

What Municipalities Need to Know About the Citizen's Initiative to Legalize Marijuana

The Department of Agriculture, Conservation and Forestry will be the state licensing authority for regulating and controlling the licensing of the cultivation, manufacture, distribution, testing, and sale of retail marijuana and retail marijuana products in Maine.

1. Authorizes establishment of six retail marijuana licenses:

A. Retail marijuana store – authorized to sell ONLY marijuana, retail marijuana products, marijuana accessories, non-consumable products such as apparel and marijuana-related products such as child-resistant containers for purchase by consumers over the age of 21. Products are prohibited from being consumed on premises. *Licensing fee: \$250 to \$2,500.*

B. Retail marijuana cultivation facility – licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs. There are two licenses in this category: those with 3,000 square feet or less of plant canopy and those with more than 3,000 square feet of plant canopy. The maximum amount of unit blocks allowed to a single licensee is 300 (each unit block is 100 square feet, so 300 unit blocks is 30,000 square feet). No more than 6 retail marijuana cultivation facilities or more than 30,000 square feet of plant canopy may be located on the same parcel of property. Products are prohibited from being consumed on premises. *Licensing fee: \$10 to \$100 per unit block*

C. Retail marijuana products manufacturing facility – licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs. Products are prohibited from being consumed on premises. *Licensing fee: \$100 to \$1,000*

D. Retail marijuana testing facility - certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products. *Licensing fee: \$500*

E. Retail marijuana social club – may sell only retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. *Licensing fee: \$250 to \$2,500*

F. Occupational related licenses for people working in these types of businesses

2. Local Control

An applicant is prohibited from operating a retail marijuana establishment (store, cultivation facility, manufacturing facility, or testing facility) or retail marijuana social club without state licensing authority or municipal approval.

The state licensing authority may not limit the total number of retail marijuana stores in Maine. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs *and may prohibit operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.*

3. Local Licensing (page 23)

A. A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. Noting in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.

B. A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority and approved by the municipality in which it is located.

C. Within 7 days of receiving it, the state licensing authority will provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located. The municipality shall inform the state licensing authority whether the application complies with the local land use ordinance and other local restrictions.

D. A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner, and the number of marijuana businesses. If it does it may choose to hold a public hearing prior to the issuance of a retail marijuana establishment or retail marijuana social club license.

4. Personal Use of Marijuana (page 25)

A. Person 21 years of age or older. A person 21 years of age or older may:

1. Use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana;
2. Transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older;
3. Possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and unlimited seedlings, and possess all the marijuana produced by the plants at the adult's residence;
4. Purchase up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store; and
5. Purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.

B. Home cultivation. The following provisions apply to the home cultivation of marijuana for personal use by a person who is 21 years of age or older.

1. A person may cultivate up to 6 flowering marijuana plants at that person's place of residence, on property owned by that person or on another person's property with written permission of the owner of the property. Each plant must be tagged with the owner's name (must be over 21) and Maine driver's license number.
2. A person who elects to cultivate marijuana shall ensure the marijuana is not visible from a public way without the use of binoculars, aircraft or other optical aids and shall

take reasonable precautions to prevent unauthorized access by a person under 21 years of age.

Marijuana cultivation for medical use is not considered cultivation for personal use and this section does not apply to cultivation by a registered dispensary licensed pursuant to Title 22, section 2428.

- 3. Use.** A person may consume marijuana in a nonpublic place including a private residence.
 1. The prohibitions and limitations on smoking tobacco products in specified areas apply to smoking marijuana.
 2. A person who smokes marijuana in a public place other than as governed by Title 22, chapters 262 and 263 commits a civil violation for which a fine of not more than \$100 may be adjudged.
 3. This subsection may not be construed to shield any adult from federal prosecution.
 4. This subsection may not be construed to allow any adult to possess or consume marijuana on federal property.