

Medical Marijuana Ordinance
Meeting Minutes 03/15/16

Meeting called to order @ 07:07pm by Chairman MacMaster

Committee members present – Les MacMaster, Diann Perkins, Sarah Gormady, Mike Fulginiti, Dan Drake.

There were also three interested citizens in attendance.

We went a little “off script” and instead of reviewing rules, we discussed two topics of interest.

Item 1 – Primary Caregiver Registration

Les started a discussion regarding primary caregiver registration, and is it something we should consider in an ordinance?

All caregivers are currently required to register with the state, with a few clearly defined exceptions outlined in **Rules Governing the Maine Medical Use of Marijuana Program” [10-144 CMR Chapter 122, Effective Date: September 17, 2013](#)**, Section 5-4.

The thinking was that if we are going to manage Medical Marijuana through local zoning ordinances, we would need a minimum of data. For example, if we want to prevent a cluster of caregivers in a particular area, we could mandate that caregivers be located no closer than x number of feet from each other. Other location issues of businesses regarding churches, schools, town property, etc. could also be addressed.

This issue would clearly require a legal opinion before proceeding.

If it were deemed unlawful to require caregiver registration, an alternative might be something like a voluntary registration, entitling the caregiver to receive a free safety review from the CEO in return for registering.

My feeling was the group was fairly evenly split on the issue, but all agreed that the issue should be included in a deeper discussion about what to include in an ordinance.

Item 2 – Cultivation of Medical Marijuana

Les then introduced the topic of cultivation.

Section 2.7 of **Rules Governing the Maine Medical Use of Marijuana Program” [10-144 CMR Chapter 122, Effective Date: September 17, 2013](#)** discusses the cultivation of Medical Marijuana. Section 2-7 states:

“All cultivation of marijuana must take place in an enclosed locked facility or an enclosed outdoor area on property that is owned or under the control of the qualifying patient, caregiver or registered dispensary, subject to the limitations below”.

The discussion started with the premise the state allows cultivation ANYWHERE as long as it is “on property that is owned or under the control of the qualifying patient ...”.

We then discussed where we thought cultivation may be appropriate within the town.

The first issue we discussed related to the Qualifying Patient’s or Primary Caregiver’s home. We all seemed to agree that what you do in your own home is your business.

But what if you owned property or a building somewhere else in town? Could you grow Medical Marijuana in a remote building or field? The State’s position is YES, as long as you owned or controlled the property and followed all other rules.

This could cause problems with neighbors or abutters.

The Town of Old Orchard Beach appears to have resolved this issue by separating “in home” cultivation from remote location (Production Facility) cultivation, and then managing Production Facilities via zoning ordinances.

According to the OOB Ordinance, “As an accessory use, medical marijuana home production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every base zone and overlay zone, without any requirements for land use permitting.”

The OOB ordinance then went on to discuss remote location processing as “a Medical Marijuana Production Facility”, with its own set of zoning rules and requirements.

The committee then discussed whether a Medical Marijuana Production Facility would be appropriate in each of our 10 Zoning Designations.

The meeting was adjourned at 8:45.

We shall continue at Section 6 REGISTERED DISPENSARIES at the next meeting, scheduled for Tues Mar 29 at 7:00pm at Pike Hall.