

**2021 Maine Cannabis Business Webinar Series**  
**Licensing and Municipal**  
**Regulations Update**

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# Legislative Update

- Three revenue sharing bills before 130<sup>th</sup> Legislature (Tax Committee):
  - LD 740 – 25% to municipalities (Ought Not to Pass)
  - LD 1185 – 12% to municipalities (Ought Not to Pass)
  - LD 1195 – 5% to municipalities (6:0 Ought to Pass)

# Legislative Update

- **LD 1195**

- 5% of adult use tax revenue diverted to Local Government Marijuana Fund
- Then, distributed to municipalities by ratio of revenues generated within town on adult use marijuana businesses to statewide revenue.
- Diverts money from previously established Adult Use Marijuana Public Health and Safety Fund.

## LD 830

- Would repeal excise tax on adult use marijuana and replace with increase in sales tax to 20%.
- Would obviously have to comport with any change allowing municipal revenue sharing.

→ Tax Committee divided report, majority OTP.

## LD 605

- Technical changes sought by OMP, plus
- Allows colocation within a building, with wholly separated spaces.

→ Veterans and Legal Affairs voted Ought to Pass.

## LD 525

- Would allow medical and adult use retail to share common space.
- Just requires sales to be made on different cash registers.

→ Veterans and Legal Affairs voted Ought Not to Pass.

## LD 1242 / 1319

- Seeking to turn medical program rules into major substantive rules requiring delay and legislative approval.
- Compromise amendment:
  - Requires track and trace for caregiver cultivation (not home-based), dispensaries and caregiver stores.
  - Allows medical rule to go forward.

## LD 1319

- Original cap on dispensaries was 8, then 14.
  - As of Jan. 1, 2021, dispensaries were unlimited in number.
  - This would reimplement total statewide cap at 14.
- Carried over to next special / regular session of 130<sup>th</sup>.



## LD 939

- A number of technical changes for caregivers and dispensaries
- Of interest to municipalities:
  - Allows registered caregivers and dispensaries to transfer to and accept from another caregiver or dispensary an unlimited number of plants and harvested marijuana in a wholesale transaction.

→ Divided report.

## LD 353

- Allows for medical marijuana cooperatives.
  - Concept draft bill; no exact text yet.
  - Would allow caregivers to share physical space rather than maintain separate spaces in the same building.
  - OMP currently opposes.
  - Unclear whether it would make changes to require municipalities to opt-in to allow, and/or give some time delay to allow municipalities to adopt suitable ordinance amendments.
- Divided report.

## LD 421

- Allows medical marijuana caregiver to increase from 30 to 60 mature plants, and 60 to 120 immature plants.
- MMA opposes – strain on buildings; larger impact.
- OMP opposes – wants to promote dispensaries instead.

→ Requested to be carried over.

## LD 1434

- Allows marijuana store to have controlled, indoor entry area where ID is checked and customer waits for entry.
- No committee action yet. Probably covered in LD 605.

## LD 829

- New criminal offense for having open marijuana container in vehicle or consuming while driving.
- Same as alcohol; \$100 penalty, traffic offense.

→ Carried over to next special/regular session of 130<sup>th</sup>.

**DELIBERATELY  
DIFFERENT**

Municipality	Retail Facility	Growing Facility	Manufacturing Facility	Testing Facility
Auburn	Y	Y	Y	Y
Bangor	Y	Y	Y	Y
Bath	Y	Y	Y	Y
Bowdoinham	Y	Y	Y	Y
Brunswick	Y	Y	Y	Y
Camden	N	Y	N	N
Damariscotta	Y	Y	Y	Y
Detroit	Y	Y	Y	Y
Etna	N	Y	Y	Y
Eustis	Y	Y	Y	Y
Farmington	Y	Y	Y	Y
Grand Isle	Y	Y	Y	Y
Hallowell	Y	Y	Y	Y
Jackson	Y	Y	Y	Y
Manchester	Y	Y	Y	Y
Mercer	Y	Y	Y	Y
Monroe	N	Y	Y	N
Newry	Y	N	N	N
Paris	Y	Y	Y	Y
Poland	Y	Y	Y	Y
Portland	Y	Y	Y	Y
South Portland	Y	Y	Y	Y
Topsham	N	Y	Y	Y
Waterville	Y	Y	Y	Y
Wilton	Y	Y	Y	Y

# The State of the Cities

## Per OMP

- 42 municipalities opted in for retail
- 55 for adult use cultivation
- 50 for products manufacturing
- 49 for testing

# The State of the Cities

## Portland

- Zoning regulations in place
- Regulations on all uses now in place on all businesses incl. small-scale caregivers.
- Referendum Nov. 2020
  - Reduced buffer from 250' to 100' between stores
  - Repealed original cap of 20 stores
  - No more complicated point system.
- \$10,000 annual license fee for retail stores & large cultivation
- Licenses not transferable except 25% ownership change



# The State of the Cities

## South Portland

- Early adopter
- Zoning and licensing in place for all medical and adult uses
- Licenses required for all uses but non-retail caregivers
- Toying with the idea of caps

# The State of the Cities

## Windham

- All uses allowed and zoned.
- Cap of 4 medical retail (reduction through attrition) and 2 adult use
- Point-based allocation with existing stores grandfathered
- Points based on residency bonus, industry experience, operations plan

## Lewiston

- Licensing and zoning in place for retail, dispensaries, cultivation, manufacturing, nursing, and testing facilities
- Ordinance on cultivation (none in multifamily, odor restriction, etc.)
- All medical marijuana establishments must obtain town license by April 6, 2020
- Annual license fee for retail - \$5,000

# The State of the Cities

## Bangor

- Zoning in place for caregiver retail stores, adult use retail (same zones) and cultivation
- Licensing ordinance in place for retail

## Auburn

- Medical and adult use all zoned
- Licensing ordinance in place; non-retail caregivers not included
- Annual license fee for retail - \$5,000

# The State of the Cities

## Scarborough

- Cultivation, manufacturing, and testing for medical and recreational uses allowed in certain zones as of February 21, 2020; took over 6 months for initial licenses
- No retail uses allowed
- Annual licenses range from \$750 to \$10,000 based on use and size of the facility
- Caregiver retail stores and medical marijuana dispensaries, testing facilities, manufacturing facilities, and cultivation facilities that were operating with Town approval prior to 12/13/18 are grandfathered in and treated as legally non-conforming uses provided they apply for and obtain a license.

## Saco

- License required for all growing, processing, manufacture or sale except for personal use
- No growing in home except for personal use. No retail uses allowed.

# The State of the Cities

## Biddeford

- Medical uses all allowed as conditional use
- No licensing
- Not opted in for retail
- Recent amendment to allow testing and cultivation facilities in industrial zones; require 500' buffer between marijuana use and any other building.

## Sanford

- License required for medical marijuana properties and operations (cultivating or manufacturing); some medical retail allowed
- Zoning standards in place for cultivation facilities
- Considering allowing adult use retail; expanding medical.

# The State of the Cities

## Brunswick

- Adult use and medical marijuana allowed only in industrial zones
- Licensing for all uses including non-retail caregivers

## Augusta

- No opt-in for adult use retail
- Medical retail capped at 15 stores; Dispensaries capped at 5
- Licensing applies to all medical and adult use, incl. caregivers
- Caregivers as home occupations must be delivery only

# The State of the Cities

## Westbrook

- Adult use specifically prohibited
- Only caregiver cultivation facilities (sales allowed) and dispensaries allowed
- Thorough regulations on operation/security

## Waterville

- All adult and medical uses allowed and zoned; licenses also required
- Amended in Feb 2020 to clarify that, among other things, annual license fees apply to medical marijuana cultivation facilities

# The State of the Cities

## Kittery

- Citizens' petition, then Council took over the process.
- Opt-in to all uses, zoning in retail and industrial areas.
- Licensing process – Limit of 5 retail stores combined. First-come, first-served.



# Other Developments

- **Orono** referendum 3/2021 to allow all uses. 500' buffer, 1000' from schools (incl. universities), churches.
- **Old Orchard Beach** referendum 11/2020 gave Council go-ahead to draft/pass ordinance to allow retail stores. Will have caps, # unclear.
- **Wiscasset** contemplating opt-in/licensing.
- **South Berwick** moratorium in place; to vote June 8 on two petitions to opt-in town-wide. Cultivation / manufacturing would require 5 acres.
- **Standish** Council sticks to opting out.

# Q&A

# Thank You!



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