

## **Readfield Planning Board**

### **Agenda**

Wednesday, June 26, 2019

6:30 pm: Mastadon Farms, LLC: Construction of greenhouses and accessory buildings for agricultural commercial wholesale cannabis production.

#### **Administrative items:**

- Zoning issue, Map 106, lot 002
- Review/approve minutes of March 27, 2019

Next scheduled meeting is Wednesday, July 9, 2019.

### Additional Notes—Mastodon Farms Application.

- Is the use “Agriculture” and is it subject to Site Review?
- As of Friday 6/21, I am still awaiting the applicant’s licensing documents from the State and a revised deed to the property defining the easement into the lot from the camp road as 30ft.
- The applicants have made the business decision to proceed with construction of the first greenhouse structure, fully aware of the risk associated without first having a use permit.
- The applicant’s attorney (Tammie Snow) will be present at the meeting. The Town may also have representation.



CODE ENFORCEMENT OFFICE: 685-3290

PERMIT No. 19-28

(Please read this entire document!)

SEE  
CONDITION  
#4 AT BOTTOM  
OF PAGE

This is to certify that: **Mastodon Farms, LLC**

has permission to: **construct agricultural buildings consisting of: 30'x72' greenhouse, 22'x48' greenhouse, 8'x40' storage shed, and 12'x16' electrical shed** on the lot identified on the Assessor's map no. 128 lot 087, provided that the person or persons, firm or corporation accepting this permit shall comply with all applicable provisions of the Town of Readfield Land Use Ordinance and Statutes of Maine regulating the construction, maintenance and use of buildings, structures or land.

The Code Enforcement Officer approves this use or development proposal submitted by **Matthew Kapinos** as described in the application accepted on and dated **June 13, 2019**, including all depictions on the accompanying plan or other attachments. This permit is approved on the basis of information provided by the applicant regarding his/her ownership of this property. The applicant has the burden of ensuring that he/she has the legal right to use the property and is measuring the required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden nor constitutes a resolution in favor of the applicant for any issues regarding property boundaries, easements, ownership or similar title issues. The permit holder is advised to resolve any such title problems before expending money in reliance on this permit.

This permit is subject to appeal to the Board of Appeals for 45 days from the date of issuance (below). The appeal may be filed by any person with legal standing to do so where there is allegedly any error in the decision of the Code Enforcement Officer to issue this permit.

If no substantial start is made in the construction or use of the property for which this permit is issued, within one year of the date of this permit, the permit lapses and becomes void. If a substantial start is made but the remaining construction is not diligently pursued through to completion, then the vested rights to this permit may be lost.

**Any changes to this project**, including but not limited to changes in the proposed location, dimensions, use of structures or property, signs, wells, waste disposal systems, excavation or surface drainage, or the location of property boundaries must receive prior approval of the Code Enforcement Officer for which an additional administrative fee of \$25 will be assessed. *Work to be performed by a contractor pursuant to this permit shall not begin until the contractor has been provided by the permittee with a copy of this permit.*

Adequate and timely temporary **soil erosion control measures** must be installed at the edge of disturbed areas *before* any activity begins which involves filling, grading, excavating or similar activities resulting in un-stabilized soil conditions where any potential exists for soil to leave the property or wash into a natural resource. These measures must remain in place and functional until the site is **permanently stabilized**.

All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural pre-development conditions, as required by Article 8, Section 10 of the Land Use Ordinance.

An E-911 physical street address has been or will be assigned and those numbers must be posted where visible from the road at the onset of construction.

The following additional conditions apply to this permit:

- (1) All setbacks must be met: 25' from the edge of the road or 50' from the centerline—whichever is less; and 20' from all other boundaries; (2) all applicable interior and exterior plumbing permits must be obtained prior to commencing work; (3) a minimum 30-ft. wide easement to access the property from the road must be obtained and recorded within 30 days, and (4) a land use permit from the Planning Board must be applied for and obtained (if required) prior to use of structures.

June 13, 2019  
Approved, on this date

Clifford Bruch  
Code Enforcement Officer  
(alternate)

Gary Quintal

**From:** Gary Quintal <ceo@readfieldmaine.org>  
**Sent:** Monday, June 17, 2019 11:38 AM  
**To:** Jack (jbcomart@gmail.com); Eric Dyer (readfield.tmgr@roadrunner.com)  
**Subject:** FW: letter to planning board

**From:** Gary Quintal [<mailto:ceo@readfieldmaine.org>]  
**Sent:** Monday, June 17, 2019 11:36 AM  
**To:** 'Tammie Snow'; 'Rob Stuebner'; 'mattkapinos@gmail.com'  
**Subject:** RE: letter to planning board

Dear Ms. Snow:

Thank you for your letter and supporting materials which you forwarded to me last Thursday. We also appreciate your client’s cooperation in this matter as we wade into this new area of land use. The precedents we establish with this application will likely guide the Town in future applications and their potential impacts on the Town and abutters.

As you probably know by now, your client’s application was postponed until the Planning Board meeting of June 26<sup>th</sup> at 6:30 PM. The Board will likely debate and determine as to whether the proposed land use is strictly Agriculture--or goes beyond this and subject to site review. Regardless of their finding in that respect, the Readfield Land Use Ordinance nevertheless requires all land use activities to also comply with all applicable Federal and State regulations. As such, I would encourage your client’s to ensure they have obtained and submitted to the Town copies of all of their required licenses and permits from these other permitting authorities prior to the meeting.

We look forward to working with your clients in a spirit of cooperation in minimizing the potential adverse impacts on the Town, the abutters and the neighborhood in general in the vicinity of their business to help ensure their success down the road.

Sincerely,

Clifford Buuck

**From:** Tammie Snow [<mailto:Tammie@tsnowlegal.com>]  
**Sent:** Wednesday, June 12, 2019 4:41 PM  
**To:** Rob Stuebner; [mattkapinos@gmail.com](mailto:mattkapinos@gmail.com); [CEO@readfieldmaine.org](mailto:CEO@readfieldmaine.org)  
**Subject:** letter to planning board

Hi Rob, Matt, and Cliff. I’ve attached the letter to the Planning Board for tonight’s meeting. Let me know if you have any questions.

Tammie Snow  
Law Office of Tammie L. Snow  
136 Commercial Street  
Mezzanine Level  
Portland, Maine 04101



June 12, 2019

Town of Readfield  
Planning Board and Code Enforcement Officer

Re: 17 Pine Rest Cottage Road

Dear Planning Board and Code Enforcement Officer:

I represent Mastodon Farms, LLC. Rob Stuebner and Matt Kapinos having been speaking with Cliff Buck about the required permits for cultivating medical marijuana as licensed caregivers at 17 Pine Rest Cottage Road.

Because the Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430) significantly changed last December and because the Act is complex to decipher, many towns face confusion. Following is a discussion of the Act as it applies to Mastodon Farms's use of the property at 17 Pine Rest Cottage Road.

**Definitions**

Caregiver. A medical marijuana "caregiver" is a person who provides care to qualifying medical marijuana patients. (§ 2422(8-A)). Licensed caregivers have the authority to cultivate marijuana plants and sell the harvest from those plants to medical marijuana patients as well as to medical marijuana manufacturing facilities. (§ 2423-A(2)). Therefore, a caregiver's facility is a cultivation facility.

Manufacturing. "Manufacturing" means producing, blending, infusing, compounding, or otherwise preparing marijuana concentrate and marijuana products. (§ 2422(4-E)). Caregivers are not automatically entitled to manufacture products from their harvested marijuana. They must have a medical marijuana manufacturing license to do so. (§ 2423-F). Therefore, a caregiver's facility is not a manufacturing facility.

### **Local Regulation**

The Act give municipalities the authority to regulate both medical and adult-use marijuana facilities. (§§ 2423-A(14) and 2429-D). This allows municipalities to impose zoning and conditional use restrictions on these facilities, including on caregiver facilities.

In addition, municipalities must adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, dispensaries, testing facilities, and manufacturing facilities before it can authorize any of these facilities to operate. (§ 2429-D(3)).

However, the Act is explicit that while municipalities may regulate medical marijuana caregivers, it cannot prohibit or limit the number of registered caregivers. (§ 2429-D(1)).

Therefore, the opt-in requirement, which creates prohibition by default, does not apply to caregivers.

### **Marijuana Cultivation is Agriculture**

Outside of the statutes specific to marijuana, the State treats marijuana cultivation as agriculture.

Maine law defines “commercial agricultural production” as the “production of crops, plants, trees, compost, and livestock.” § 36 M.R.S. § 2013(1)(A). Marijuana is a plant, just as tomatoes and beans are plants.

Maine Revenue Services specifically says that “commercial agricultural production . . . includes growing and harvesting marijuana plants,” as allowed by Maine law. (Maine Revenue Service, Instructional Bulletin No. 60, Sales of Medical Marijuana and Related Products, p. 3.). Medical marijuana cultivators are entitled to agriculture state tax exemptions.

### **Agriculture Is a Permitted Use in the Village Residential Zone**

Readfield has no ordinances specific to marijuana businesses, either medical or adult-use. Therefore, regulation of caregiver cultivation facilities falls under agriculture.

17 Pine Rest Cottage Road is in the town’s Village Residential zone, which allows agriculture as a permitted use.



**Conclusion**

As a result, a caregiver cultivation facility in the Village Residential is not subject to default prohibition, is a permitted use under Readfield's zoning ordinance, and is not subject to Planning Board approval.

For your convenience, I have attached relevant sections of the Maine statutes.

Sincerely,



Tammie Snow

cc: Rob Stuebner  
Matt Kapinos

encl.



- L. Transport marijuana plants or harvested marijuana for a qualifying patient's medical use of marijuana in accordance with this chapter; and [ 2017, c. 452, §4 (NEW) . ]
- M. Use harvested marijuana in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested marijuana. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer. [ 2017, c. 452, §4 (NEW) . ]

[ 2013, c. 396, §§2-4 (AMD); 2015, c. 475, §§6-8 (AMD); 2017, c. 447, §§4-6 (AMD); 2017, c. 452, §4 (AMD) . ]

**2. Caregiver.** Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of marijuana, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

- A. Possess all harvested marijuana produced by the caregiver's cultivation of marijuana plants under paragraph B; [ 2017, c. 452, §4 (AMD) . ]
- A-1. Transfer up to 2 1/2 ounces of harvested marijuana to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period; [ 2017, c. 452, §4 (NEW) . ]
- B. Cultivate up to 30 mature marijuana plants, 60 immature marijuana plants and unlimited seedlings; [ 2017, c. 452, §4 (AMD) . ]
- C. [ 2017, c. 452, §4 (RP) . ]
- C-1. Assist a qualifying patient with the patient's medical use of marijuana; [ 2017, c. 452, §4 (NEW) . ]
- D. [ 2017, c. 452, §4 (RP) . ]
- E. Receive reasonable monetary compensation for costs associated with cultivating marijuana plants or assisting a qualifying patient with that patient's medical use of marijuana; [ 2017, c. 452, §4 (AMD) . ]
- F. Be in the presence or vicinity of the medical use of marijuana and assist any patient with the medical use, administration or preparation of marijuana; [ 2011, c. 407, Pt. B, §16 (AMD) . ]
- G. (CONFLICT: Text as repealed and replaced by PL 2017, c. 447, §7) Manufacture marijuana products and marijuana concentrate for medical use, except that a primary caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [ 2017, c. 447, §7 (RPR) . ]
- G. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Manufacture marijuana products and marijuana concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [ 2017, c. 452, §4 (AMD) . ]
- H. [ 2017, c. 452, §4 (RP) . ]
- I. Hire any number of assistants to assist in performing the duties of the caregiver; [ 2017, c. 452, §4 (AMD) . ]
- (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J) (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)
- J. (REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Use a pesticide in the cultivation of marijuana plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the



**4-C. Medical provider.** "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[ 2017, c. 452, §3 (AMD) . ]

**4-D. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[ 2017, c. 447, §1 (NEW) . ]

**4-D. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Immature marijuana plant.** "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

[ 2017, c. 452, §3 (NEW) . ]

**4-E. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

[ 2017, c. 447, §1 (NEW) . ]

**4-E. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[ 2017, c. 452, §3 (NEW) . ]

**4-F. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under section 2423-F.

[ 2017, c. 447, §1 (NEW) . ]

**4-F. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Long-term care facility.** "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

[ 2017, c. 452, §3 (NEW) . ]

**4-G. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

[ 2017, c. 447, §1 (NEW) . ]

**4-G. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding



acknowledgment of the registered caregiver or dispensary that the caregiver or dispensary may be contacted to confirm the designation of the caregiver or dispensary to provide harvested marijuana to the visiting qualifying patient.

[ 2017, c. 452, §7 (NEW) .]

SECTION HISTORY  
2009, c. 631, §24 (NEW). 2009, c. 631, §51 (AFF). 2011, c. 407, Pt. B, §19 (AMD). 2013, c. 516, §9 (AMD). 2017, c. 452, §7 (AMD).

§2423-E. REQUIREMENTS

(REPEALED)

SECTION HISTORY  
2009, c. 631, §25 (NEW). 2009, c. 631, §51 (AFF). 2011, c. 407, Pt. B, §20 (AMD). 2015, c. 475, §§16-18 (AMD). 2017, c. 252, §1 (AMD). 2017, c. 452, §8 (RP).

§2423-F. MARIJUANA MANUFACTURING FACILITIES

(CONFLICT)

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION CONFLICT: Text as enacted by PL 2017, c. 447, §15)

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter. [ 2017, c. 447, §15 (NEW) .]

1. **Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

[ 2017, c. 447, §15 (NEW) .]

2. **Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

[ 2017, c. 447, §15 (NEW) .]

3. **Authorization for extraction using inherently hazardous substances.** This subsection governs the authority of a person or entity to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, primary caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person or entity can produce, upon demand of the department:

- (1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;
- (2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location



MRS Title 22, Chapter 558-C: MAINE MEDICAL USE OF MARIJUANA ACT

Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this Act. [ 2017, c. 447, §10 (NEW) .]

E. (CONFLICT: Text as enacted by PL 2017, c. 452, §4) A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this chapter. [ 2017, c. 452, §4 (NEW) .]

[ 2017, c. 447, §10 (AMD); 2017, c. 452, §4 (AMD) .]

11. Immunity.

A. [ 2017, c. 452, §4 (RP) .]

B. (CONFLICT: Text as amended by PL 2017, c. 447, §11) A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a marijuana testing facility to test marijuana provided by a qualifying patient, registered primary caregiver, dispensary or manufacturing facility. [ 2017, c. 447, §11 (AMD) .]

B. (CONFLICT: Text as repealed by PL 2017, c. 452, §4) [ 2017, c. 452, §4 (RP) .]

[ 2015, c. 452, §4 (RP); 2015, c. 475, §14 (AMD); 2017, c. 447, §11 (AMD); 2017, c. 452, §4 (RP) .]

12. (CONFLICT: Text as amended by PL 2017, c. 447, §12) **Interest.** A principal officer, board member or employee of a registered dispensary, primary caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary, primary caregiver or manufacturing facility.

[ 2017, c. 447, §12 (AMD) .]

12. (CONFLICT: Text as amended by PL 2017, c. 452, §4) **Interest.** A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.

[ 2017, c. 452, §4 (AMD) .]

13. Moratorium ordinance.

[ 2017, c. 447, §13 (RP); 2017, c. 452, §4 (RP); T. 22, §2423-A, sub-§13 (RP) .]

14. **Municipal regulation.** Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities, except that municipalities may not prohibit or limit the number of registered primary caregivers.

[ 2017, c. 447, §14 (NEW) .]

SECTION HISTORY

2009, c. 631, §21 (NEW). 2009, c. 631, §51 (AFF). RR 2011, c. 1, §31 (COR). 2011, c. 383, §1 (AMD). 2011, c. 407, Pt. B, §16 (AMD).



- C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [ 2017, c. 452, §18 (NEW). ]
- D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature. [ 2017, c. 452, §18 (NEW). ]

[ 2017, c. 452, §18 (NEW) . ]

SECTION HISTORY  
2017, c. 452, §18 (NEW) .

§2429-C. EDIBLE MARIJUANA PRODUCTS HEALTH AND SAFETY REQUIREMENTS AND RESTRICTIONS

In addition to all other applicable provisions of this chapter, edible marijuana products to be sold or offered for sale in a retail transaction in accordance with this chapter: [ 2017, c. 452, §18 (NEW). ]

1. **Cannabinoid content.** Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content;

[ 2017, c. 452, §18 (NEW) . ]

2. **Marijuana content.** Must be manufactured in a manner that results in the amount of marijuana concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains marijuana concentrate;

[ 2017, c. 452, §18 (NEW) . ]

3. **Shape.** May not be manufactured in the distinct shape of a human, animal or fruit;

[ 2017, c. 452, §18 (NEW) . ]

4. **Additives.** May not contain additives that are:

- A. Toxic or harmful to human beings; or [ 2017, c. 452, §18 (NEW). ]
- B. Specifically designed to make the product appeal particularly to a person under 21 years of age; and [ 2017, c. 452, §18 (NEW). ]

[ 2017, c. 452, §18 (NEW) . ]

5. **Addition to trademarked food or drink.** May not involve the addition of marijuana to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible marijuana product and the edible marijuana product is not advertised or described for sale as containing the trademarked product.

[ 2017, c. 452, §18 (NEW) . ]

SECTION HISTORY  
2017, c. 452, §18 (NEW) .

§2429-D. LOCAL REGULATION



Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, registered caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities. [ 2017, c. 452, §18 (NEW) . ]

A municipality may not: [ 2017, c. 452, §18 (NEW) . ]

**1. Registered caregivers.** Prohibit or limit the number of registered caregivers;  
[ 2017, c. 452, §18 (NEW) . ]

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section; or  
[ 2017, c. 452, §18 (NEW) . ]

**3. Municipal authorization needed.** Authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.  
[ 2017, c. 452, §18 (NEW) . ]

SECTION HISTORY  
2017, c. 452, §18 (NEW) .

§2430. MEDICAL USE OF MARIJUANA FUND ESTABLISHED

**1. Fund established.** The Medical Use of Marijuana Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.  
[ 2017, c. 409, Pt. E, §10 (AMD) . ]

**2. Sources of fund.** The State Controller shall credit to the fund:

- A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, dispensary, manufacturing facility and marijuana testing facility: [ 2017, c. 452, §19 (AMD) . ]
- B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers or directors or assistants of registered caregivers, dispensaries, manufacturing facilities and marijuana testing facilities: [ 2017, c. 452, §20 (AMD) . ]
- C. All penalties and fines assessed for violations of this chapter: [ 2009, c. 631, §45 (NEW); 2009, c. 631, §51 (AFF) . ]
- D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and [ 2009, c. 631, §45 (NEW); 2009, c. 631, §51 (AFF) . ]
- E. Interest earned or other investment income on balances in the fund. [ 2009, c. 631, §45 (NEW); 2009, c. 631, §51 (AFF) . ]

[ 2017, c. 452, §§19, 20 (AMD) . ]



Eric

**From:** Legal Services Department [mailto:[legal@memun.org](mailto:legal@memun.org)]  
**Sent:** Wednesday, June 12, 2019 2:53 PM  
**To:** [manager@readfieldmaine.org](mailto:manager@readfieldmaine.org)  
**Subject:** Readfield

Eric,

I am writing to follow up on our telephone conversation of yesterday. We discussed that the Maine Medical Use of Marijuana law (“MMUMA”) does not directly address cultivation as a separate activity for which a municipality would be able to “opt in” (or not). The law seems to assume that only patients, dispensaries and caregivers would cultivate as part of their activity. It also seems to assume that manufacturing facilities and testing facilities would process marijuana for dispensaries and caregivers, but not cultivate on their own (see 22 MRS § 2423-F(4)(B)). Again, these are my impressions based on a reading of the law, which I believe are in line with my colleagues’ opinions. However, the MMUMA does not state this directly.

You asked about a potential facility that may plan to cultivate medical marijuana and “wholesale” the marijuana to caregivers and dispensaries rather than providing it directly to patients. It does not appear that the MMUMA allows for this type of activity. The only places where cultivation is specifically authorized are the provisions that outline authorized conduct for patients (§ 2423-A(1)(B)), caregivers (§ 2423-A(2)(B)), and dispensaries (§ 2428). So, I think someone cultivating medical marijuana would have to be one of those three types of entities and registered or licensed as appropriate. The MMUMA also does address wholesaling of medical marijuana plants by caregivers in § 2423-A(2)(K-1) and dispensaries at § 2428(1-A)(F): <http://legislature.maine.gov/statutes/22/title22sec2428.html> . The statute puts limits on these types of sales. Whether the cultivation proposed in your situation could be conducted if the entity was licensed as a caregiver or dispensary may depend on exactly what is being proposed and the quantities involved. The person should consult the state MMUMA program with questions about what he/she can legally do. The town would certainly have to opt in in order for an entity to operate as a dispensary, but the town does not have the same “opt in” or out choice for caregivers that are not operating retail stores.

As we discussed, I do think that the town could regulate cultivation generally through a zoning or land use ordinance. The statute recognizes municipal authority to regulate registered caregiver activities through means such as permitting, performance standards, or local licensing, as long as such regulation does not prohibit or limit the number of registered caregivers in the municipality. See 22 MRS § 2429-D (<http://www.mainelegislature.org/legis/statutes/22/title22sec2429-D.html> ). This may include rules relating to home occupations, signage, odor, and standards relating to free-standing cultivation facilities. Since this area isn’t crystal clear you would want to work closely with the town’s attorney to determine what the town is comfortable doing through a land use ordinance.



I hope that this is helpful. Please let me know if you have any questions.

**Susanne F. Pilgrim, Esq., Director**  
Legal Services Department

**Maine Municipal Association**  
60 Community Drive, Augusta, ME 04330  
Phone: 207-623-8428  
1-800-452-8786 (in state)  
FAX: 207-624-0187  
[legal@memun.org](mailto:legal@memun.org)

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Jack Comart



TO: Planning Board

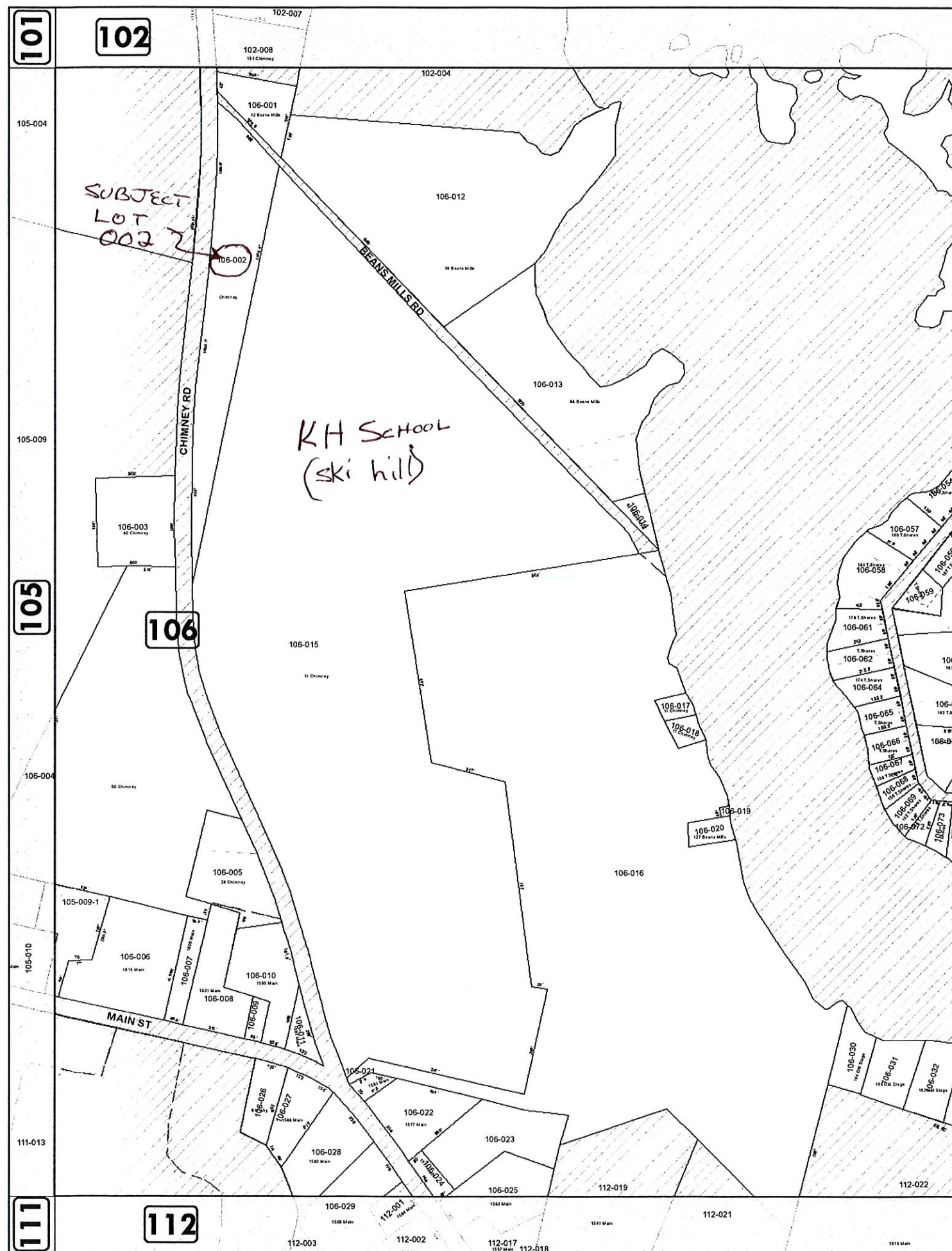
FROM: Clif Buuck

DATE: 06/20/19

RE: Zoning issue, map 106 lot 002

When the Academic District was created, the Chimney Road (Rt. 41 north) was used as a boundary for the Kents Hill School property. On the attached map 106 you'll see lot 002—a long narrow strip along rt. 41 lying between the road and KHS property. This lot 002 is in private ownership and is for sale. Due to the school-related restrictions of the Academic district, there is not much the Town can permit for this lot in separate ownership (unless the KHS should buy it). We should discuss putting this lot in another district





MAP 106



← To Route 17 South Road

50'

565

23 1/2'

29 1/2'

MASTODON  
FARM'S  
PROPERTY

6.15 AC.  
(THIS SIDE OF ROAD ONLY)

P. 1 of 2

PINECREST CAMP ROAD

9.17 ± AC.



9.17±AC.

P. 2 of 2

