliance with all laws and regulations related to firearms and other weapons in and around the marijuana establishment.

SECTION 3(b): Controlling Employee Access

1. Describe all entry points designated as employee entrances, including the manner in which employees gain access to the marijuana establishment (e.g. badge scanner or key locked doors), as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).
2. Describe any additional security measures aimed to prevent employee theft.

SECTION 4: Controlling Access to Limited Access Areas

SECTION 4(a): General Requirements

1. Do you have the following security measures in place for all limited access areas? Check all that apply.
- ☐ Identification checks
☐ Locked doors
☐ Video surveillance
☐ Required signage
2. Describe how the applicant/licensee will utilize the security measures listed above to control access to all limited access area as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 4(b): Controlling Contractor and Other Licensee Access

1. Are security measures in place to control access to limited access areas by contractors 21 years of age or older (including, but not limited to, electricians, plumbers, engineers or alarm technicians) who will not handle marijuana plants, marijuana or marijuana products?
☐ Yes ☐ No
2. Are security measures in place to control access to limited access areas by sample collector and marijuana testing facility licensees or licensee's employees displaying valid individual identification cards?
☐ Yes ☐ No
3. Describe all designated areas where contractors and other licensees will be required to provide proof of identification, sign a visitor entry log, receive a visitor identification badge and be monitored at all times by establishment staff as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s).

SECTION 4(c): Controlling Employee Access

1. Describe how the applicant/licensee will ensure all owners, managers, and employees display valid individual identification cards at all times.

SECTION 4(d): Additional Security Measures for Nursery Cultivation and Marijuana Retail Stores Only.

1. Are display cases lockable and secure to prevent the public from handling marijuana plants, marijuana or marijuana products without direct supervision of a licensee or employee?
☐ Yes ☐ No
2. Are counters of sufficient height to prevent the public from handling marijuana plants, marijuana or marijuana products without direct supervision of a licensee or employee?
☐ Yes ☐ No
3. Describe all security measures taken to ensure compliance with the above requirements.

SECTION 5: Controlling Access When Co-Locating

1. For licensees co-locating establishments with another Maine Adult Use Marijuana Program licensee or Maine Medical Use of Marijuana Program registrant, provide a diagram of the layout of the facility, including clear delineation of separate licensed or registered premises and shared space, if any. *

*** To the extent the information requested to be included in this diagram and in any section below can be incorporated into one master diagram, the applicant/licensee may do so with the goal of providing the clearest information for the Department.**

2. For licensees co-locating establishments with another Maine Adult Use Marijuana Program licensee or Maine Medical Use of Marijuana Program registrant, describe how applicant/licensee will control access to the licensed premises and limited access areas as depicted and numbered/labeled in the diagram(s). *Must be reflected in diagram(s). Also describe the activities that will take place in shared space, if any.

SECTION 6: Reports of Non-Compliant Conduct

1. Describe how the licensee will ensure any incident of non-compliance with the marijuana establishment licensee's authorized conduct will be reported in writing to the Department within 24 hours.

SECTION 7: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the application for a marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. OMP's Compliance Division will have access to all plans and will review all plans prior to an inspection or investigation. Failure to comply with the Plan of Record may lead to enforcement action.

Although a revised Security Plan must be submitted within 14 days any time a material change is made to security measures, applicants/licensees are encouraged to utilize the Application for Changes to a Plan of Record when submitting a revised Security Plan to the Department prior to making material changes as the Department may determine that the revised Security Plan fails to meet minimum requirements. Material changes include, but are not limited to, the addition or removal of sensors or cameras, changing of monitoring companies, additions of points of entry and changes to lighting.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature:

Date:

Printed Name:

Email Address:

Phone Number:



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at Licensing.OMP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at Licensing.OMP@maine.gov or (207) 530-7389 prior to filling it out.

Section 1: License Information. Information generated by the Office of Marijuana Policy.				
Business Legal Name: [REDACTED]		Business DBA: [REDACTED]		Conditional License Number: [REDACTED]
License Type: ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3				
Mailing Address: [REDACTED]		Facility Phone: [REDACTED]		
		Primary Contact Person: [REDACTED]		
		Primary Contact Email: [REDACTED]		
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.				
Physical Location of Establishment (include unit number)		Municipality/Town/Plantation/Township	County	State ZIP
Tax Map #:		Tax Lot #:		
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:		Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:		
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.				
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.				
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.				
Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.				
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No				

Initials of Signing Jurisdiction Official: [REDACTED]

2.	Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.	
1.	Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.	
Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.	
1.	In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2.	In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No

Initials of Signing Jurisdiction Official:

3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

Pursuant to 28-B M.R.S. §§ 402-403, failure to act on a person's request for local authorization to operate a marijuana establishment in a municipality, town, plantation, or township in an unorganized and deorganized area does not satisfy the local authorization requirement.

Typically, a request for local authorization should be approved or denied within 90 days. For additional information regarding failure to act on a person's request for local authorization and result appeal rights, see 28-B M.R.S. §§402-403.

Pursuant to 28-B M.R.S. §406, any changes in the status of local authorization require notification to the Office of Marijuana Policy within 14 days of the date on which the change occurs, including without limitation, withdrawing authorization or suspending or revoking a local license for the operation of a marijuana establishment.

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at Licensing.OMP@maine.gov or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

Signature of Municipality/LUPC Representative (Do not sign until witnessed by notary):	Date:
--	-------

Notarization

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Maine, by _____ to be his/her free act and deed.

Name of Notary Public (Printed):	Signature of Notary Public:
Notary Public, State of Maine	
My commission expires:	
	STAMP/SEAL



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

To: Chief Edward J. Tolan, Executive Director, Maine Chiefs of Police Association
Executive Director Mary-Anne LaMarre, Maine Sheriffs' Association
Executive Director Stephen W. Gove, Maine Municipal Association
Administrator Lauren Haven, Maine County Commissioners Association
Adult Use Marijuana Opt-in Municipalities
From: Director Erik Gundersen, Office of Marijuana Policy
Date: Friday, August 14, 2020
Subject: Launch of Adult Use Marijuana Industry in Maine

Background

The Mills Administration created the Office of Marijuana Policy (OMP) within the Department of Administrative and Financial Services in February 2019. As you know, OMP is responsible for the oversight of all aspects of legalized marijuana, including Maine's existing Medical Use of Marijuana Program.

Since our creation, OMP has been working to implement the regulatory structure necessary to honor the will of Maine voters and introduce lawful retail sales of adult use marijuana. We are now ready to launch Maine's adult use marijuana program, and the purpose of this memorandum is to update you on the latest developments related to the introduction of adult use marijuana in Maine.

OMP's Rollout Plan

Earlier this year, OMP indefinitely postponed the planned spring debut of Maine's adult use industry in response to the COVID-19 pandemic. Later today, OMP intends to publicly announce its new timeline for active licensure in our adult use marijuana program, which, for the first time, will identify specific dates for active licensure of establishments and retail sales to the public in Maine.

The following key dates will be announced:

- **Active Licensure:** Tuesday, September 8, 2020
- **Retail Sales Launch Date:** Friday, October 9, 2020

Active licensure is the culmination of a three-step application process which also includes conditional licensure and local authorization, respectively. An active license is required for adult use establishments to come into possession, cultivate, process and sell adult use marijuana.

While OMP expects to issue licenses in each of the four categories of adult use establishments (cultivation, products manufacturing, retail sale, and testing), the retail sales launch date will prohibit nursery cultivation and marijuana stores from conducting sales to the public until on or after October 9, 2020. OMP identified early on that the lack of a retail sales launch date presented many challenges for both the state and industry. Setting such a date ensures all marijuana and marijuana product is tested and stores have time to stock their shelves. This will also allow product to build up in the system to withstand the demand for marijuana and marijuana product in the first few days of legal retail sales.

This approach has been used in other states and has been well received by industry stakeholders.

COVID-19-related Considerations

The public's health and safety are at the forefront of every decision made by OMP. It is of such importance, you will find references to public health and safety in both our mission statement and organizational guiding principles.

On Friday, April 10, 2020, OMP announced the indefinite postponement of the adult use industry launch in response to the COVID-19 pandemic. While we were poised to launch this new industry earlier this year, we were unwilling to sacrifice the high standards we have set for the adult use program by launching during an emerging public health pandemic and in the absence of a testing facility. With the support of the public health community, municipalities across the state, and the industry we regulate, we have used the last few months to ensure this new industry is introduced to Maine consumers in a manner that is as responsible as possible.

To that end, we have collaborated with the Maine Department of Economic and Community Development and the Maine Department of Health and Human Services' Center for Disease Control and Prevention to develop a COVID-19 checklist that will be made available to all adult use licensees.

The checklist provides important public health guidance and business considerations that should be helpful for both employers and retailers. While this is a living document that is subject to revision as more is learned about COVID-19 and the state's response adapts accordingly, we hope that it serves as a valuable resource to the businesses we regulate as they seek to safely and responsibly establish their new businesses.

Conclusion

We appreciate your commitment to keeping your staff, members, and the public apprised of developments related to marijuana over the course of the last year and a half and look forward to working with you over the coming weeks, months, and years to successfully implement Maine's adult use marijuana program.

As we move into active licensure and formally operationalize Maine's adult use marijuana program, please know that your partners at OMP remain committed to working with you to address shared concerns and continued program improvement.

If you have any questions or concerns about the work of the office, I encourage you or your staff to contact David Heidrich, OMP's director of engagement and community outreach. He can be reached via the following:

- **Online:** <https://www.maine.gov/dafs/omp/about/contact>
- **Email:** david.heidrich@maine.gov
- **Phone:** (207) 287-3282, ext. 5



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OPERATING PLAN TEMPLATE NURSERY CULTIVATION FACILITY

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

SECTION 1: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "X" in the "closed" column if the facility will not be open on a particular day.

As a reminder, pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule, Licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

SECTION 2: Cultivation Facility Site Information

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide a diagram and layout of the proposed Cultivation Facility.

1. Provide a diagram of the property on which the Cultivation Facility is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

2. Provide a diagram of the layout of the Cultivation Facility, including square footage of the areas in which cultivation does and does not occur and square footage of the entire facility. Also include in the diagram limited access area(s) and location of displays indicating controlled customer access to marijuana and marijuana product. If the Cultivation Facility is co-located with an Adult Use Products Manufacturing Facility and/or Adult Use Marijuana Store, the diagram must clearly delineate the cultivation facility area from the other establishment(s). A Cultivation Facility that connects to another Adult Use establishment, requires at least a single, lockable door to be reflected in the diagram. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

SECTION 3: Co-Location of Adult Use Facilities

Does this Nursery Facility intend to sell marijuana seeds, seedlings or immature plants to adults, 21 years of age or older, who are not licensees?

☐ Yes ☐ No

Is this Cultivation Facility co-located with an Adult Use Products Manufacturing Facility and/or an Adult Use Marijuana Store?

☐ Yes ☐ No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Adult Use Facility Co-Location

Check all that apply

☐ Adult Use Products Manufacturing

☐ Adult Use Marijuana Store

SECTION 3(b): Co-Location of Adult Use Marijuana Establishments

Section 2.4.9(B)(2) requires the following: The Cultivation Facility may connect to another type of establishment by a single, lockable door. Regardless of common ownership, excise tax is payable when any marijuana seedlings, immature plants, marijuana, or marijuana products pass out of the cultivation facility into another type of marijuana establishment. All marijuana to pass through a single, lockable door must be entered into the tracking system, and excise taxes shall be paid in accordance with this Rule and 28-B M.R.S. § 1001.

Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met, including but not limited to the requirement described above.

SECTION 4: Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

Is this Adult Use Cultivation Facility co-located with any medical marijuana facility?

☐ Yes ☐ No

If yes, complete Section 4(a) and (b)

SECTION 4(a): Type of Medical Marijuana Facility Co-Location

Check all that apply

☐ Registered dispensary cultivation operation

☐ Registered caregiver's cultivation operation

SECTION 4(b): Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

1. List and describe all equipment with approval listing(s) to be used for cultivating both medical marijuana and adult use marijuana.
2. Describe how the licensee will ensure that each shared piece of cultivation equipment is not used simultaneously on medical marijuana and adult use marijuana, with the purpose of ensuring that medical marijuana flowers and trim remain separate from adult use marijuana flowers and trim.
3. Describe how the licensee will separately track medical marijuana and adult use marijuana and will otherwise keep them from becoming intermixed.

SECTION 5: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below.

1. List all lights, irrigation system(s), greenhouse(s) and all other equipment to be used specific to the cultivation of marijuana within the cultivation facility.

SECTION 6: Pesticides, Fungicides, Insecticides and Fertilizers

1. List all pesticides, fungicides, insecticides and fertilizers that will be present or used.

SECTION 7: Utility Plans

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility.
2. Describe plans for ventilation and filtration systems that prevent marijuana plant odors from significantly altering the environmental odor outside, while addressing the potential for mold.

SECTION 8: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Describe plans for shipping and receiving of marijuana and marijuana products.
2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.
3. Describe how the facility plans to verify identification of all customers and prevent unauthorized sales to, or access to the premises by, persons under age 21.
4. Describe how the facility plans to conduct a background screening process for employees and vendors.

SECTION 9: Proof of Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining prove of compliance for the following.

1. Provide proof of compliance with building code(s).
2. Provide proof of compliance with the National Fire Protection Association model fire code.
3. Provide proof of compliance with applicable electrical code(s).
4. Provide proof of compliance with any other applicable federal and/or state environmental requirements.
5. Provide proof of compliance with all state and federal laws regarding wastewater and waste disposal for the cultivation facility.
6. Describe the workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements.

SECTION 10: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature		Date
Printed Name:	Email Address:	Phone Number:



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OFFICIAL PLAN OF RECORD

FACILITY PLAN

CULTIVATION, PRODUCTS MANUFACTURING, MARIJUANA TESTING and MARIJUANA STORES

Pursuant to the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the application for a marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Facility Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other facility documents. Although the applicant or licensee may submit additional facility documents for reference, this Facility Plan is designed to be a succinct, standalone document.

Any changes to the Facility Plan must be approved. The licensee shall submit a revised Facility Plan to the Department 14 days prior to any material change. The Department may deny an Application for Changes to a Plan of Record if the changes requested are in violation of 28-B MRS, this Rule, conditions required for local approval or other applicable laws or rules.

SECTION 1: Maine Adult Use Marijuana Establishment – Applicant/Licensee Information

Legal Business Name		Maine Adult Use Marijuana Establishment License Number		
Trade Name/DBA (if applicable)		Federal Taxpayer ID/EIN		
Point of Contact Name	Point of Contact Phone Number	Point of Contact Email Address		
Physical Address of Facility		City	State	ZIP

SECTION 2: Facility Site Information

1. Provide a copy of a tax map clearly indicating an area of 1000 feet in all directions from the premises, or in cases where a municipality or the Land Use Planning Commission has reduced the setback to no less than 500 feet, then showing the distance in all directions required by local authority, and indicating that the area around the premises does not include a pre-existing public or private school, as defined in 28-B MRS §§402(2)(A) and 403(2)(A).
2. Provide a diagram of the layout of the facility, including all limited access areas, display areas, commercial kitchen areas, and points of entry, if applicable. Include legal ingress onto the property from the closest maintained public way, as well as the square footage of the establishment and of the separate areas listed above.

3. If the property is also used as a residence, clearly indicate on the diagram above, the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

SECTION 3: Ownership of the Premises

Legal Name of Property Owner

Mailing Address of Property Owner

City

State

ZIP

Property Owner Telephone Number

Property Owner Email Address

- Is the applicant also the property owner listed above?
☐ Yes ☐ No
- If the answer to question 1 above is yes, is a copy of the documentation proving legal ownership attached or included with the submission of this form?
☐ Yes ☐ No ☐ Not applicable
- If the answer to question 1 above is no, is a copy of the lease, rental agreement, or documentation of other arrangement for possession of the premises attached or included with the submission of this form? If the lease, rental agreement, or documentation of other arrangement for possession does not include language addressing owner consent for intended use and operation of a marijuana establishment, the applicant must provide additional documentation to prove such consent.
☐ Yes ☐ No ☐ Not applicable

SECTION 4: Co-Location of Adult Use and Medical Use Operations

- If the licensee co-locates adult use and medical use operations, clearly indicate the following in a diagram:
 - The areas of the premises that will contain adult use marijuana plants, marijuana, marijuana products or marijuana concentrate;
 - The areas of the premises that will contain marijuana plants, marijuana, marijuana products or marijuana concentrate for medical use;
 - The areas of the premises, if any, that will contain equipment, chemicals or other items that may be used for both adult use marijuana plants, marijuana or marijuana products and marijuana plants, marijuana or marijuana products for medical use.
- If the licensee co-locates adult use and medical use operations, describe the plans to ensure that all marijuana, finished marijuana concentrate and other marijuana products are correctly packaged and labeled for medical use or adult use.
- If the licensee co-locates adult use and medical use operations, describe how the licensee will separately track, including input to the tracking system, marijuana, marijuana concentrate and marijuana products for medical use separately from adult use marijuana, marijuana concentrate and marijuana products and will otherwise keep them from becoming intermixed.

SECTION 5: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the application for a marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. OMP's Compliance Division will have access to all plans and will review all plans prior to an inspection or investigation. Failure to comply with the Plan of Record may lead to enforcement action.

Any changes to the Facility Plan must be approved. The licensee shall submit a revised Facility Plan to the Department 14 days prior to any material change. The Department may deny an Application for Changes to a Plan of Record if the changes requested are in violation of 28-B MRS, this Rule, conditions required for local approval or other applicable laws or rules.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature:

Date:

S. J. Simonsen, Jr., MD		
Printed Name:	Email Address:	Phone Number:



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

CULTIVATION PLAN TEMPLATE

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Cultivation Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other cultivation documents. Although the applicant or licensee may submit additional cultivation documents for reference, this Cultivation Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Cultivation Plan will be required prior to active licensure.

SECTION 1: License Type

Please choose only one. A separate operating plan is required for each licensed establishment.

- ☐ Cultivation Facility, Tier 1 (Plants) – No more than 30 mature marijuana plants.
- ☐ Cultivation Facility, Tier 1 (Canopy) – No more than 500 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 2 – No more than 2,000 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 3 – No more than 7,000 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 4 – No more than 20,000 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Nursery – No more than 1,000 square feet of mature marijuana plants.

SECTION 2: Cultivation Facility Floor Plan

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide the diagram and layout of the proposed Cultivation Facility.

1. Provide a diagram of the floor plan. The diagram shall be drawn in straight lines, clearly stating the square footage of each area and whether this square footage is within or outside the plant canopy. The diagram shall include without limitation:
 - The size and layout of the cultivation areas where the licensee cultivates mature marijuana plants, including the dimensions of the perimeter of each cultivation area.
 - The size and layout of the cultivation areas where the licensee cultivates mature marijuana plants solely for propagating seedlings, immature marijuana plants or collecting seeds, seedlings and immature marijuana plants.
 - Provide a clear delineation of where mature marijuana plants are grown, from where marijuana plants solely used for propagation, immature plants and seedlings will be grown.
 - If the cultivation facility shares premises with a registered medical marijuana dispensary or registered marijuana caregiver, the diagram must indicate:
 - Areas used for cultivation marijuana for medical use, including which areas used to cultivate plants solely used for propagation, seedlings, immature plans and mature plants.
 - Areas that support cultivation of both marijuana for medical use and adult use marijuana, including storage areas, office space, walkways, entryways, restrooms and utility rooms.

2. Provide the sum total of the combined area within the premises in which cultivation of mature marijuana plants will take place.

3. Provide the total amount of plant canopy, or the total number of mature marijuana plants, to be cultivated on the premise.

SECTION 3: Co-Location of Adult Use Cultivation Facilities and Medical Marijuana Facilities

Is this Adult Use Cultivation Facility co-located with any medical marijuana facility?

☐ Yes ☐ No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Medical Marijuana Facility Co-Location

Check all that apply

- ☐ Registered dispensary cultivation operation
☐ Registered caregiver's cultivation operation

SECTION 3(b): Co-Location of Cultivation with a Medical Marijuana Facility

1. Describe plans for visually and physically separating cultivation of marijuana for medical use from cultivation of adult use marijuana.
2. Describe plans for visually and physically separating the storage of harvested marijuana flower and trim for medical use from harvested adult use marijuana flower and trim.
3. Describe how the licensee will separately track, including input to the tracking system, marijuana, marijuana concentrate and marijuana products for medical use separately from adult use marijuana, marijuana concentrate and marijuana products and will otherwise keep them from becoming intermixed.

SECTION 4: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Describe plans for physically separating areas where mature marijuana plants will be grown, from where marijuana plants solely used for propagation, seedlings and immature marijuana plants will be grown.
2. If this Plan of Record is for a Cultivation Nursery Facility, indicate whether the facility intends to sell marijuana seeds, seedlings or immature plants to adults, 21 years of age or older, who are not licensees, indicate so by selecting this box.
☐ Yes ☐ No

SECTION 5: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature

Date

Printed Name:

Email Address:

Phone Number:



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OPERATING PLAN TEMPLATE MANUFACTURING FACILITY

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

Section 1: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "x" in the closed column if the facility will be closed on a particular day.

As a reminder, pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule, licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

SECTION 2: Products Manufacturing Facility Site Information

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide the diagram and layout of the proposed Products Manufacturing Facility.

1. Provide a diagram of the property on which the Products Manufacturing Facility is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. Also include in the diagram all utility distributions, including electrical, water and other utilities, specifically gases or other materials use for inherently hazardous substance extraction.
(Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

2. Provide a diagram of the layout of the Products Manufacturing Facility, including where the manufacturing will occur and where any solvent (excluding water), chemically or potentially hazardous substance will be stored. Include the square footage of the entire facility. Also include in the diagram all utility distributions, including electrical, water and other utilities, specifically gases or other materials use for inherently hazardous substance extraction.

If the Products Manufacturing Facility is co-located with a Medical Marijuana Facility, the diagram must clearly indicate which areas house equipment used to manufacture both marijuana for medical use and adult use marijuana. Also indicate any area used to store equipment, supplies or non-marijuana ingredients used to produce, package or label both marijuana products for medical use and adult marijuana products.

(Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

SECTION 3: Co-Location of Adult Use Facilities

Is this Products Manufacturing Facility co-located with an Adult Use Cultivation Facility and/or an Adult Use Marijuana Store?

☐ Yes ☐ No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Adult Use Facility Co-Location

Check all that apply

☐ Adult Use Cultivation Facility

☐ Adult Use Marijuana Store

SECTION 3(b): Co-Location of Adult Use Marijuana Establishments

1. Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met.

SECTION 4: Co-Location of Adult Use Products Manufacturing Facility and Medical Marijuana Facility

Is this Adult Use Products Manufacturing Facility co-located with any medical marijuana facility?

☐ Yes ☐ No

If yes, complete Section 4(a) and (b)

SECTION 4(a): Type of Medical Marijuana Facility Co-Location

Check all that apply

☐ Registered dispensary cultivation operation

☐ Registered caregiver's cultivation operation

SECTION 4(b): Co-Location of Products Manufacturing Facility with a Medical Marijuana Facility

1. List and describe all extraction equipment and other supplies to be used for extracting from both marijuana for medical use and adult use marijuana.

2. List and describe all manufacturing equipment and other supplies to be used for manufacturing both marijuana products for medical use and adult use marijuana products.
3. Describe how the licensee will ensure that each shared piece of extraction or manufacturing equipment is not used simultaneously or contemporaneously on marijuana for medical use and adult use marijuana, with the purpose of ensuring that marijuana, marijuana concentrate and marijuana products for medical use remain separate from adult use marijuana, marijuana concentrate and marijuana products.
4. Describe how the licensee will separately track marijuana for medical use, including input to the tracking system, marijuana concentrate and marijuana products separately from adult use marijuana, marijuana concentrate and marijuana products and will otherwise keep them from becoming intermixed.
5. Describe how the licensee will store and refrigerate medical marijuana, medical marijuana concentrate and medical marijuana products and keep separate from adult use marijuana, adult use marijuana concentrate and adult use marijuana products at all times.
6. Describe how the licensee will ensure that all finished marijuana concentrate and other marijuana products are correctly packaged and labeled for medical use or adult use.

SECTION 5: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below.

1. List and describe all equipment with approval listing(s) to be used specific to the products manufacturing of marijuana within the facility.

SECTION 6: Utility Plans

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for providing electricity, water, and other utilities necessary for the normal operation of the products manufacturing facility.
2. Describe plans for ventilation and filtration systems that prevent marijuana odors from significantly altering the environmental odor outside, while reducing the risk of fire or respiratory harm within the facility.

SECTION 7: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for shipping and receiving of marijuana and marijuana products.
2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.
3. Describe how the facility plans to prevent access to the premises by persons under age 21, including without limitation vendors and contractors.
4. Describe how the facility plans to conduct a background screening process for employees and vendors.
5. Describe how the facility plans to refrigerate any marijuana products or ingredients requiring refrigeration.
6. Describe plans for compliance with packaging, labeling and other requirements.

SECTION 8: Plans for Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Provide proof of compliance with applicable building and electrical codes and federal and state environmental requirements.
2. Provide proof of compliance with all state and federal laws regarding wastewater and waste disposal for the products manufacturing facility.
3. Provide proof of compliance with any other relevant sanitary standards.
4. Describe the status of other required licensure of any areas in which marijuana or marijuana concentrate is handled or combined with non-marijuana ingredients to form marijuana products, including without limitation a retail food establishment, bottling and/or commercial food processing licenses.

5. Describe the status of other required licensure of any areas in which unwrapped marijuana products are stored, cooled, cut, packaged or otherwise handled, including without limitation a retail food establishment, bottling and/or commercial food processing licenses.

6. Describe the workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements.

SECTION 9: Products Manufacturing Facility Personnel.

1. Describe what qualifies the person in charge of food safety requirements to perform the job duties, including the education and relevant experience of the individual.
2. Describe what qualifies the person who will oversee of day-to-day food safety procedures, including the education and relevant experience of the individual.

SECTION 10: Products Manufacturing Facility Process, Methods and Materials.

1. Describe the manufacturing processes that will occur on the premises, include the standard operating procedures for each process to be used to manufacture a marijuana product.
1. Describe any extraction methods and solvents to be used for extraction.
2. Describe any inherently hazardous substances to be used for extraction, along with the process for use, certification by a certified industrial hygienist or professional engineer licensed in Maine that the manufacturing facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems are adequate.
3. What class of products will the products manufacturing facility be producing? Select all that are applicable.
- ☐ Edible
 - ☐ Inhaled
 - ☐ Topical
 - ☐ Suppository
 - ☐ Other
4. Describe each individual product to be made, including but not limited to, all ingredients, color, shape and size. Any change of ingredients and/or process could constitute a change in this Operating Plan. Prior to implementation, the licensee must submit an application to change the Operating Plan on forms made available by the Department.

SECTION 11: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature

Date



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OPERATING PLAN TEMPLATE MARIJUANA STORE

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

SECTION 1: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "x" in the closed column if the facility will be closed on a particular day.

As a reminder pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule: Licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

SECTION 2: Marijuana Store Site Information

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide a diagram and layout of the proposed Marijuana Store.

1. Provide a diagram of the property on which the Marijuana Store is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

2. Provide a diagram of the layout of the Marijuana Store, including limited access area(s) and location of displays, indicating how customer access to marijuana and marijuana product is controlled and where signage is placed. If the Marijuana Store is co-located with an Adult Use Products Manufacturing Facility and/or Adult Use Cultivation Facility, the diagram must clearly delineate the Marijuana Store from the other establishment(s). A Marijuana Store that connects to another Adult Use establishment, requires at least a single, lockable door to be reflected in the diagram.
(Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

SECTION 3: Co-Location of Adult Use Facilities

Is this Marijuana Store co-located with an Adult Use Products Manufacturing Facility and/or an Adult Use Cultivation Facility?

☐ Yes ☐ No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Adult Use Facility Co-Location

Check all that apply.

☐ Adult Use Products Manufacturing

☐ Adult Use Cultivation Facility

SECTION 3(b): Co-Location of Adult Use Marijuana Establishments

1. Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met.

SECTION 4: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below.

1. List and describe all electrical equipment and all other equipment to be used.

SECTION 5: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for refrigerating any marijuana products requiring refrigeration.
2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.
3. Describe plans for shipping and receiving of marijuana and marijuana products.
4. Describe how the facility plans to verify identification of all customers and prevent unauthorized sales to, or access to the premises by, persons under age 21.
5. Describe how the facility plans to conduct a background screening process for employees and vendors.

SECTION 6: Proof of Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Provide proof of compliance with building code(s).

2. Provide proof of compliance with applicable electrical code(s).

3. Provide proof of compliance with any other applicable federal and state environmental requirements.

SECTION 8: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature

Date

Printed Name:

Email Address:

Phone Number:



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OPERATING PLAN TEMPLATE CULTIVATION FACILITY

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

Note: Nursery Cultivation Facilities require use of the Nursery Cultivation Facility Operating Plan, not this template.

SECTION 1: License Type

Please choose only one. A separate Operating Plan is required for each licensed establishment.

- ☐ Cultivation Facility, Tier 1 (Plants) – No more than 30 mature marijuana plants.
- ☐ Cultivation Facility, Tier 1 (Canopy) – No more than 500 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 2 – No more than 2,000 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 3 – No more than 7,000 square feet of mature marijuana plants.
- ☐ Cultivation Facility, Tier 4 – No more than 20,000 square feet of mature marijuana plants.

SECTION 2: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "x" in the closed column if the facility will be closed on a particular day.

As a reminder, pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule: Licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

SECTION 3: Cultivation Facility Site Information

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide a diagram and layout of the proposed Cultivation Facility.

1. Provide a diagram of the property on which the Cultivation Facility is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

2. Provide a diagram of the layout of the Cultivation Facility, including square footage of the areas in which cultivation does and does not occur and square footage of the entire facility. If the Cultivation Facility is co-located with an Adult Use Products Manufacturing Facility and/or Adult Use Marijuana Store, the diagram must clearly delineate the cultivation facility area from the other establishment(s). A Cultivation Facility that connects to another Adult Use establishment, requires at least a single, lockable door to be reflected in the diagram. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

SECTION 4: Co-Location of Adult Use Facilities

Is this Cultivation Facility co-located with an Adult Use Products Manufacturing Facility and/or an Adult Use Marijuana Store?

☐ Yes ☐ No

If yes, complete Section 4(a) and (b)

SECTION 4(a): Type of Adult Use Facility Co-Location

Check all that apply.

- ☐ Adult Use Products Manufacturing
☐ Adult Use Marijuana Store

SECTION 4(b): Co-Location of Adult Use Marijuana Establishments

Section 2.4.9(B)(2) requires the following:

The Cultivation Facility may connect to another type of establishment by a single, lockable door. Regardless of common ownership, excise tax is payable when any marijuana seedlings, immature plants, marijuana, or marijuana products pass out of the cultivation facility into another type of marijuana establishment. All marijuana to pass through a single, lockable door must be entered into the tracking system, and excise taxes shall be paid in accordance with this Rule and 28-B M.R.S. § 1001.

Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met, including but not limited to the requirement described above.

SECTION 5: Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

Is this Adult Use Cultivation Facility co-located with any medical marijuana facility?

☐ Yes ☐ No

If yes, complete Section 5(a) and (b)

SECTION 5(a): Type of Medical Marijuana Facility Co-Location

Check all that apply

- ☐ Registered dispensary cultivation operation
☐ Registered caregiver's cultivation operation

SECTION 5(b): Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

1. List and describe all equipment with approval listing(s) to be used for cultivating both medical marijuana and adult use marijuana.

2. Describe how the licensee will ensure that each shared piece of cultivation equipment is not used simultaneously on medical marijuana and adult use marijuana, with the purpose of ensuring that medical marijuana flowers and trim remain separate from adult use marijuana flowers and trim.

3. Describe how the licensee will separately track medical marijuana and adult use marijuana and will otherwise keep them from becoming intermixed.

SECTION 6: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below.

1. List all lights, irrigation system(s), greenhouse(s) and all other equipment to be used specific to the cultivation of marijuana within the cultivation facility.

SECTION 7: Pesticides, Fungicides, Insecticides and Fertilizers

1. List all pesticides, fungicides, insecticides and fertilizers that will be present or used.

SECTION 8: Utility Plans

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility.
2. Describe plans for ventilation and filtration systems that prevent marijuana plant odors from significantly altering the environmental odor outside, while addressing the potential for mold.

SECTION 9: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Describe plans for shipping and receiving of marijuana and marijuana products.
2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.
3. Describe how the facility plans to prevent access to the premises by persons under age 21, including without limitation vendors and contractors.
4. Describe how the facility plans to conduct a background screening process for employees and vendors.

SECTION 10: Proof of Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Provide proof of compliance with building code(s).
2. Provide proof of compliance with the National Fire Protection Association model fire code.
3. Provide proof of compliance with applicable electrical code(s).
4. Provide proof of compliance with any other applicable federal and/or state environmental requirements.
5. Provide proof of compliance with all state and federal laws regarding wastewater and waste disposal for the cultivation facility.

6. Describe the workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements.

SECTION 11: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

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Authorizing Business Representative's Signature

Date

Printed Name:

Email Address:

Phone Number:

Town of Bridgton
Office of the Community Development Director

MEMORANDUM

To: Select Board, Town Manager
From: Linda LaCroix, Community Development Director
RE: Victualers License Amendments
Date: 08/17/2020

Attached please find proposed amendments to the Victualers License related to marijuana licensing, along with the ballot question for a November 2020 Town Meeting vote on the amendments. Also included are emails from Counsel detailing the proposed changes and certifications to be signed by the Town Clerk.

The proposed amendments can be edited based on the Select Board's review; however, the ballot question needs to be voted on at the August 26th meeting to meet deadlines for the November meeting. Edits to the proposed amendment, if any, should be concluded by the September 8 meeting of the Board.

Note that Counsel advised that "the marijuana licensing ordinance can be standalone, or it can be structured as an amendment to the victualer's ordinance" as she has done in the attached. After discussing with the CEO and CDD, Counsel chose to include in the victualer's license as the most efficient approach.

Attachments:

Item 1 - Order of BOS to Place Question on Ballot
Item 2 - Amendments to Victualers Licensing Ordinance
Item 3 - Certification and Order re Ordinance to Amend Victualers License
Emails from Counsel regarding Draft Amendments to Victualers Licensing Ordinance to include Marijuana

August __, 2020

Motion: I move that the Order entitled, "Order to Place Referendum Question on the November 3, 2020 Ballot," be adopted in form presented to this meeting, and that an attested copy of this Order be filed with the minutes of this meeting.

**TOWN OF BRIDGTON SELECTBOARD
ORDER TO PLACE REFERENDUM QUESTION ON THE NOVEMBER 3, 2020 BALLOT**

30-A M.R.S. § 2528(5)

BE IT ORDERED by the municipal officers of the Town of Bridgton (the "Town"), pursuant to Title 30-A, Section 2528, sub-section 5, that the Town Clerk place the following question on the warrant and ballot of the referendum election of the Town, scheduled for November 3, 2020:

Question 1. Shall the Town enact an ordinance entitled, "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License"?

(Note: Copies of the text of the ordinance are available from the Town Clerk.)

A true copy, attest:

Laurie Chadbourne, Town Clerk
Town of Bridgton

**AMENDMENTS TO TOWN OF BRIDGTON
VICTUALERS LICENSING ORDINANCE TO
REQUIRE MARIJUANA ESTABLISHMENTS TO
OBTAIN A LOCAL LICENSE**

**PREPARED FOR TOWN OF BRIDGTON REFERENDUM ELECTION
TO BE HELD ON NOVEMBER 3, 2020**

The Town of Bridgton Victualers Licensing Ordinance is proposed to be renamed to the "Town of Bridgton Victualers and Marijuana Establishments Licensing Ordinance" and is further proposed to be amended by deleting the words shown below in strikethrough (~~strikethrough~~) form and by adding the words shown below in underline (underline) form.

TOWN OF BRIDGTON VICTUALERS LICENSING ORDINANCE

Enacted 11/08/2011 (as the Town of Bridgton "Victualers Licensing Ordinance")
Revised _____, 2020 (as the Town of Bridgton "Victualers and Marijuana Establishments
Licensing Ordinance")

I. PURPOSE AND AUTHORITY

This Victualers and Marijuana Establishments Licensing Ordinance (the "Ordinance") is enacted pursuant to 30-A M.R.S. § 3001, 22 M.R.S. § 2432-A(14) and 28-B M.R.S. § 402. The purpose of the Victualers Licensing Ordinance is to (a) ensure that establishments serving food or drink prepare their food and drink in a safe and sanitary environment and (b) to set forth procedures and standards for the issuance of municipal licenses for Marijuana Establishments in order to protect the public health, safety and welfare.

II. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth in the Town of Bridgton Land Use Ordinance, as may be amended from time to time: Marijuana Establishment; Marijuana Home Cultivation; Medical Marijuana Small-Scale Caregiver Operation.

III. LICENSE REQUIRED

A. Victualer's License. Except as provided in Section II.A.1. below, Any establishment that serves food or drink prepared for consumption by the public within the corporate boundaries of the Town of Bridgton shall be required to annually apply for and ~~be issued~~ possess a Victualer's License. A Victualer's License shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated, shall require separate permits. However, no license shall be required for an establishment which only serves food or drink prepared by a licensed establishment or by a licensed catering firm.

31. Exemptions. The following establishments are exempt from applying for and possessing a Victualer's License:

- a. A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause ~~shall be exempt from the requirements of this license.~~

b. Grocery stores, except those selling food items prepared on the premises, shall be exempt.

c. Establishments selling food and drink only through vending machines shall also be exempt.

The This local exemption does not relieve an organization establishment of state requirements or other applicable ordinances, laws, and regulations. The Municipal Officers or Town Clerk shall have the authority to decide if an establishment is exempt.

B. Marijuana Establishment License. Except as provided in Section II.B.1, below, effective January 1, 2021 (the "Effective Date"), a Marijuana Establishment may not begin or continue operations unless it has received and is in possession of a Marijuana Establishment License issued pursuant to this Ordinance. A Marijuana Establishment that holds a Town of Bridgton site plan review permit and/or is operating as of the Effective Date shall submit a completed license application within 30 days of the Effective Date but shall have a grace period of 60 days after the Effective Date to receive a Marijuana Establishment License, which grace period may be extended by order of the Municipal Officers for good cause shown. A Marijuana Establishment License shall be specific to the premises, the Licensee, and the category of Marijuana Establishment identified in the application and approved in the license. A Licensee who intends to include a new category of Marijuana Establishment on the same premises or convert a Marijuana Establishment to another category that is not specifically approved in a license must obtain a new license for the expansion or change of use of the Marijuana Establishment.

1. Exemptions. The following establishments are exempt from applying for and possessing a Marijuana Establishment License:

a. Marijuana Home Cultivation.

b. Medical Marijuana Small-Scale Caregiver Operations.

This local exemption does not relieve an establishment of state requirements or other applicable ordinances, laws, and regulations. The Municipal Officers shall have the authority to decide if an establishment is exempt.

IV. LICENSING AUTHORITY

The Municipal Officers shall have the authority to approve or disapprove all applications and renewal applications for Victualer's Licenses or Marijuana Establishment Licenses.

4V. APPLICATIONS: REVIEW PROCEDURES

The following review procedures shall apply for initial license applications, as well as renewal license applications. In reviewing a license application, the Municipal Officers may consider the requirements under this Ordinance and other applicable ordinances, laws, and regulations and, for license renewals, the Licensee's record of compliance with the same.

A. Applicant: For the purposes of this eOrdinance, the applicant shall be the principal owner of the establishment. If the owner is a corporation business entity, the applicant shall be every officer, director, member, manager, and general partner of the business entity, the principal stockholder of that corporation. If the principal owner of the establishment, or the principal stockholder of the

~~corporation owning the establishment applicant~~ is not the person primarily responsible for the actual operation of the establishment, then the person(s) primarily responsible for the actual operation of the establishment, ~~as well as the owner,~~ shall be ~~reviewed as~~ co-applicant(s) together with the ~~owner applicant~~. The applicants and co-applicants are collectively referred to as "Applicant" in this Ordinance.

AB. Applications and Fees: An Applicant for a Victualer's or Marijuana Establishment License shall file with the Town Clerk a license application on a form prescribed by the Town Clerk, together with the following:

1. A nonrefundable license application fee as provided in the Town of Bridgton Fee Schedule.
2. Evidence of all state and other municipal approvals required to operate the establishment including, as applicable, a copy of the Applicant's state license application and supporting documentation, as submitted to the state licensing authority. If an application for such approval is pending as of the date a license application is filed with the Town, the Applicant must submit a copy of the state licensing application.
3. A statement identifying all owners, officers, directors, members, managers, and general partners comprising the Applicant; their ownership interests in the establishment; and their places of residence at the time of the application and for the immediately preceding three years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration, or utility bills shall be provided.
4. A release for each Applicant allowing the Town to obtain criminal records and other background information related to the individual(s). Failure to submit required releases for a background check is grounds for denial of a license. The cost of the background check shall be borne by the Applicant and shall be in addition to the application fee.
5. A description and plan of the establishment for which a license is being sought.
6. If the application is for a Marijuana Establishment License, (i) the specific categories of Marijuana Establishment for which the license is being sought (i.e., adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, adult use marijuana store, adult use marijuana testing facility, medical marijuana caregiver retail store, medical marijuana inherently hazardous substances extraction operation, medical marijuana large-scale caregiver operation, medical marijuana manufacturing facility, medical marijuana registered dispensary, or medical marijuana testing facility); (ii) copies of any state or municipal licenses held by the Applicant for any other marijuana establishments owned or operated by the Applicant in Maine, as well as any notices of violation received from the state or any municipality for such marijuana establishment and proof that any violation has been resolved.

C. Initial Screening: The Town Clerk shall initially review the license application to ensure that it is complete and to obtain review comments from the Town's Police Chief, Fire Chief, and Code Enforcement Officer. If the Town Clerk determines that an application is incomplete, the Town Clerk shall notify the Applicant of the additional information required to process the application. If such additional information is not submitted within 30 days of the Town Clerk's request, the Town Clerk may return the application as incomplete and the application shall be deemed denied.

~~BD.~~ Renewals: ~~Renewal license applications must be submitted to the Town Clerk in accordance with subsections B and C, above. The Municipal Officers shall annually review all renewal applications based on the review criteria set forth in Section V.A, below, and for the purpose of determining the status of the aApplicant's previous conformance to this aOrdinance and all other applicable ordinances, laws, and rules and at such time make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the aApplicant to come before the Municipal Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date of the license.~~

~~C. — New Applications: New applicants may apply to the Town Clerk at any time during the year.~~

~~D. — License Term: A license, when granted, shall be valid immediately following said granting of license and will expire on May 31st.~~

4VI. ISSUANCE OR DENIAL OF A LICENSE; INSPECTIONS

~~A. Review Criteria: The Municipal Officers shall license persons of good moral character to establish or operate an establishment in accordance with the requirements set forth in this Ordinance and all other applicable ordinances, laws, and regulations. In determining whether to issue a license or deny a license application, the Municipal Officers shall consider may deny the application for a license for one or more of the reasons described as follows:~~

- ~~1. If Whether the aApplicant has failed any part of a state inspection or local health inspection.~~
- ~~2. Whether the Applicant has failed to provide sufficient evidence of compliance with applicable ordinances, laws, and regulations.~~
- ~~23. If Whether the aApplicant is not of good moral character. In determining good moral character, the Municipal Officers shall consider all evidence presented but shall, in addition, check the aApplicant's police-criminal record, if any. Conviction of a class D or more serious crime may be is considered as-prima facie evidence that the Aapplicant lacks good moral character.~~
- ~~34. Whether the Applicant has failedFailure to pay an outstanding fine, penalty, or tax owed to the Town of Bridgton by the individual, corporation or principal stockholder of the corporation that is applying for the license.~~
- ~~5. If the Applicant is requesting a Marijuana Establishment License, whether the Applicant has had a license required for a Marijuana Establishment suspended or revoked by the Town, by another Maine municipality, or by the State.~~
- ~~6. Whether the Applicant has provided false or misleading information in connection with the license application.~~

~~In reviewing any license application pursuant to this Ordinance, the Municipal Officers may require and solicit review comments concerning the above-identified considerations from any public officers, departments, or boards of the Town.~~

B. Condition Precedent: If a Licensee or establishment licensed under this Ordinance is also required to be licensed by a state authority created for the purpose of regulating and controlling the licensing of eating establishments or marijuana establishments, any license granted under this Ordinance shall not become effective until such date that the required state license issues; provided, however, that the failure to secure a required state license before obtaining a license from the Municipal Officers shall not toll the expiration date of the license as provided in subsection D, below.

C. Conditions of Approval: ~~5. REQUIREMENTS AND CONDITIONS~~ Establishments must operate in accordance with all material representations made in the license application. The Municipal Officers may place attach to any license issued pursuant to this Ordinance additional conditions and requirements on the license. These conditions and requirements must be that are reasonably designed to promote the health, safety, or welfare of the Ppublic. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise.

D. License Term: A license, when granted, shall be valid immediately following said granting of license and will expire one year from the date the license was granted. A Licensee who fails to obtain a renewal license prior to the expiration of the license shall cease operations until a renewal license is granted.

E. Inspections:

1. Initial License Inspection: An Applicant requesting a license for the first time shall have the establishment inspected by the Code Enforcement Officer, Police Chief, and Fire Chief prior to any action being taken on the license application by the Municipal Officers. Any alterations or changes to an establishment during the course of the Municipal Officers' review will require additional inspections.

2. Compliance Inspections: The Code Enforcement Officer, Police Chief, and Fire Chief shall have the authority to enter, with or without notice, a Licensee's premises to make any inspection reasonably necessary to determine compliance with the requirements of this Ordinance.

~~6. FEES~~

~~The fees for a License shall be adopted by the Board of Selectmen through the Fee Schedule.~~

~~7~~**VII. SUSPENSION OR REVOCATION OF LICENSE; DETERMINATION OF VIOLATIONS**

If after investigation, notice, and hearing, the Municipal Officers conclude that ~~the a~~ Licensee is unfit to hold a license granted under this Ordinance, ~~it the Municipal Officers~~ may suspend or revoke the license at any time. The suspension or revocation of a license issued by the State, the failure of a Licensee to acquire and maintain all necessary local and state approvals, or the violation by a Licensee of any applicable ordinances, laws, and regulations (including without limitation life safety code requirements) shall be prima facie evidence that the Licensee is unfit to hold a license. The Municipal Officers, ~~for any cause which it considers satisfactory,~~ may suspend a license for any period of time that it considers proper. The Municipal Officers may also determine that an establishment which has not obtained a license is required to obtain a license, or that a licensed establishment has violated conditions and restrictions applicable to its license. Prior to ordering the suspension or revocation of a license or determining a license violation, The Municipal Officers shall provide the Licensee, at least three days prior to the hearing date, notice of the time and place of the hearing at which ~~any of these issues~~ the license suspension, revocation, or violation will be considered.

At the hearing, the Licensee shall be given an opportunity to hear the evidence in support of the charges against the Licensee and to be heard in the Licensee's own defense.

- ~~A. — Compliance Certification: An establishment requesting a Victualers License or renewal of the same shall certify to the Municipal Officers and prove to said Officers' satisfaction that it is not in violation of any Municipal Ordinance, including Zoning, or State or Federal Law, Statute or Regulation. The applicant shall also certify that all taxes, fines or penalty assessed by the Town of Bridgton on the establishment or equipment and fixtures contained therein are fully paid, as of the date of the application. The Municipal Officers shall deny any application which fails to meet these requirements.~~
- ~~B. — Inspection: An establishment requesting a license for the first time shall be inspected by the Codes Enforcement Officer and Fire Chief prior to any action being taken on the license application. Any alterations or changes to an establishment will require additional inspections.~~
- ~~C. — Application Form: An establishment shall apply for a Victualers License or renewal on a form designed for that purpose by the Town of Bridgton. Failure of an applicant to fill out the form completely or any misstatements on said form shall result in the denial of the license.~~
- ~~D. — Health: An establishment licensed as a Victualer, and providing for on premises food consumption, shall provide with its renewal application a copy of its current state "Eating License" issued by the Department of Health Services. A new application shall be granted by the Municipal Officers only under the condition that the Victualer License becomes effective after the Department of Health Services has issued a current state "Eating License."~~

VIII. ASSIGNMENT OR TRANSFER

No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership of a licensed establishment shall require a new license. Licenses are limited to the premises for which they are issued and are not transferrable to another location. A Licensee seeking to operate in a new location must first acquire a license for that location.

IX. APPEALS

An appeal from any final decision of the Municipal Officers made pursuant to this Ordinance shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

9X. PENALTY

Penalty: Any act made unlawful by this Ordinance and any violation of this Ordinance shall be a civil violation subject to a penalty in accordance with 30-A M.R.S. § 4452. punishable by a fine of not less than \$25.00 and not more than \$100.00 for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense. The Municipal Officers or their designee shall enforce the provisions of this Ordinance.

10XI. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

TOWN CLERK'S CERTIFICATION

To the extent that the August ___, 2020 meeting of the Selectboard was conducted through telephonic, video, electronic, or other similar means of remote participation, I certify that:

- A. Notice of the meeting was given in accordance with 1 M.R.S. § 406, and the notice included the method by which the public may attend in accordance with paragraph C; and
- B. Each member of the Selectboard who participated in the meeting was able to hear and speak to all the other members during the meeting and members of the public attending the meeting in the location identified in the notice given pursuant to paragraph A were able to hear all members participating at other locations; and
- C. The Selectboard determined that participation by the public is through telephonic, video, electronic, or other similar means of remote participation; and
- D. The Selectboard's vote on the Order to Place Referendum Questions on the July 14, 2020 Ballot was taken by roll call as follows:

Selectboard Members	PARTICIPATION			ORDER		
	Physically Present	Attending Remotely	Not Attending	YES	NO	ABSTAIN

Dated: _____, 2020

Laurie Chadbourne, Town Clerk
Town of Bridgton

**CERTIFICATION OF PROPOSED AMENDMENTS TO TOWN OF BRIDGTON
VICTUALERS LICENSING ORDINANCE TO REQUIRE MARIJUANA
ESTABLISHMENTS TO OBTAIN A LOCAL LICENSE**

The municipal officers of the Town of Bridgton hereby certify to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled, "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License," to be voted on at a referendum election of the Town of Bridgton on November 3, 2020 under Question 1, "Shall an ordinance entitled, 'Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License,' be enacted?"

It is further Ordered, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of said proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of said proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the Referendum Election on November 3, 2020 and shall be made available to the voters at the Referendum Election on November 3, 2020.

Dated: _____, 2020

A majority of the municipal officers
of the Town of Bridgton

A true copy of the proposed ordinance entitled, "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License," is attached hereto.

Attest: _____
Laurie Chadbourne, Town Clerk
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Amendments to Town of Bridgton Victualers Licensing Ordinance to Require Marijuana Establishments to Obtain a Local License," at

being conspicuous public places within the Town of Bridgton on _____, 2020, which is at least seven (7) days next prior to the date of the November 3, 2020 Referendum Election.

Laurie Chadbourne, Town Clerk
Town of Bridgton

Linda LaCroix

From: Agnieszka A. (Pinette) Dixon <ADixon@dwmlaw.com>
Sent: Sunday, August 16, 2020 3:29 AM
To: Linda LaCroix; Brenda Day
Cc: Malina E. Dumas
Subject: Draft Amendments to Victualers Licensing Ordinance to include Marijuana Establishments
Attachments: Item 1 - Order of BOS to Place Question on Warrant-Ballot.docx; Item 2 - Amendments to Victualers Licensing Ordinance.docx; Item 2 - Amendments to Victualers Licensing Ordinance.docx; Item 2 - Amendments to Victualers Licensing Ordinance.pdf

Hi Linda and Brenda:

Attached are the three items you'll need for the BOS packet next week: The amended ordinance (in Word and PDF format), the BOS vote to place the ordinance on the ballot, and the certification of the ordinance.

And here's a section-by-section explanation of the ordinance amendments that I'm recommending:

- I renamed the ordinance to "Business Licensing Ordinance." This will simplify the process of consolidating your other licensing ordinances (e.g., auto junk yard, short term rentals, etc.) that you have or may wish to adopt in the future.
- In **Section I**, I added a purpose statement for the marijuana licensing and statutory authority references.
- **Section II** includes cross-references to the definitions in the land use ordinance.
- **Section III** now has two parts: Part A deals with the victualer's license and Part B deals with the marijuana establishments license. I've exempted from licensing the two categories of marijuana establishments that don't require site plan review.
- **Section IV** just clarifies that the BOS is the licensing authority.
- **Section V** identifies the process for filing and reviewing a license application (including renewal applications).
 - Part A updates the definition of "Applicant" to be current with the new business laws in Maine
 - Part B is a new section that puts in one place all the application requirements (including fees). Basically, this requires all applicants to submit evidence of state approvals (either their "eating license" or their marijuana license from the state licensing authority); a statement identifying business entity owners and information about those owners that will allow the Town to run a criminal background check; and recommended information about the marijuana establishments that will help the BOS decide whether the applicant is of "good moral character"
 - Part C is a new section directs the Town Clerk to do an initial screening to make sure the application is complete and to check in with the Fire Chief, Police Chief, and CEO on their recommendations. This new section will hopefully avoid having the BOS waste time reviewing incomplete applications.
 - Part D clarifies that the review criteria in Section VI also apply to renewal applications.
- **Section VI:**
 - Part A beefs up the review criteria by which the BOS will decide whether or not the license should be granted. The standard remains "good moral character," but the section now lists

specific considerations that the BOS can take into account in making that decision. This new language is recommended to avoid due process challenges.

- Part B makes clear that if state licensing is not in place, the local license doesn't go into effect until the state license is secured. Please discuss with Malina if you'd prefer to have the state licenses in place before entertaining an application for a local license. (Note that this will affect both types of licenses - victualers may be put on hold until they secure their eating license and marijuana establishments may be on hold until they secure their state licenses.)
- Part C continues to allow the BOS to impose conditions on any license.
- Part D is new. Instead of a May 31st expiration date, the license would be valid for a year from the date of issuance. I believe May 31st is a relic from when state law required licenses to be issued by a certain date, but if you want it to remain May 31st, let Malina know and she'll update the language.
- Part E is a new section that clarifies that an inspection is required for first-time applicants, but can also occur at any time after a license is issued.
- **Section VII** provides some guidance to the BOS on when a license may be suspended or revoked.
 - Old sections A-D have been deleted because their content is redundant with other sections of the Ordinance. But all the requirements contained in those sections still remain; they've just been relocated and slightly reworked.
- **Sections VIII and IX** are new but legally required.
- **Section X** has been updated to conform to state law requirements on imposing penalties.
- **Section XI** hasn't been changed.

I hope this captures what you need! Please review these ordinance amendments carefully and coordinate with Malina ahead of next week's deadline to finalize this draft.

Thanks,
Aga

Agnieszka A. (Pinette) Dixon
Attorney

207.772.1941 ext. 532
ADixon@dwmlaw.com

84 Marginal Way, Suite 600, Portland, ME 04101
800.727.1941 | 207.772.3627 Fax | dwmlaw.com



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From: Malina E. Dumas <MDumas@dwmlaw.com>
Sent: Tuesday, August 18, 2020 3:41 PM
To: Linda LaCroix
Cc: Brenda Day; Courtney Kemp
Subject: RE: Question on state licensing
Attachments: Item 2 - Amendments to Victualers Licensing Ordinance -updated.DOCX; Item 2 - Amendments to Victualers Licensing Ordinance -updated.pdf

Hi Linda,

Aga had asked me to take a look at the draft ordinance she sent around before she left on vacation and asked me to reach out with any other changes I think would be helpful. I am proposing a few very minor changes in the attached, updated version.

There is one change I would recommend because the "municipal regulation" section of the Medical Use of Marijuana Statute has moved and the reference is now 22 M.R.S. §2429-D.

I am also making a suggested change in Section V(B)(2). I do not think you need to require an applicant for a local license to submit a copy of their state application in all circumstances. As a practical matter, for adult use licenses, applications are generally filed through an electronic platform so there isn't an easy way to generate a complete copy of what was submitted. I made a quick note about that in the e-mail I sent around last week and on our call. A lot of the information is inputted through the electronic form, and then supplemental documents are uploaded. The Office of Marijuana Policy strongly urges applicants to take this route because then their office does not have to go in and manually input information submitted through hard copy. That's why you can't find a copy of the application on their website. For that reason, I would suggest that it should be sufficient for the applicant to provide a copy of the state's conditional approval (the conditional license for the state application in the case of adult use marijuana businesses). If they do not have that approval yet, then it makes more sense to ask them to provide a copy of the application just to confirm that they have started the process. Some towns do that. OMP confirmed that it is their position that an applicant can apply for a local permit/license without obtaining the conditional license first, but the town cannot sign off on the local authorization form until the applicant provides the town with the conditional license and corresponding authorization form. The way Aga drafted the ordinance covers this sequence of events so you're set there. You can keep the requirement in if you want, but I was thinking it might create unnecessary paperwork because the required documentation will already be provided through the local permitting and licensing process in another, more workable, format.

Finally, I added in language referring to "registrations" after the references to state "licenses" in just a few places. This is because, like I explained in my e-mail earlier this week, the medical marijuana program currently issues "registrations" and I just thought using that terminology might help clarify that the requirements cover both sets of approvals equally.

I am out of the office tomorrow as I am moving from Portland to Windham (to be closer to you all, of course). It's not very convenient that the moving day ended up being in the middle of the week, and I just wanted to let you know because I will likely not be very accessible by e-mail tomorrow and I believe that was when you

were printing the packets. If you need something, please call me at 207-578-0480 and I will do my best to get back to you. Have a nice afternoon,

Malina

From: Linda LaCroix <llaCroix@bridgtonmaine.org>
Sent: Monday, August 17, 2020 12:18 PM
To: Malina E. Dumas <MDumas@dwmlaw.com>
Cc: Brenda Day <bday@bridgtonmaine.org>; Courtney Kemp <ckemp@bridgtonmaine.org>
Subject: RE: Question on state licensing

Very helpful Malina thank you!

Linda L. LaCroix
Community Development Director
Town of Bridgton
3 Chase Street, Suite 1
Bridgton, Maine 04009
www.bridgtonmaine.org
llacroix@bridgtonmaine.org
(207) 803-9956 (office)
(207) 595-3560 (cell)

From: Malina E. Dumas <MDumas@dwmlaw.com>
Sent: Monday, August 17, 2020 11:16 AM
To: Linda LaCroix <llaCroix@bridgtonmaine.org>
Cc: Brenda Day <bday@bridgtonmaine.org>; Courtney Kemp <ckemp@bridgtonmaine.org>
Subject: RE: Question on state licensing

Hi Linda,

Thanks for reaching out for clarification. State approvals in the adult use marijuana program are referred to as "licenses" and approvals in the medical marijuana program are referred to as "registrations" pretty much across the board. The exception is that testing facilities in both programs also obtain "certifications." I think the different terminology can be confusing, but technically there aren't any caregiver-specific "licenses" so I just wanted to point that out for the sake of clarity. The first step for these businesses is obtaining either a state conditional license (for an adult use marijuana business) or a state registration (for a small-scale caregiver, large-scale caregiver, or other medical marijuana business).

The definition in your ordinance for a small scale caregiver refers to a registered caregiver. A small scale registered caregiver, as defined in your ordinance, must obtain a state registration just like a large scale caregiver. There is no distinction between the credentials registered caregivers receive at the state level, but you chose to impose different performance standards on caregiver businesses (and/or allow them in different zones) depending on their size, which makes sense. At the state level, caregivers do pay different registration fees depending on the number of plants they will cultivate and/or how much marijuana they intend to possess, but they all receive the same type of caregiver registration card in the mail.

You have a definition for “Marijuana Home Cultivation” in your ordinance that encompasses cultivation of adult use marijuana for personal use by adults over the age of 21 and cultivation of medical marijuana by qualifying patients and exempt caregivers (caregivers that engage in a more limited set of authorized activities and are not required to register with the State). Those are the only categories that do not require a state registration or a state license issued by the Office of Marijuana Policy.

For reference, below is an excerpt from the application to become a registered caregiver in Maine. When caregivers apply for their state registration, they must check the boxes for any kind of authorized activity they intend to engage in once they are registered. As you can see, they pay their fees in accordance with the number of plants or the amount of plant canopy they cultivate and/or amount of harvested marijuana they possess, but they no longer need to indicate the number of patients they serve. The activities highlighted in yellow do not require municipal opt-in or any additional state licenses or registrations. If a caregiver is manufacturing edible marijuana products and/or selling those products, they must obtain a food establishment license from the Department of Agriculture, Conservation and Forestry. They may only manufacture edibles from the marijuana they cultivate themselves; otherwise, they are engaging in third party manufacturing which requires a separate state registration and municipal opt-in. Note that Section 6 references a local authorization form that has not yet been developed for the medical marijuana program.

SECTION 4: Registered Caregiver Authorized Activities. Please check all that apply.																									
<input type="checkbox"/> Standard caregiver cultivation activities <input type="checkbox"/> Standard caregiver processing and manufacturing activities (no inherently hazardous substance extraction) <input type="checkbox"/> Processing or manufacturing of marijuana from a patient, caregiver, or dispensary <input type="checkbox"/> Processing or manufacturing marijuana using inherently hazardous substances <input type="checkbox"/> Manufacturing edible marijuana products <input type="checkbox"/> Standard caregiver transfer, donation and/or sale of medical marijuana, concentrate and products to patients <input type="checkbox"/> Operation of one caregiver retail store <input type="checkbox"/> Purchase or other receipt of wholesale marijuana from other caregivers or dispensaries <input type="checkbox"/> Sale or other transfer of wholesale marijuana to other caregivers or dispensaries																									
SECTION 5: Fees. The fee is \$240 for each group of up to six (6) mature marijuana plants cultivated by a caregiver.																									
Caregiver cultivating/servicing patients (Elect either plant count or canopy.) <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; width: 60%;">Plants</th> <th style="text-align: left;">Fee</th> </tr> <tr> <td><input type="checkbox"/> 6 mature/12 immature plants</td> <td>\$240</td> </tr> <tr> <td><input type="checkbox"/> 12 mature/24 immature plants</td> <td>\$480</td> </tr> <tr> <td><input type="checkbox"/> 18 mature/36 immature plants</td> <td>\$720</td> </tr> <tr> <td><input type="checkbox"/> 24 mature/48 immature plants</td> <td>\$960</td> </tr> <tr> <td><input type="checkbox"/> 30 mature/60 immature plants</td> <td>\$1200</td> </tr> </table> Canopy <input type="checkbox"/> 500 Sq. Ft. Canopy Number of mature plants to be cultivated within canopy: _____ \$ _____ Example plant canopy fees: <ul style="list-style-type: none"> • 31-36 mature marijuana plants, \$1440 • 37-42 mature marijuana plants, \$1680 • 43-48 mature marijuana plants, \$1920 • 49-54 mature marijuana plants, \$2160 • 55-60 mature marijuana plants, \$2400 <div style="text-align: right;"> Application Fee: _____ Background Check Fee: <u>\$31.00</u> Total Enclosed: _____ </div>	Plants	Fee	<input type="checkbox"/> 6 mature/12 immature plants	\$240	<input type="checkbox"/> 12 mature/24 immature plants	\$480	<input type="checkbox"/> 18 mature/36 immature plants	\$720	<input type="checkbox"/> 24 mature/48 immature plants	\$960	<input type="checkbox"/> 30 mature/60 immature plants	\$1200	Caregiver non-cultivating/servicing patients (Purchasing from a registered caregiver or dispensary) <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; width: 60%;">Harvested marijuana from:</th> <th style="text-align: left;">Fee</th> </tr> <tr> <td><input type="checkbox"/> 6 mature/12 immature plants</td> <td>\$240</td> </tr> <tr> <td><input type="checkbox"/> 12 mature/24 immature plants</td> <td>\$480</td> </tr> <tr> <td><input type="checkbox"/> 18 mature/36 immature plants</td> <td>\$720</td> </tr> <tr> <td><input type="checkbox"/> 24 mature/48 immature plants</td> <td>\$960</td> </tr> <tr> <td><input type="checkbox"/> 30 mature/60 immature plants</td> <td>\$1200</td> </tr> </table> <div style="text-align: right;"> Application Fee: _____ Background Check Fee: <u>\$31.00</u> Total Enclosed: _____ </div>	Harvested marijuana from:	Fee	<input type="checkbox"/> 6 mature/12 immature plants	\$240	<input type="checkbox"/> 12 mature/24 immature plants	\$480	<input type="checkbox"/> 18 mature/36 immature plants	\$720	<input type="checkbox"/> 24 mature/48 immature plants	\$960	<input type="checkbox"/> 30 mature/60 immature plants	\$1200
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SECTION 6: Local Authorization. Upon receipt of the completed application, the Office of Marijuana Policy will send a Local Authorization form to the applicant. It will be the applicant's responsibility to obtain Local Authorization pursuant to Title 22, Section 2429-D.																									
SECTION 7: Required Submissions.																									
<input type="checkbox"/> A cashier's check or money order made payable to "Treasurer, State of Maine." All fees are non-refundable. <input type="checkbox"/> Copy of Maine-issued photo ID or copy of government-issued photo ID and proof of Maine address. <input type="checkbox"/> Copy of food establishment/processing license, if applicable.																									

I hope this helps. Please let me know if this isn't fully responsive to your question.

Malina

From: Linda LaCroix <llaCroix@bridgtonmaine.org>
 Sent: Monday, August 17, 2020 10:00 AM
 To: Malina E. Dumas <MDumas@dwmlaw.com>
 Cc: Brenda Day <bday@bridgtonmaine.org>; Courtney Kemp <ckemp@bridgtonmaine.org>
 Subject: Question on state licensing

Good morning Malina,

Just a quick question on MJ establishment licensing – Of the establishments in our MJ ordinance that would be licensed (listed in the initial recommendation to the Select Board on fees, attached – we are reviewing initial recommendations

now), I just want to confirm that all such establishments are required to get a state license, including the large-scale caregiver operation. It is my understanding that the small scale caregiver operation is not required to get a state license. Please let me know if I have that wrong. I am writing up a flow chart of sorts for the Select Board to go with the changes to the victualer's license and final recommendations on fees that we will be providing for the Select Board, and I want to make sure that the first step is state license for all establishments except as noted above. Thank you!

Linda L. LaCroix

Community Development Director

Town of Bridgton

3 Chase Street, Suite 1

Bridgton, Maine 04009

www.bridgtonmaine.org

llacroix@bridgtonmaine.org

(207) 803-9956 (office)

(207) 595-3560 (cell)

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