

TOWN OF NEW PORTLAND
MEDICAL ~~MARIJUANA-CANNABIS~~ CAREGIVER RETAIL STORE AND
REGISTERED
DISPENSARY LICENSING ORDINANCE

Section 1. Purpose. The purpose of this Ordinance is to provide for and regulate the issuance of local licenses for Caregiver Retail Stores and Registered Dispensaries.

Section 2. Authority. This article is adopted pursuant to the authority granted by the Maine Medical Use of ~~Marijuana-Cannabis~~ Act, 22 M.R.S. §2929-D.

Section 3. Caregiver Retail Stores and Registered Dispensaries. Caregiver Retail Stores and Registered Dispensaries are allowed to operate in the Town of New Portland subject to the requirements and restrictions of this Ordinance.

Section 4. License Required; Limitations.

(a) No person shall establish and operate a Caregiver Retail Store or Registered Dispensary without first having obtained a license to conduct such a business from the Board of Selectmen. The provisions of this Ordinance and all applicable state laws shall apply. A Registered Dispensary establishment that does not have an associated retail store in the Town or sell directly to qualifying patients and caregivers in the Town is permitted to operate in the Town but does not require a license.

(b) The number of active licenses issued under this Ordinance shall be limited to two (2) licenses. Caregiver Retail Stores and Registered Dispensaries may only be located and operate on parcels with lot frontage along Route 27 and Route 16, and only one (1) license may be issued for parcels along each road. Applications shall be acted upon on a first come first serve basis.

Section 5. License Procedures.

(a) The Board of Selectmen shall issue licenses to operate Caregiver Retail Stores and Registered Dispensaries. Licenses issued under this Section shall be approved at a Board of Selectmen meeting to be held with public notice and public hearing.

(b) Each applicant for a new or renewal license shall complete and file an application on a form prescribed by the Board of Selectmen, together with one hundred dollars (\$100.00) nonrefundable application fee and the annual license fees required by this Ordinance and the following submissions:

1. A copy of the applicant's state license application, if applicable, and supporting documentation as filed with the state licensing authority and any amendments thereto.
2. Evidence of all state approvals or conditional approvals required to operate a Caregiver Retail Store or Registered Dispensary, including, but not limited to,

a state license or registration certificate, a state retail certificate, documentation of the registered caregiver's valid Maine state issued registry identification card, and/or a state health license.

3. If not included in the applicant's state license application, attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
4. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.
5. Evidence of all municipal approvals required to operate a Caregiver Retail Store or Registered Dispensary pursuant to the Town's Ordinances, including but not limited to, a building permit, commercial development permit, or certificate of occupancy.
6. A description of the premises for which the license is sought, including a plan of the premises.

Section 6. License Expiration and Renewal.

- (a) Each license issued shall be effective for one year from the date of issuance.
- (b) Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual license and the existing license shall remain in effect until final action on the renewal application. An application for the renewal of an expired license shall be treated as a new license application.
- (c) A renewal application shall be subject to the same application standards as applied to the initial issuance of the license. Renewal applications from applicants in good standing, with no change, or de minimis, to the original application, may be approved by the Town Clerk or their designee, so long as all other criteria and in this Ordinance are met. The Town Clerk as part of the renewal process, shall consider compliance from prior years, and based upon that review, may recommend conditions to any future license to correct, abate, or limit past problems and forward the renewal application to the Board of Selectmen for approval and action.

Section 7. License Fees, The annual fee for a Caregiver Retail Store or Registered Dispensary shall be _____ dollars (\$_____).

Section 8. Denial, Suspension or Revocation of license.

- (a) A license under this Article shall be denied to the following persons:

(1) An applicant who fails to meet the requirements of this Ordinance. Where an applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.

(2) A person who has had a license for ~~a Marijuana-Cannabis~~ Establishment revoked by the Town or by the State.

(3) An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a license.

(b) The Board of Selectmen may suspend or revoke a license for any violation of this Ordinance or any other applicable building or life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a Caregiver Retail Store or Registered Dispensary suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 9. Termination and Abandonment

(a) Any license holder terminating or abandoning a license granted under this section must file a notice of termination or abandonment with the Town Clerk.

(b) A license which has been terminated or abandoned by the license holder shall be available to new applicants according to the procedure established in Paragraph 5.

Section 10. Transfer of Ownership and Change of Location.

(a) Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or change in the officers of any corporation, limited liability company, partnership, or association, as applicable, shall require a new license. A Caregiver Retail Store or Registered Dispensary must obtain a new license within 90 days from a change in ownership or will be in violation of this Ordinance and will also be subject to first come first served basis in Section 4 above.

(b) Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

Section 11. Violations and Penalties. This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to fines as outlined in 30-A M.R.S. § 4452 of a minimum fine of \$100 and a maximum fine of \$2,500. Each day of a violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 12. Severability. The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall

remain in full force and effect.

Section 13. Definitions

“Caregiver retail store” means 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-cannabis plants or harvested marijuana-cannabis for sale to qualifying patients, as defined in 22 M.R.S. § 2422(1-F).

Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana-cannabis or paraphernalia relating to the administration of marijuana-cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification as defined in 22 M.R.S. § 2422(5).

"Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana-cannabis in accordance with 22 M.R.S. § 2423-B, as defined in 22 M.R.S. § 2422(9).

"Registered caregiver" means a caregiver who is registered by the State of Maine as defined in 22 M.R.S. §2422(11).

"Registered dispensary" or "dispensary" means an entity registered by the State of Maine that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana-cannabis plants or harvested marijuana-cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients as defined in 22 M.R.S. § 2422(6).

Section 13. Effective Date; Duration. This ordinance is effective immediately upon enactment by the town meeting and shall remain in effect until it is amended or repealed.