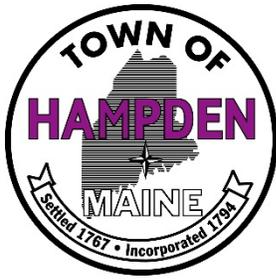




Town of Hampden
Planning and Development Committee
Wednesday December 12, 2016, 6:00 pm
Municipal Building Council Chambers
Agenda

1. Approval of November 16, 2016 Minutes
2. Committee Applications:
3. Updates:
 - A. Status of MRC/Fiberight
 - B. Staff Report
4. Old Business:
 - A. Business Park TIF
 - B. Market Study – Discussion with W-ZHA, LLC
5. New Business: none
6. Zoning Considerations/Discussion: none
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn



Town of Hampden
Planning and Development Committee
Wednesday November 16, 2016, 6:10 pm
Municipal Building Council Chambers
Minutes – Draft

Attending:

Committee/Council

Ivan McPike-Chair
David Ryder, Mayor
Terry McAvoy
Mark Cormier
Dennis Marble
Greg Sirois

Staff

Angus Jennings, Town Manager
Karen Cullen, Town Planner
Myles Block, CEO

Chairman McPike called the meeting to order at 6:00 p.m.

1. Approval of November 2, 2016 Minutes – Motion to approve as submitted made by Councilor McAvoy with second by Councilor Sirois; carried 6/0/0.
2. Committee Applications: None.
3. Updates:
 - A. Status of MRC/Fiberight: Town Manager Jennings and Planner Cullen gave an update on the project: Roadway construction seems to be going well, but there are issues with the route of the water service. Due to cost considerations, MRC has proposed to modify the previously approved route along Coldbrook Road to extend water in through Ammo Park instead. Hampden Water District and Town staff are in favor of the Coldbrook Road route for several reasons: service to future development in that area, fire flow, and potential for expansion of the Fiberight facility itself. MRC is hoping that other parties may be able to offset costs in order to install water along Coldbrook Road. Manager Jennings will attend tomorrow’s meeting of the Hampden Water District Board to discuss potential for collaboration to secure the favored route for water.
 - B. Staff Report – nothing outside of agenda items to report tonight.
4. Old Business:
 - A. Business Park TIF: Planner Cullen asked the Committee if they were in agreement that the entire Business Park should be included in the TIF District, and by consensus they agreed. Manager Jennings noted the Credit Enhancement Agreements will be written to differentiate between those specified in the Sargent Developer’s Agreement (“back” portion of the park)

DRAFT

and those in the front portion. He also noted the latter will not be drafted by our consultant Noreen Norton as part of the TIF work she is doing at this time.

- B. Market Study: Planner Cullen and Manager Jennings led a discussion on peer communities. After reviewing materials presented by Planner Cullen the Committee by consensus agreed to use Hermon, Brewer, and Belfast as the three peer communities for the market study. Manager Jennings also noted that staff is working on a letter to go out next week to all businesses in town inviting them to participate in focus group meetings with the consultants; this will also help set the stage for the community meeting in late January.
4. New Business:
 - A. Yard Sale Ordinance: Manager Jennings stated he is in favor of repealing the ordinance as it is not universally followed, is not enforced, and brings in very little revenue. **Motion** by Councilor Sirois to repeal the Yard Sale Ordinance; seconded by Councilor McAvoy; motion carried by unanimous vote (6/0/0).
 5. Zoning Considerations/Discussion:
 - A. Recreational Marijuana – Chairman McPike noted the Hampden vote on this issue was split about 40% in favor and 60% opposed. After discussion the Committee decided to table further discussion on this issue until an unspecified date, once we know what is happening with the (statewide) recount request and what the state regulations are going to look like.
 - B. Draft language for home occupations – Planner Cullen noted she had modified her previous draft per the P&D Committee’s previous discussion. Committee decided by consensus to require home occupation permits to be recorded at the registry of deeds, and also to delete section 4.10.9.2 of the version 2 draft since it only applies to a small number of cases and there is no way to know if a business has been gone for a year. Next step is to have a joint meeting with the Planning Board’s Ordinance Committee on this proposed language. Planner Cullen will contact the P&D Committee with a potential date and time (possibly Dec 14th at 6:00).
 7. Citizens Initiatives: None.
 8. Public Comments: None.
 9. Committee Member Comments: Councilor Sirois requested staff to follow up with the property owner on Dewey Street who is interested in developing multi-family units to discuss the status of the idea and needed zoning amendments.
 10. Adjournment: Motion to adjourn at 7:55 by Councilor Marble; seconded by Councilor Sirois, carried 6/0/0.



NEWSLETTER

Municipal Review Committee | 395 State Street | Ellsworth, ME 04605 | www.MRCMaine.org

ISSUE 4.1 | December 2016

Groundbreaking Ceremony

There was a bright spot on a cold and wet October morning when the MRC, Fibright, Partners and Supporters celebrated the start of the construction of our Post 2018 MSW disposal option. Prior to the ceremonial groundbreaking, MRC Executive Director Greg Louder, Board President Chip Reeves, Hampden Mayor David Ryder, and Fibright President Craig Stuart-Paul spoke to a crowd of approximately 50 people about the importance of reaching this milestone. It was an exciting day and thank you to all who attended!



Top: MRC VP Jim Guerra, MRC President Chip Reeves, MRC Executive Director Greg Louder, Fibright President Craig Stuart-Paul, Sargent Corporation VP-Operations Tim Folster, CES, Inc. President Denis St. Peter, HO Bouchard Amos McCannell, Commonwealth Resource Management George Aronson, and Hampden Mayor David Ryder; **Bottom Left:** Hampden Mayor David Ryder, MRC Board Member Karen Fussell, Fibright CEO Craig Stuart-Paul; **Middle:** CES, Inc. President Denis St. Peter and Sargent Corporation VP-Operations Tim Folster; **Middle Right:** Commonwealth Resource Management George Aronson and Town of China Selectmen Irene Belanger; **Bottom:** Attendees gather for ceremony

UPCOMING MEETINGS

December 14
Annual Membership Meeting
3:00 PM-5:00 PM
Cross Insurance Center
515 Main Street, Bangor

ABOUT THE MRC

The Municipal Review Committee (MRC) is a non-profit association of Maine communities led by an elected, volunteer board of directors. For more than 25 years, the member communities of the Municipal Review Committee (MRC), now numbering more than 180 cities and towns, have used the PERC waste-to-energy incinerator in Orrington to process their municipal solid waste (MSW). After 2018, the contracts with PERC will expire. The MRC has partnered with Fibright to offer an innovative solution to recycle and process our MSW post 2018.

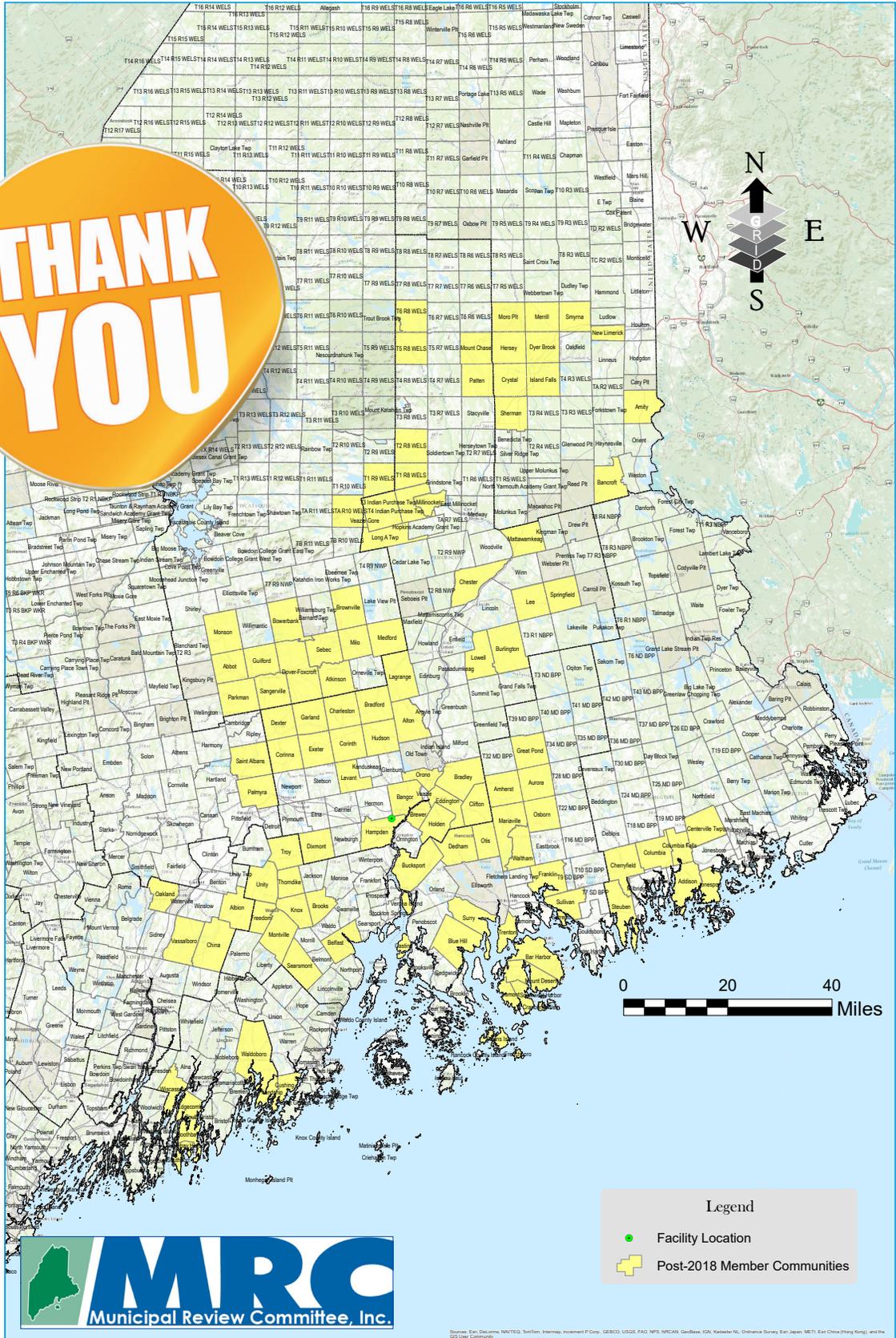
Visit www.mrcmaine.org or contact Greg Louder at 207-664-1700 or glouder@mrcmaine.org to learn more about the Municipal Review Committee and to add your name to our email contact list.

JOIN OUR EMAIL LIST & FOLLOW US ON SOCIAL MEDIA

MRC regularly sends updates and announcements by email to those who have signed up for our alerts.

We also have active Facebook and Twitter accounts, and we've posted informative videos from recent meetings on our YouTube account. All of these are accessible from the homepage of our website, mrcmaine.org.





MRC Post 2018 Members Map

More Towns Expected to Join: The Town of Carmel is expected to sign-up with the MRC at its March 2017 Town Meeting. There is still a chance for a limited number of additional communities to join. If you'd like to sign-up, please contact Greg Louder at glouder@mrcmaine.org or 664-1700.

From the State House

The 2016 election cycle was perhaps the most memorable and tumultuous political saga of the last century and Maine's role in that story is certainly not insignificant. While President-elect Donald Trump was defying pundit prediction on his way to a winning electoral college score nationwide his unprecedented success among rural, white voters allowed down-ballot Republicans to have a night better than they might have expected here in Maine. In addition to Maine splitting its four electoral votes (three to former Sec. Hillary Clinton, one to Trump), Republican strength in the state's interior meant the GOP would retain Rep. Bruce Poliquin for a second term in the sprawling, northern 2nd Congressional District, Democrats would be stymied in their hopes of reclaiming the state senate, and the Democratically controlled House would be fought to a breathtakingly close margin 76-73, with two unenrolled members.

However, Democratic and progressive hopes were not entirely shattered despite a night of national disappointment. The party's exceptional candidate recruitment efforts allowed them to have a resurgence in a scattering of rural areas, most notable among them Aroostook County where the party will control two senate seats for the first time in recent memory. In fact, Senate Democrats were able to pick up four seats in difficult districts that each presented abstract challenges. Despite this, their hopes were dashed by the GOP knocking off two of their incumbents meaning Republicans will hold a razor-thin majority at 18-17.

The House of Representatives will be headed by incoming Speaker Sara Gideon (D-Freeport) and Democrats will be lead on the floor by Rep. Erin Herbig (D-Belfast) with Rep. Jared Golden (D-Lewiston) serving as her Asst. Majority Leader, or whip. Rep Ken Fredette (R-Freeport) will continue to lead his caucus for a third consecutive term and Rep. Ellie Espling (R- New Gloucester) will return as House GOP whip. In the Senate, President Mike Thibodeau (R-Waldo) will serve a second term as presiding officer while Sens. Garrett Mason (R-Androscoggin) and Andre Cushing (R-Penobscot) resume their posts from the 127th Legislature as Majority Leader and Asst. Majority Leader, respectively. Senate Democrats took an unprecedented step in the era of term limits by electing Sen. Troy Jackson (D-Aroostook) as their Minority Leader immediately upon his return to the chamber, having not served in Augusta since the 126th Legislature. Sen. Nate Libby (D-Lewiston) will round out leadership for the Democrats and serve as Asst. Minority Leader.

Despite the tumult and drama of this particular election season, the Municipal Review Committee's goals, strategy, and tactical direction should not be significantly recalibrated during the 128th Legislature. While the peculiarities of personalities, the political environment and public opinion mean anything and everything can change and require an adjusted legislative focus, MRC's priorities remain the same while the centers of power in Augusta do as well. Governor LePage is still likely to have a contentious relationship with the Legislature which will continue to be controlled by House Democrats and Senate Republicans. It is also important to remember the now-famous relationships built between both parties' leadership during the budget battles of 2015 are still present and mean there is precedent for bipartisan cooperation.

In the upcoming session, the Municipal Review Committee will continue to effectively educate legislators and other government power brokers on its efforts to serve the solid waste needs of its member communities. This will mean everything from reminding the Legislature of the new Fiberight Facility's benefits to the state solid waste hierarchy right down to each and every member's specific story. As always, it will be critical to aggressively and effectively advocate the specifics of who we are and what we do. This means we will be relying on individual member communities to contact their local legislators and explain the necessity of MRC's goals to them. Remember: nothing is more effective in trying to influence policy than letting your senator and representative know where you stand and what you feel is best for your community.

This remains especially important because we know with all certainty our opponents will be out in full force from the first day of session (January 4) until its close in the early summer. To ensure effective communication, efficient execution of our tools and resources for legislative strength, and, ultimately, our success, we will be keeping you updated as incoming legislators are sworn in on December 7 and all-important committee assignments are finalized later in the month before the new year.

Progress on Road and Utility Construction

Work on the road is moving along well. Construction contractor, Sargent Corporation has cleared and grubbed the access site, installed 50% of the gravity sewer system, and installed culverts to handle stormwater. Up next Sargent will install the pump station and force main. Depending on the weather over the next two months, work is expected to be completed by February.



Sargent Corporation installing utility pipes and building the approximately 1 mile road.

Fiberight Update

With winter approaching and the road and utility construction underway in Hampden, validation of the project design and engineering continues at the Fiberight's demonstration facility in Lawrenceville, Virginia. This work also has confirmed the markets for the end products such as recyclables and biofuels and allowed for the securing of the process warranty insurance. MRC has been assisting Fiberight with completing investor due diligence prior to financial close. Pending a successful decision of the permit appeal, Fiberight expects to have the financing in place in time for the facility to be open in April 2018.

Settlement Update

The MRC reported in its October newsletter that the MRC Board had approved a settlement with USAE that had been recorded and bound by the parties with the court. The settlement terms in sum concluded the litigation outstanding and also included a fair and positive wind up and conclusion of the existing PERC Partnership. MRC has been working with USAE since that time to also restate the terms in a final settlement agreement signed by the parties. We will update the membership on these efforts at the annual meeting.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Planning & Development Committee
FROM: Angus Jennings, Town Manager
DATE: December 8, 2016
RE: Update on Business Park TIF

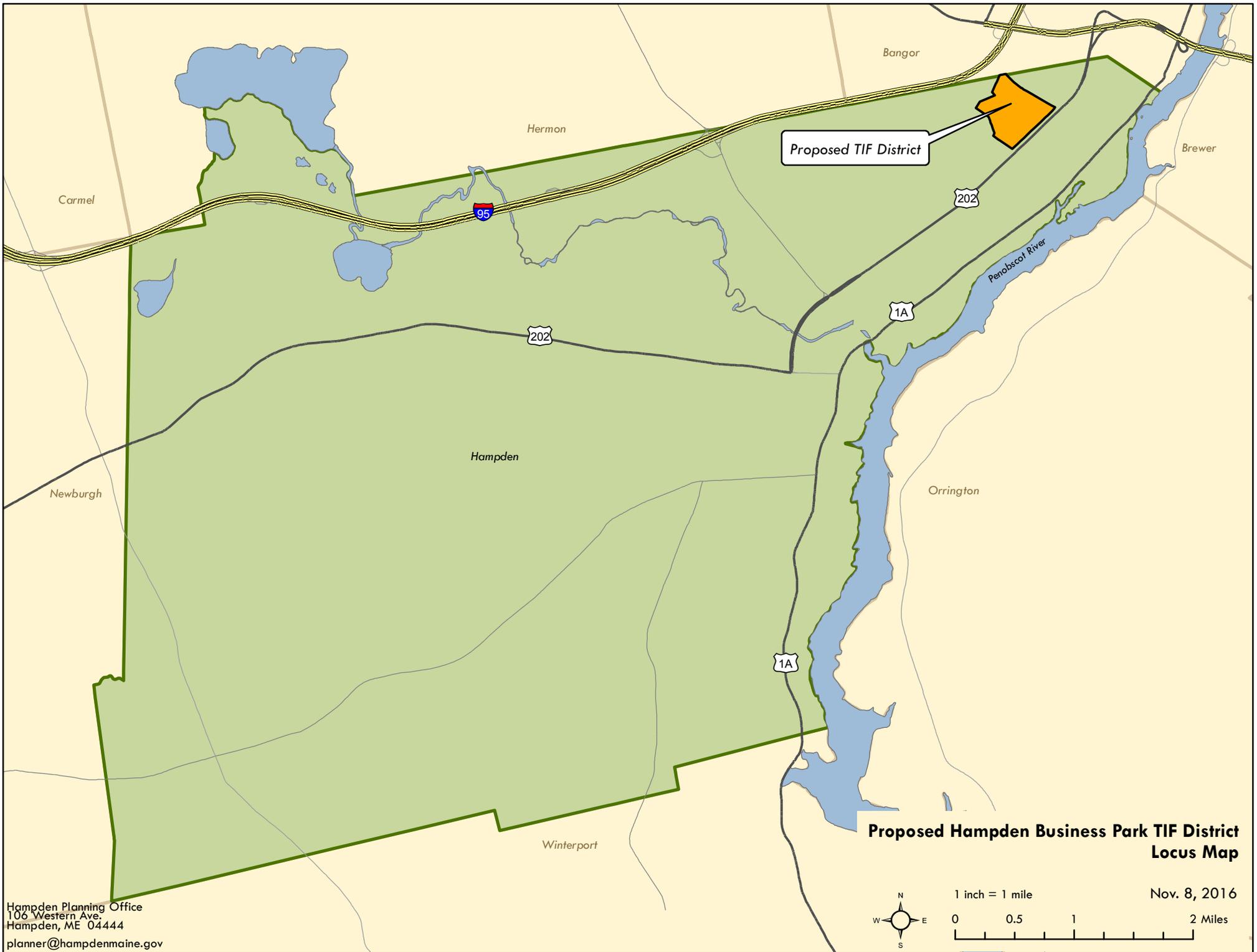
We have continued to work with the TIF consultant Noreen Norton, and have provided her all of the information she needs to prepare a draft TIF and Credit Enhancement Agreement (specifically assessed values; mapping; eligible uses for TIF revenues).

The P&D Committee has previously reviewed the enclosed maps, and the attached list of eligible uses of TIF funds has been revised from the earlier draft taking into account the P&D discussion at a prior meeting.

Noreen will not be in attendance at this Monday's meeting but, if she has questions for consideration by the Committee, she'll provide these to us on Monday so that we may review them that night.

We expect to receive a complete draft TIF and CEA next week, which we'll review at a staff level, and which Sargent Corp. will review. We'll provide comments back to Noreen, who will prepare an updated draft – taking into account staff and Sargent comments – for inclusion in the Dec. 21 P&D packet. Noreen will attend the Dec. 21 meeting.

It is our hope that the P&D Committee will refer the TIF and CEA to the Council, for referral to public hearing, at either its Dec. 21 or its Jan. 4, 2017 meeting. This would allow a public hearing to be held at the Council's meeting on January 17. Even if the hearing continues to a second session, in early February, we would remain on track to submit the TIF and CEA to the State DECD in February for their review and approval.



**Proposed Hampden Business Park TIF District
Locus Map**

Hampden Planning Office
106 Western Ave.
Hampden, ME 04444
planner@hampdenmaine.gov



1 inch = 1 mile
0 0.5 1 2 Miles

Nov. 8, 2016

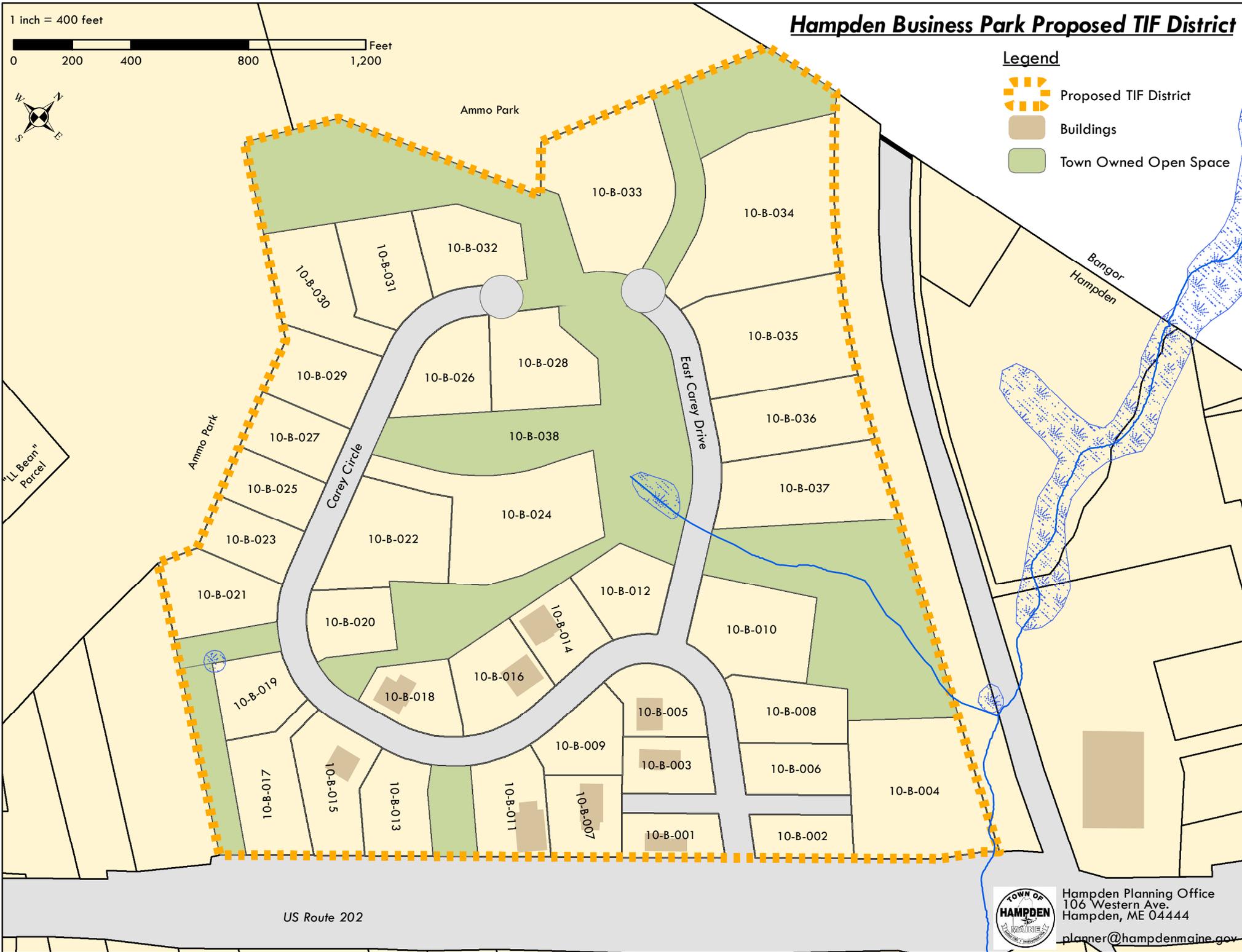
1 inch = 400 feet



Hampden Business Park Proposed TIF District

Legend

-  Proposed TIF District
-  Buildings
-  Town Owned Open Space



"LL Bean" Parcel

Bangor
Hampden

US Route 202



Hampden Planning Office
106 Western Ave.
Hampden, ME 04444
planner@hampdenmaine.gov

List of eligible uses for business park TIF funds:

Draft, v4, 11/22/16

Project	Eligibility Under Title 30-A	Estimated Cost	Common Projects
TIF Administration and Organization Costs – associated costs and pro-rated salaries of municipal employees and consultants in connection with implementing and administering this Development Program and related Credit Enhancement Agreement	§5225(1)(A)(5) §5225(1)(A)(7)		Emera TIF (5)
Stormwater Improvements – costs of catch basin (SW-1 ⁱ) and outfall (SW-2) repair within Urbanized area which handle stormwater in the vicinity of the Business Park (the entire park is within the watershed for Sucker Brook, which flows to the Penobscot; a tributary to Sucker Brook flows from the Park to Sucker Brook, which borders a portion of the Park.)	§5225(1)(A)(1) §5225(1)(B)(1)		
Stormwater (MS4 compliance) - Impaired watershed management plans for Shaw Brook (SW-3; in the vicinity of the “Town Tract” referred to in the Emera TIF) and Sucker Brook (SW-4)	§5225(1)(B)(1)		
Roadway Improvements – to accommodate additional wear and tear due to increased commercial traffic in and around the commercial and industrial areas, including feasibility, engineering, permitting, and legal costs. Such projects may include but are not limited to the intersection of Route 202 and Penobscot Meadow Drive/Mecaw Road, Route 202 and Carey Circle, Route 202 and Coldbrook Road, and Route 202 and Western Avenue.	§5225(1)(B)(1)		Emera TIF (7, 8)
Culvert repair/replacement - Old County Road culvert (PW-9), Sucker Brook culvert at Triangle Rd. (PW-13)	§5225(1)(B)(1)		
Coldbrook Rd “master plan” to support future commercial and industrial development of the corridor between US 202 and I-95; include limiting curb cuts by use of frontage roads and include bike/pedestrian path along the road. (T-7 ⁱⁱ and T-17 of Transpo Implementation Strategy of comp plan)	§5225(1)(B)(1)		Emera TIF (1)
Town Center Improvements – improved pedestrian facilities (e.g. sidewalks, crosswalks, pedestrian lights, benches, bike racks) throughout the town center; additional and/or improved public parking facilities. (PW-1).	§5225(1)(B)(2)? §5225(1)(C)(6)?		
Internet access – broadband internet access to all commercial and industrial areas in town in support of business development and retention.	§5225(1)(B)(1) §5225(1)(C)(1)?		

Project	Eligibility Under Title 30-A	Estimated Cost	Common Projects
General business attraction/marketing and economic development – contribution to costs of town staff or consultants associated with municipal economic development activities; marketing activities including materials.	§5225(1)(C)(1)		Emera TIF (10)
Revolving Loan/Grant/Investment Program – to promote small business development, renovations, and expansions throughout the town.	§5225(1)(C)(3) §5230		Emera TIF (12)
Workforce Training – costs of town sponsored or town supported worker training programs, including facility rental, instruction, and incidental costs. TIF funds could also be in the form of grant or matching fund grants for business assistance to help train for jobs created or retained due to employer need for employees with specific skill sets not available in the current workforce.	§5225(1)(C)(4)		Emera TIF (13)
Recreation Trails – expansion and maintenance of recreational trail system (including ATV and snowmobile trails) to enhance and provide connectivity in order to promote economic development and public health and safety. Requires DECD finding that the trail will benefit economic development.	§5225(1)(A)(1) §5225(1)(C)(6)		Emera TIF (14)

ⁱ Reference to Capital Plan, 2016 (SW = stormwater, PW = public works)

ⁱⁱ Reference to 2010 Comprehensive Plan



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: December 6, 2016
RE: Market Study Kick-Off Day – Dec. 12, 2016

As you know, the Town is embarking on a market study with the well regarded economic research and economic development firm W-ZHA, LLC. Our consultant for this project, Sarah Woodworth, will be in Hampden all day on Monday December 12, 2016 to meet with a variety of people from the business community to get a good understanding of the local business climate.

In preparation for this series of focus group meetings, staff has conducted outreach via a mailing (see attached sample letter), email, and phone calls to about 200 people in Hampden and the region. We have more than two dozen confirmed to participate as of this writing, with more people confirming each day.

I have also notified the Planning Board that if they are interested in participating, they are welcome to attend the P&D meeting on Monday. We do expect participation by one or more Planning Board members.

I have also included (following the sample letter) a number of graphs and maps staff prepared and sent to the consultant to help her prepare for this work. We have mapped local businesses based on a business database that we continue to refine, and which we will continue to improve in the coming months. Even though it has some gaps, the database gives a pretty good idea of the businesses we have in Hampden.

SCHEDULE A

SCOPE OF SERVICES

SCOPE OF SERVICES

The purpose of this analysis is to get facts straight and to assess Hampden's economic development potential. This phase will address questions like:

- How is Hampden faring compared to other peer towns?
- What are Hampden's key assets and liabilities?
- What land uses are likely to have growth potential in the near term?

Task 1: Economic Framework

W-ZHA will evaluate population and household trends and projections for Hampden and Penobscot County. Employment trends by industry will be analyzed as well as County employment forecasts by industry. W-ZHA will analyze key demographic, social and economic data to provide a "snapshot" of Hampden and how it compares to its economic region and peer towns. (The Client will identify up to three "peer" towns.)

Task 2: Kick-Off Meeting and Interviews

W-ZHA will have reviewed Hampden's social and economic characteristics prior to the Kick-Off Meeting. As such, W-ZHA will be somewhat "up on the learning curve" by the time the Kick-Off Meeting takes place. The Agenda for the Kick-Off Meeting will include a review of the Scope of Services and Schedule; a Discussion of Issues; and a Briefing on Interview Candidates. The purpose of the Kick-Off Meeting is to ensure that W-ZHA is fully aware of the questions and issues the Town would like addressed as part of Phase I.

In the interest of budget, it is assumed that interviews with key stakeholders will be scheduled during the same day as the Kick-Off Meeting. Key stakeholders might include council members, developers, property owners, citizen groups, and business leaders.

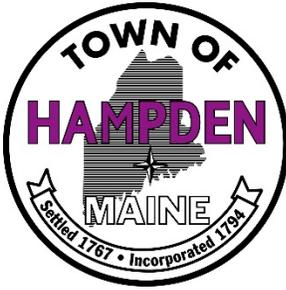
The Kick-Off Meeting is scheduled for December 12, 2016.

Task 3: Analysis and Technical Memorandum

On a preliminary basis, W-ZHA will analyze market factors to assess the potential for various land uses. Market factors include the condition of existing supply, potential demand, and development economics. This analysis will not be a market analysis for each land use. It will assess indicators in order to determine market opportunities and constraints by land use.

Task 4: Presentation

W-ZHA will present the Economic Framework findings to Town officials. A one-day trip is budgeted for this presentation.



Town of Hampden
Land & Building Services

Town Offices
106 Western Ave.
Hampden, ME 04444

November 22, 2016

Dear «(Name)», *(Note, we used mail merge to address letters)*

Hampden's Town Council is focused on cultivating Hampden as an attractive place to do business. Initiatives underway include zoning ordinance amendments, a study on the demands for better broadband internet options, and a market study to assess Hampden's economic development potential and how it can best be realized.

None of these initiatives can be wholly successful without the input of the businesses and residents of Hampden. **This letter is to invite you to participate, in the near term, in two specific projects.** The first is a market study, which will benefit from your insights into the local business climate and future economic development. Our consultant, Sarah Woodworth of W-ZHA, LLC, will be in Hampden on Monday December 12, 2016. If you have time that day to come speak with Sarah, this is an excellent opportunity to have your voice heard on this important topic. Your input will be greatly appreciated and held in the strictest confidence.

If you are interested in meeting with Sarah, please RSVP to Karen Cullen or Danielle Simons at 862-4500 no later than December 5. We will contact you with specifics on place and time.

The broadband study is the second project about which we are seeking your input. Working with our grant-funded consultants, Axiom Technologies, LLC, and Eastern Maine Development Corporation (EMDC), we have prepared a survey for businesses which is crucial to understanding the current and future demands for internet services for businesses. The data gathered will provide valuable information on how Hampden should proceed with improving broadband services for businesses, ultimately strengthening our position for attracting and retaining business ventures. Please visit the link below or go to www.hampdenmaine.gov to participate in the survey.

<https://www.surveymonkey.com/r/hampdenbusinesssurvey>

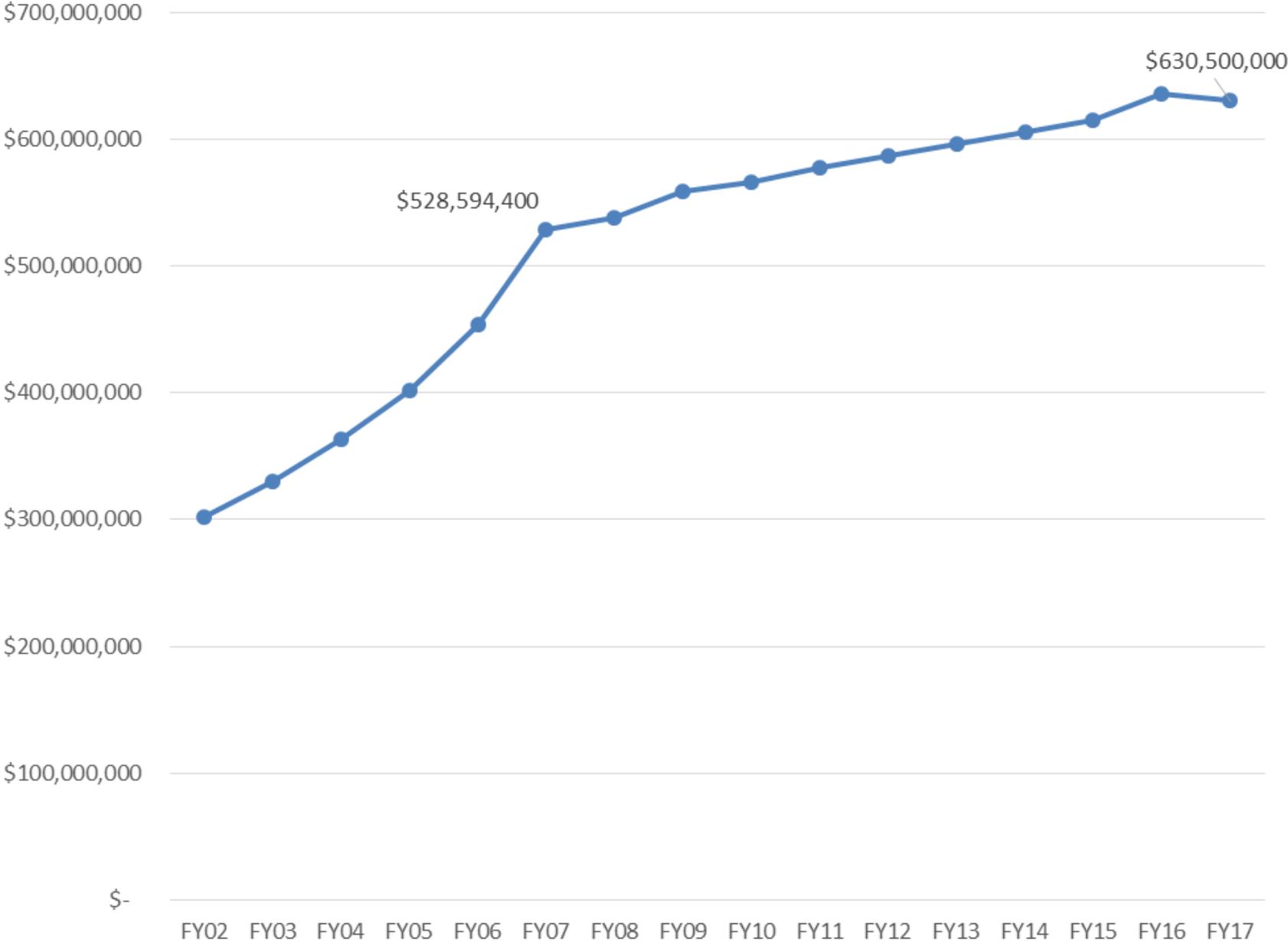
Thank you very much for your consideration of these requests. We hope you can join Sarah on December 12th to discuss economic development, and we encourage you to take the survey on broadband. If you have any questions, please contact me at 862-4500.

Sincerely,

A handwritten signature in blue ink that reads "K M Cullen".

Karen M. Cullen, AICP
Town Planner

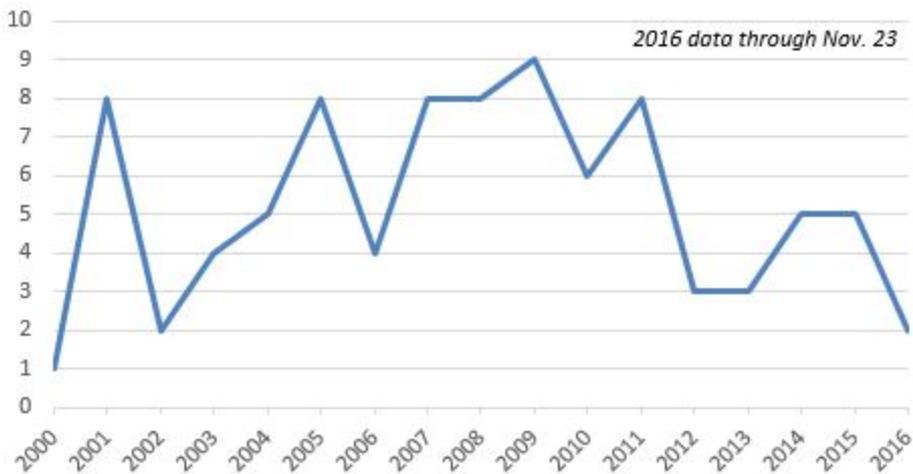
Hampden Town-Wide Valuation (MaineDOR)



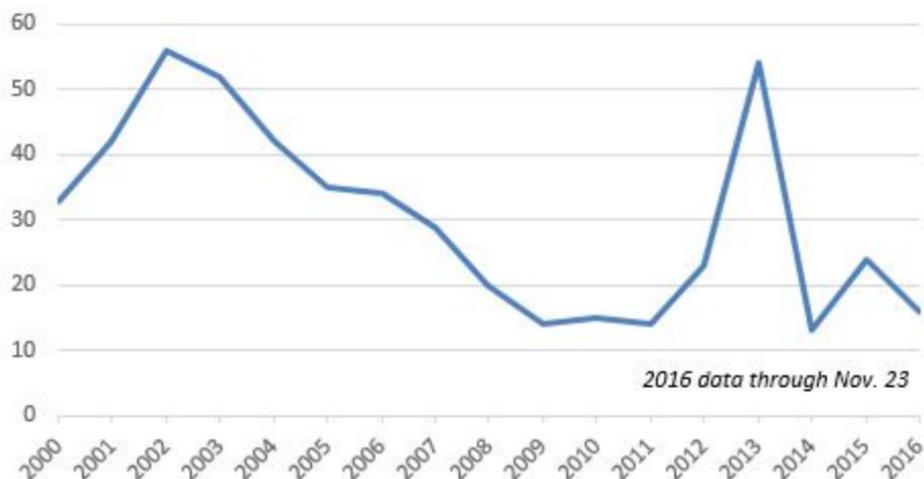
Business Building Permits, New Construction



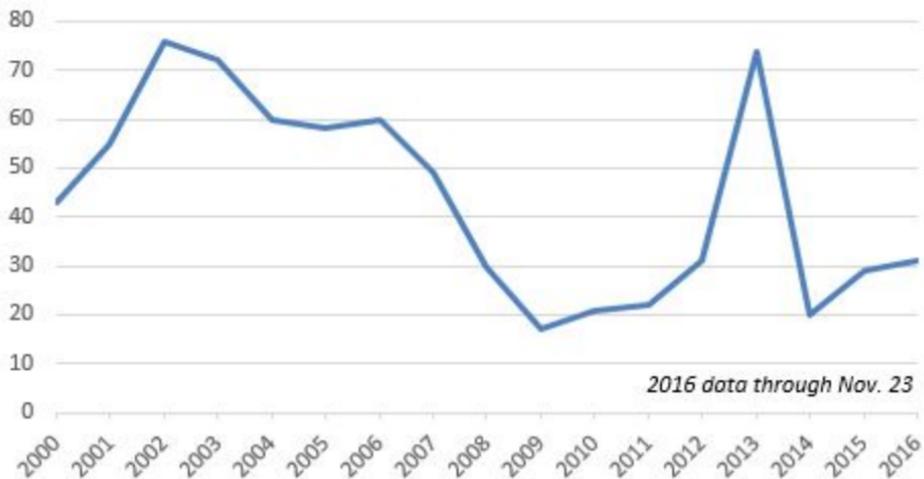
Business Building Permits, All



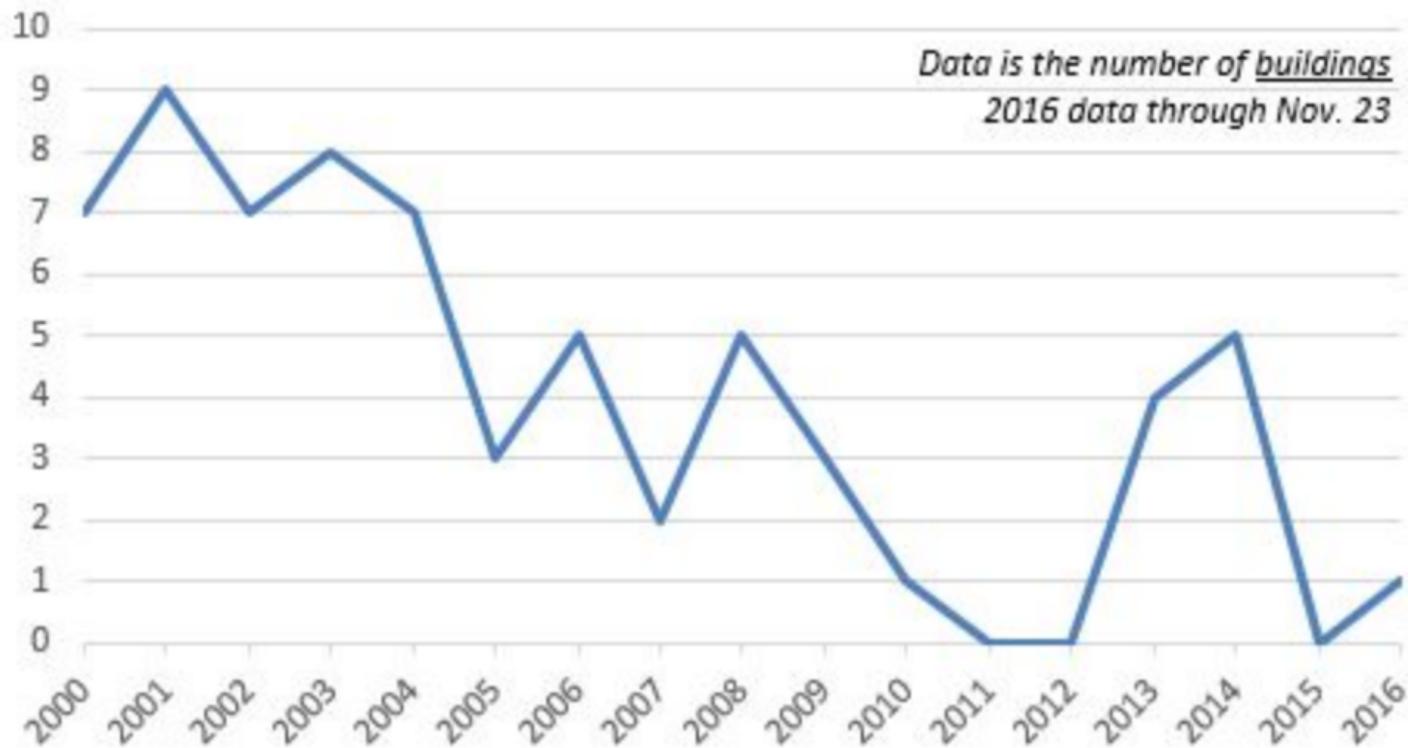
Residential Building Permits, New Single Family



Residential Building Permits, All Single Family



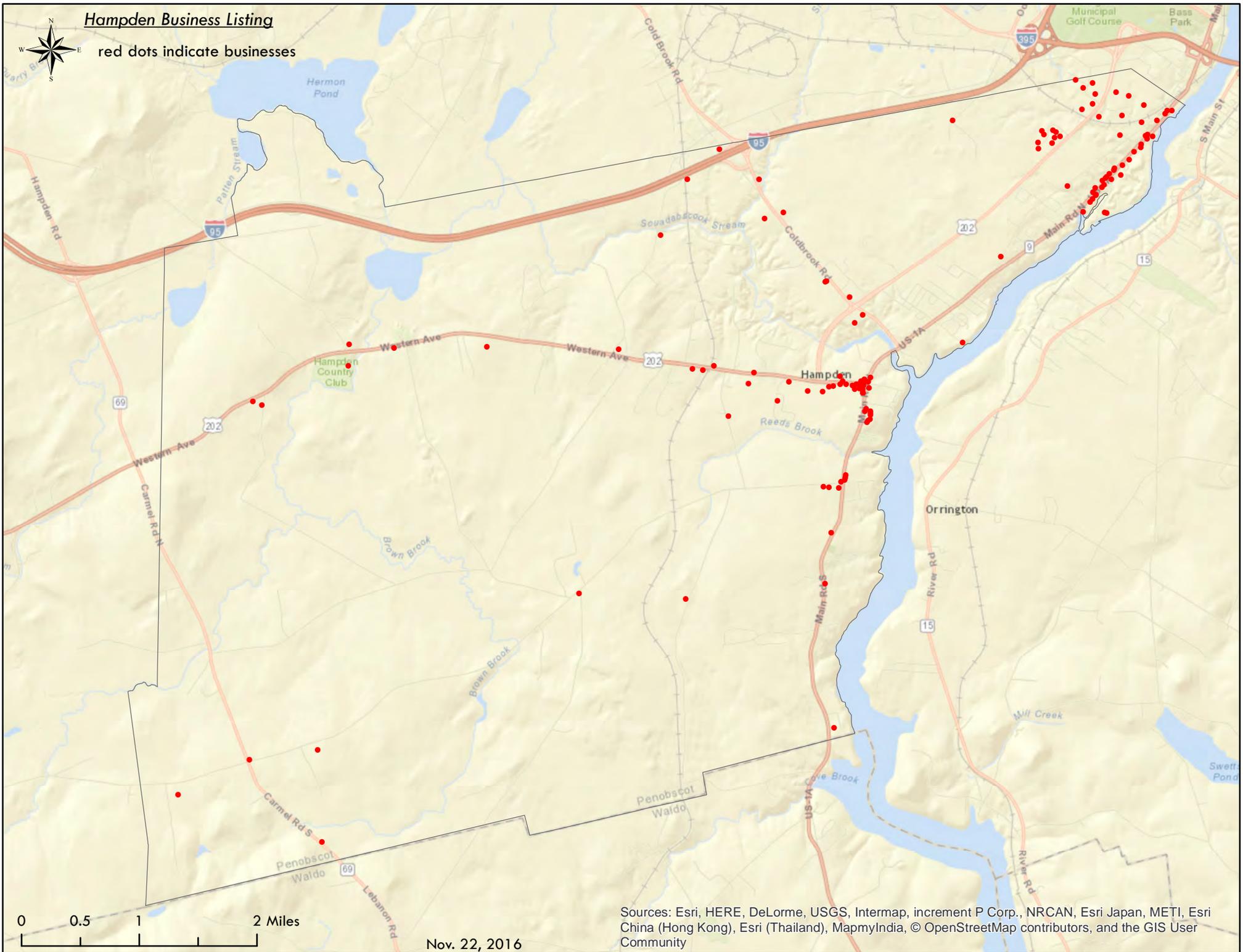
Residential Building Permits, New Multi-Family



Hampden Business Listing

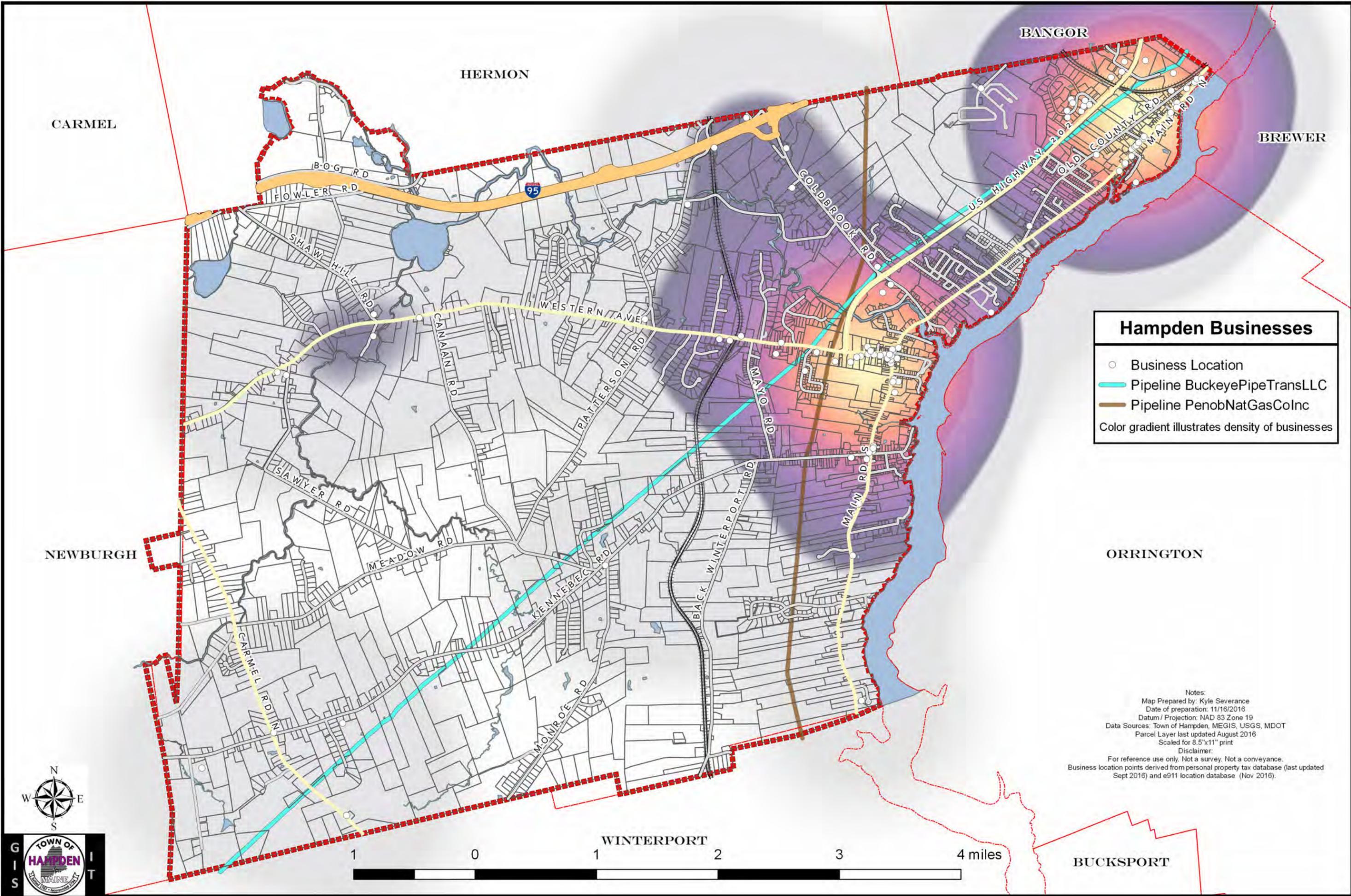


red dots indicate businesses



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Nov. 22, 2016



Hampden Businesses

- Business Location
- Pipeline BuckeyePipeTransLLC
- Pipeline PenobNatGasCoInc

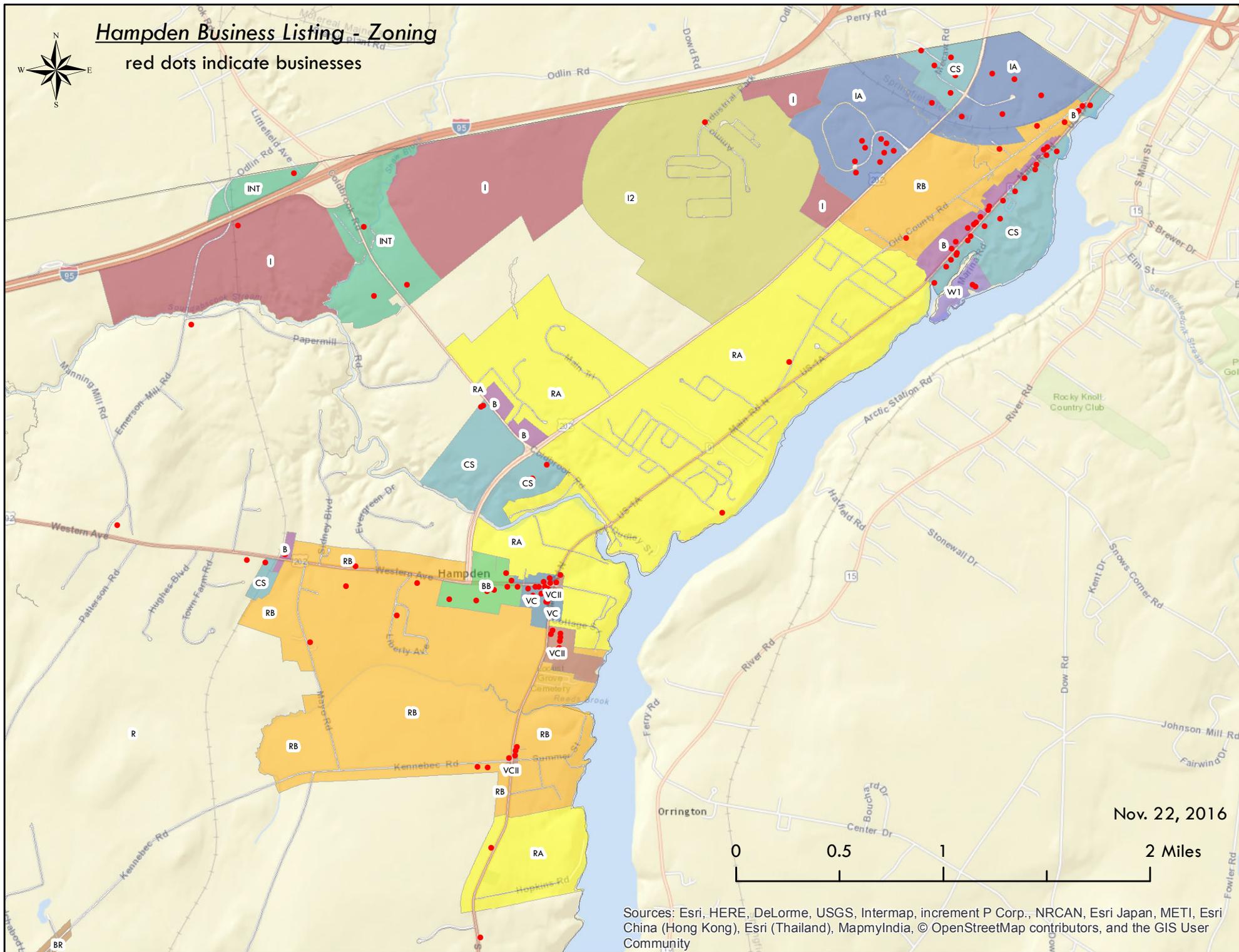
Color gradient illustrates density of businesses

Notes:
 Map Prepared by: Kyle Severance
 Date of preparation: 11/16/2016
 Datum / Projection: NAD 83 Zone 19
 Data Sources: Town of Hampden, MEGIS, USGS, MDOT
 Parcel Layer last updated August 2016
 Scaled for 8.5"x11" print
 Disclaimer:
 For reference use only. Not a survey. Not a conveyance.
 Business location points derived from personal property tax database (last updated Sept 2016) and e911 location database (Nov 2016).



Hampden Business Listing - Zoning

red dots indicate businesses



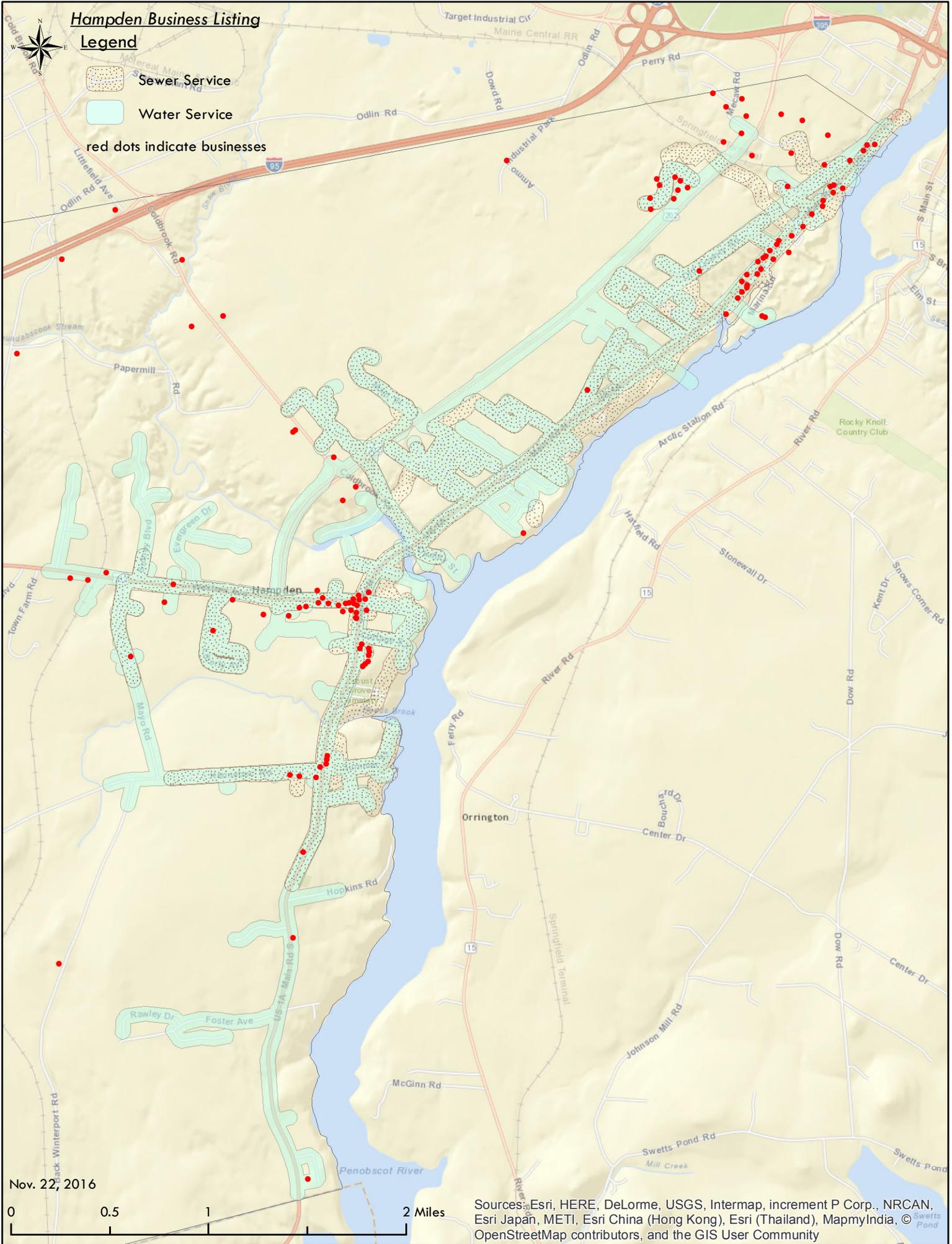
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Hampden Business Listing

Legend

-  Sewer Service
-  Water Service

red dots indicate businesses



Nov. 22, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legal Marijuana & Municipalities

December, 2016

Last month Maine voters narrowly approved a ballot measure legalizing the personal use, possession and cultivation of marijuana by persons 21 years of age and older and the operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs for on-premises sale and consumption.

Barring other developments (for instance, a recount resulting in reversal of the vote), the new law will take effect either 30 days after the Governor proclaims the results of the vote or, if additional funds are required to implement the new law (as appears likely), 45 days after the next regular session of the Legislature convenes. In any event, the effective date of the new law will almost certainly be no earlier than sometime in January 2017, but it could be considerably later depending on a number of as-yet-unknowns.

As of the effective date – whenever it may be – it will be legal for adults to use, possess and cultivate “recreational” amounts of marijuana. However, retail marijuana stores and social clubs and commercial-scale cultivation, manufacturing and testing facilities will require annual State licenses under the new law. And the Department of Agriculture, Conservation and Forestry has up to nine months to adopt rules for licensing and operation of these establishments. So as a practical matter they will not be able to obtain licenses or operate legally until at least late 2017.

Under the new law, all required State licenses apparently require local approval as well, though it is not yet clear who on the local level decides or on what basis. Municipalities are also authorized, by ordinance, to regulate the number, location and operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, and to impose a separate local licensing requirement. In the alternative, municipalities may, by ordinance, entirely prohibit any or all of these establishments.

For municipalities that may want to allow but regulate retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, it will be difficult to calculate how best to do so until after final rulemaking by the department and perhaps corrective or at least clarifying legislation. This will all probably take many months. To prevent unwanted developments in the meantime, we recommend adopting a moratorium ordinance. For a sample, download attachment 1 below.

For general information and advice on moratorium ordinances, see our “Information Packet” on the subject, available free to members at www.memun.org.

For municipalities that want to prohibit retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs entirely, there is no need to wait for rulemaking or more legislation. An ordinance prohibiting these establishments can be enacted any time (but probably

the sooner the better) before State licensing begins, probably in late 2017. For a sample, download attachment 2 below.

For more on the legal as well as the practical implications of the new law, be sure and watch for two full-length articles planned for the February 2017 issue of the Maine Townsman.

Also, MMA is sponsoring a workshop on the new law on Feb. 28, 2017, in Freeport. Presenters will be attorneys from the Portland law firm of Drummond Woodsum. Watch for details and registration information on our website (www.memun.org). (By R.P.F.)

Attachment 1:

https://www.memun.org/Documents.aspx?Command=Core_Download&EntryId=10137

Attachment 2:

https://www.memun.org/Documents.aspx?Command=Core_Download&EntryId=10138