



Town of Hampden
Planning and Development Committee
Wednesday April 18, 2018, 6:00 pm
Council Chambers
Agenda

1. Approval of March 21, 2018 Minutes
2. Committee Applications: None
3. Updates:
 - A. MRC/Fiberight
 - B. Staff Report
 - C. Adult Use Marijuana Update
4. Old Business: None
5. New Business:
 - A. Recent Changes to MUBEC
 - B. Review of citizen inquiries regarding potential for regulatory oversight of property maintenance
6. Zoning Considerations/Discussion:
 - A. Update on Proposed Amendments
7. Citizens Initiatives
8. Public Comments
9. Committee Member Comments
10. Adjourn



Town of Hampden
Planning and Development Committee
Wednesday March 21, 2018, 6:00 pm
Municipal Building Conference Room
Minutes - Draft

Attending:

Committee/Council

David Ryder - Chair
Dennis Marble
Terry McAvoy
Ivan McPike
Steve Wilde

Staff

Angus Jennings, Town Manager
Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer
Public
Darlene Teeto Webb

Chairman Ryder called the meeting to order at 6:01 pm.

1. Minutes for the February 21, 2018 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Councilor McAvoy; carried 4/0/0 (Councilor Wilde not present for vote).
2. Committee Applications: None
3. Updates:
 - a. MRC/Fiberight: Construction photos of the building were handed around. Manager Jennings reported staff has begun implementation of the flow control ordinance with letters sent to the various haulers around March 1. Earlier this week we received a letter from MRC that raises questions about whether MRC will be using PERC as we had all thought. Manager Jennings commented this is destabilizing but believes in the end the waste will go to PERC. Manager Jennings is also working with Fiberight to obtain the revenue projections for Hampden's budget. CEO Block mentioned the monthly construction inspection meetings will begin soon. Manager Jennings and the councilors noted there are inconsistencies in the data included in the Biomass Magazine article.
 - b. Staff Report:
 - i. Councilor Marble and Mayor McPike said they would attend the Business Expo and walk around to talk to other attendees. Staff will prepare some town business cards for them to bring, as well as some talking points they can use.
 - ii. CEO Block addressed the email regarding 1150 Kennebec Road that was in the packet; this property does not meet the criteria for a dangerous building and it is in better condition now than it has been.
 - iii. It was noted the Planning Board is meeting tonight and will deal with four applications, including Tradewinds site plan and the amendment to the Business Park subdivision. Two new projects are listed which will be on the April Planning Board meeting, both conditional use requests involving existing buildings. Planner

DRAFT

Cullen also noted the Planning Board will act on a request for a waiver to site plan review for the salt shed at the April meeting.

- iv. Planner Cullen reported on the Epstein Commercial Real Estate group's meeting on the Bangor Region industrial and commercial real estate market: Hampden's industrial space is about 800,000 square feet and has less than 1 percent vacancy rate; we're doing pretty well compared to the other three municipalities studied (Bangor, Brewer, and Hermon). Construction costs are a barrier to growth in this region, due in part to the relatively low rents that can be charged and the higher construction costs caused at least in part by MUBEC.
 - v. Manager Jennings noted staff had met with DEP today regarding the shoreland zoning map and ordinance.
 - c. Manager Jennings introduced Ben Smith, our consultant who has been assisting with development review with the Planning Board. He summarized the request in the memo in the packet to use the remaining funds from the Business Park Covenants consulting work to keep Mr. Smith on through the end of this fiscal year, which will enable Planner Cullen to complete the zoning work. Several Councilors felt that while they agree with doing this for this situation due to the importance of completing the zoning work by the end of the fiscal year, the town in general should put unspent money into the general fund. Manager Jennings noted he will put this onto the Finance & Administrative Committee agenda and the Town Council agendas for April 2nd.
4. Old Business: None.
 5. New Business: None
 6. Zoning Considerations/Discussion: Planner Cullen reported on the progress of the project. The Planning Board met for 3 hours last night and scheduled an extra workshop meeting for April 3. She reviewed the schedule and said everything is on track for public hearing with the Planning Board May 9 and 15, and for Town Council public hearing June 4, with an effective date of July 4 (assuming the amendments are adopted that night). She noted the Council date could slide if the public hearing with the Planning Board goes longer than the two nights scheduled. Planner Cullen showed the Committee the seven brochures she has created, which the Planning Board has thoroughly reviewed. She noted the Planning Board will release the proposed ordinance amendments and the brochures for publication on the town's website and in print at the town offices as soon as they complete their review of the proposed amendments (mid-April)
 7. Citizen Initiatives: None.
 8. Public Comments: Darleen Teeto Webb said she is looking forward to the zoning amendments getting adopted so she can open an upscale dog daycare business in the Business Park.
 9. Committee Member Comments: Mayor McPike noted that Stan MacMillan has purchased the Stearns Estate on Main Road North and plans to build a subdivision similar to the Chickadee Lane project.
 10. Adjournment: Motion to adjourn the meeting at 6:52 pm made by Councilor McAvoy, seconded by Councilor Marble; motion carried 5/0/0.



Karen Cullen <planner@hampdenmaine.gov>

Fwd: Fiberight Facility Construction Progress Report

1 message

Angus Jennings <townmanager@hampdenmaine.gov>
To: Karen Cullen <planner@hampdenmaine.gov>

Thu, Apr 12, 2018 at 8:50 AM

----- Forwarded message -----

From: **Greg Louder, MRC Executive Director** <municipal.review.committee1@gmail.com>
Date: Thu, Apr 12, 2018 at 8:39 AM
Subject: Fiberight Facility Construction Progress Report
To: townmanager@hampdenmaine.gov



To all MRC Joining Members:

The MRC is sending this progress report on behalf of Fiberight.

**Welcome to the Fiberight Facility Construction Progress Report!**

In an effort to keep everyone updated as to our progress at the build site and address any misconceptions, we plan to send these regular informational bulletins to Member Communities.

Currently, we are well underway with the construction phase of the Hampden plant. Work crews are progressing as quickly as possible, and we do not foresee a delay to the overall full-commissioning of the project.

However, our staged opening, whereby we would have been able to accept waste for processing by the front-end MRF, has been delayed by winter weather. These delays, related primarily to wind-related issues, challenged our contractor's ability to safely install roof and wall panels on the building. As such, the building has not been completed, and the MRF installation has been delayed by several months.

We are working diligently with our stakeholders to bring the plant online at the earliest possible date to provide state of the art MSW recycling and waste processing to the region.

Fiberight, MRC, Cianbro (general contractor), and CES, Inc. (engineer) are meeting on a regular basis with DEP and the Town of Hampden to monitor progress and seek ways to accelerate building and concrete construction so as to install the MRF as soon as possible. Full funding for the project was achieved in December of last year; we have the money in the bank and a

committed team of local contractors that will allow us to execute opportunities that may further this goal.

In the short term, MSW is being diverted, as contractually agreed, to Crossroads Landfill and Juniper Ridge Landfill. This is only for interim delivery MSW only - not single-sort recycling.

Photos and updates are being posted frequently to our Facebook page - please "like" and follow the [Fiberight page](#) for the latest updates during the construction phase of our project.

Thank you,
Shelby Wright
Director of Community Services
Fiberight
swright@fiberight.com

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 Like us on Facebook

Municipal Review Committee, 395 State Street, Ellsworth, ME 04605

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Angus Jennings
Town Manager

Town of Hampden
[106 Western Avenue](#)
[Hampden, ME 04444](#)
[\(207\)-862-3034](#)
townmanager@hampdenmaine.gov

Please check out our new website: www.hampdenmaine.gov

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04/09/2018 12:41



04/09/2018 12:41

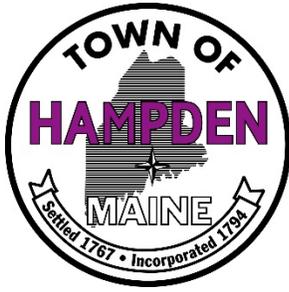


04/09/2018 12:49

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
Fiberight	off Coldbrook	solid waste processing	153,800 sq ft	Approved	Site Plan
Hannibal Hamlin Place	Main Road N	expansion	2,800 sq ft	Approved	Site Plan
Pine Tree Food Equipment	Nadine's Way	new building/business	3,600 sq ft	Approved	Site Plan
Dennis Paper	Mecaw Rd	expansion	27,237 sq ft	Approved	Site Plan
Colonial Heights	off Constitution	phase 3 of subdivision (final plan)	11 new lots	Approved	Subdivision
Carver	Ballfield Rd	conversion of single family to two family	1 new unit	Approved	Conditional Use
Sky Villa	646 Main Road N	conversion of interior to 10 short term rehab beds	3,172 sq ft	Approved	Conditional Use
Brickle	326 Main Road N	conversion of single family to two family	1 new unit	Approved	Conditional Use
Southstreet Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Withdrawn	Zoning Map Amendmemt
Hamlin's Marina	Marina Road	new boat storage building	10,000 sq ft	Approved	Site Plan
Fiberight	348 Coldbrook Road	Site Plan Revision	-	Approved	Site Plan
Springer Estates	Deer Hill Lane	addition of land to existing lot within subdivision	1 Lot	Approved	Minor Revision
Hannaford	Western Ave.	addition of ~12' x 32' external CLYNK bldg as accessory structure.	384 sq ft	Approved	Site Plan Revision
H.O. Bouchard	Coldbrook Road	expanded office building & Deck	1,620 sq ft	Approved	Site Plan Revision
Southstreet Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Approved	Zoning Map Amendmemt
Aaron Watt	Cottage St	new multi-family building	4 units	Withdrawn	Sketch Plan ²
Good Shepherd	Penobscot Meadow	addition of 7,550 sq ft impervious area	-	Approved	Site Plan Amendment
Pat's Pizza	662 Main Road N	new restaurant to replace current restaurant	3,500	Approved	Site Plan
Southstreet Development Co	98 Coldbrook Rd	new Tradewinds convience store with gasoline sales	6,900	Approved	Site Plan
Town of Hampden	Hampden Business Park	amendment to approved subdivision		Approved	Final minor subdivision
T&A Realty	50 Main Road North	Business adding a rental apartment	760 sq ft	Approved	Conditional Use
Katherine Carter	76 Main Road South	Customary Home Occupation - Artist Gallery		Approved	Conditional Use
Town of Hampden	355 Canaan Road	Request for waiver to site plan review for essential service, salt shed	1,260	Approved	Site Plan Waiver

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KME*
Date: April 11, 2018
RE: Adult Use Marijuana Legislative Update

This memo provides the status of the legislature's recent activity on adult use marijuana laws.

On April 9, 2018, the Committee on Marijuana Legalization Implementation referred LD 1719 out with a recommendation ought to pass. The majority of the bill ("Part A") deals with the Marijuana Legalization Act and includes many substantial changes from the original. Included with this memo are three documents: the summary portion of the bill, and a presentation and email received from Representative Haggan.

The full bill can be read online at the Maine Legislature's website, look at the "adopted amendments" documents:

http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1719&PID=1456&snum=128

The most important aspects to Hampden are:

- Does not allow social clubs.
- Clarifies licensing and approval process: applicant seeks state approval first, receives conditional approval, then seeks municipal approval, and if granted, receives license from the state, good for one year from the date of issuance (with annual renewal).
- Town may, by adopted ordinance(s), regulate marijuana establishments via land use regulations (i.e. zoning ordinance) including no closer than 1,000 feet from a school, local licensing which may include town approval or license fees, and the town may limit the number of any type of marijuana establishment that may be approved or licensed to operate within the town. The town may also adopt stricter regulations than the state, but not more lenient than the state.
- The town may adopt an ordinance regulating home cultivation but may not completely ban the practice.

- Changes the provisions for cultivation facilities. Proposed law has four tiers, from tier 1 which is up to 30 mature plants to tier 4 which is up to 20,000 square feet of plant canopy.
- Added nursery cultivation, for immature plants, clones, and seeds, and includes the sale of those to other licensees and to consumers.
- Provides for a 10% sales tax on marijuana and marijuana products to be imposed at the point of sale to a consumer.
- Excise tax (effective rate of 10%): \$335/pound of flowers, \$94/pound of marijuana trim, \$1.50/immature plant or seedling, and \$0.30/seed.
- No portion of these taxes go to towns (as proposed in previous bill), however towns may assess fees to cover administrative and enforcement costs.
- Clarifies language regarding transfer of marijuana or marijuana products without remuneration to another person – remuneration includes a donation or any other monetary payment received directly or indirectly (i.e. you can't charge someone a lot of money for a glass of water and throw in some marijuana for "free").
- Clarifies provisions regarding home cultivation for personal use: no more than 3 mature plants per person, allows 6 months for people to go from the currently allowed 6 plants to the new limit of 3 plants.

This bill passed the House on April 10 with a 112/34 vote and the Senate on April 11 with a 24/10 vote. It is unknown whether the Governor will veto it, and if he does, whether the Legislature will override his veto. If it does become law, there does not appear to be any deadline for when the state departments involved must complete their rules, so it is impossible to predict when the town can begin drafting local regulations for licensing or regulating adult use marijuana.

The current proposed zoning ordinance amendments under consideration by the Planning Board include a prohibition of the five types of adult use marijuana (store, social club, cultivation, product manufacture, and testing). If approved in this form by the Town Council at its public hearing anticipated for June 4, these amendments will become effective in July 2018. Until that time, the moratorium currently in place should continue to be renewed every 60 days so it is clear that no adult use marijuana establishments are permitted in Hampden. Although social clubs have been removed from the state law, my recommendation is to leave them in our zoning ordinance as prohibited until it is clear they will not be allowed anywhere in the state. Once the state rules are out, then the zoning ordinance can be amended to regulate these establishments as appropriate.

1	HIGHWAY FUND	2017-18	2018-19
2	Personal Services	\$0	\$22,688
3	All Other	\$0	\$1,274
4			
5	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$23,962</u>
6	PUBLIC SAFETY, DEPARTMENT OF		
7	DEPARTMENT TOTALS	2017-18	2018-19
8			
9	GENERAL FUND	\$0	\$43,701
10	HIGHWAY FUND	\$0	\$23,962
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$67,663</u>
13	SECTION TOTALS	2017-18	2018-19
14			
15	GENERAL FUND	\$0	\$3,285,041
16	HIGHWAY FUND	\$0	\$23,962
17	OTHER SPECIAL REVENUE FUNDS	(\$91,032)	\$1,123,768
18			
19	SECTION TOTAL - ALL FUNDS	<u>(\$91,032)</u>	<u>\$4,432,771</u>
20			

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. Like the bill, the amendment facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016; however, the amendment makes the following changes to the bill.

PART A

Like Part A in the bill, Part A in the amendment repeals the Marijuana Legalization Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, but makes the following changes.

1. It designates the Department of Administrative and Financial Services, referred to in this summary as "the department," as the sole regulatory agency in the implementation, administration and enforcement of the Act, but requires the department to consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules

1 relating to the regulation of the cultivation, manufacture, testing, labeling and packaging
2 of adult use marijuana and adult use marijuana products.

3 2. It removes from the Act provisions regulating the licensure and operation of
4 marijuana social clubs.

5 3. It removes from the Act specific provisions for the sharing of sales tax and excise
6 tax revenue with municipalities.

7 4. It changes the definition of the term "plant canopy" to include in the calculation of
8 plant canopy only those areas in which mature marijuana plants are to be cultivated. The
9 amendment reduces the maximum cultivation facility license tier sizes under the bill by
10 approximately 1/3 to account for this changed definition but does not change the
11 application fees or license fees amount for cultivation facility licenses as provided in the
12 bill.

13 5. It defines the term "resident" for the purposes of licensure as a natural person who
14 is domiciled in Maine, maintains a permanent place of abode in Maine and spends in the
15 aggregate more than 183 days of the taxable year in Maine and has filed a resident
16 individual income tax return pursuant to Title 36, Part 8 in each of the 3 years prior to the
17 year in which the person files an application for licensure under the Act. The provision
18 of this definition requiring the filing of resident individual income tax returns for the 3
19 years prior to applying for a license is repealed June 1, 2021. It removes the explicit 2-
20 year residency requirement.

21 6. It retains the provisions authorizing the sharing of facilities for the cultivation and
22 manufacturing of adult use marijuana and adult use marijuana products and marijuana
23 and marijuana products for medical use by a licensee that is also a registered primary
24 caregiver or registered dispensary. The amendment, however, prohibits a marijuana store
25 licensee that is also a registered primary caregiver or registered dispensary from selling
26 adult use marijuana and adult use marijuana products to consumers and marijuana and
27 marijuana products for medical use to qualifying patients from the same facility or
28 building.

29 7. It provides technical clarifications to the municipal-level licensing and approval
30 process and also includes provisions applicable to the local authorization of marijuana
31 establishments to be located in towns, plantations or townships in the unorganized and
32 deorganized areas of the State.

33 8. It explicitly prohibits the entry into any marijuana establishment by a person under
34 21 years of age.

35 9. It changes the membership provisions and duties of the Marijuana Advisory
36 Commission as proposed in the bill.

37 10. It increases the excise tax rate on marijuana flower and mature marijuana plants
38 from \$130 per pound to \$335 per pound and the excise tax rate on marijuana trim from
39 \$36.29 per pound to \$94 per pound. The excise tax rates imposed on immature marijuana
40 plants, seedlings and marijuana seeds remain as proposed in the bill.

41 11. It changes the provisions proposed in the bill relating to the personal adult use of
42 marijuana and marijuana products and the home cultivation of marijuana for personal
43 adult use by reducing the number of mature marijuana plants that may be possessed,

1 cultivated or transported by a person 21 years of age or older from 6 plants to 3 plants.
2 The amendment authorizes a municipality to adopt an ordinance or other regulation
3 limiting the total number of mature marijuana plants that may be cultivated on any one
4 parcel or tract of land within the municipality, so long as that ordinance or regulation
5 allows for the cultivation of 3 mature marijuana plants, 12 immature marijuana plants and
6 an unlimited number of seedlings by each person 21 years of age or older who is
7 domiciled on a parcel or tract of land. The amendment includes language providing that
8 this reduction in the number of authorized mature marijuana plants from 6 plants to 3
9 plants does not take effect until 6 months after the effective date of the legislation.

10 12. It clarifies advertising and marketing standards and standards relating to signs
11 used by a licensee to ensure a prohibition on advertising, marketing and signs that have a
12 high likelihood of reaching persons under 21 years of age or that are specifically designed
13 to appeal particularly to persons under 21 years of age. The amendment also requires the
14 department, after consultation with the Department of Health and Human Services, Maine
15 Center for Disease Control and Prevention, to develop rules on required health and safety
16 warning labels. It also authorizes the use of the terms "organic," "organically cultivated"
17 or "organically grown" on the label or packaging of adult use marijuana and adult use
18 marijuana products consistent with rules on the use of such terms to be adopted by the
19 department.

20 13. It clarifies that the authorized sampling of adult use marijuana and adult use
21 marijuana products by the employees of a products manufacturing facility for product
22 quality control or research and development purposes may not involve the consumption
23 of the marijuana or marijuana product by means of smoking the marijuana or marijuana
24 products.

25 14. It removes language proposed in the bill requiring the department to employ as a
26 portion of its staff sworn law enforcement officers; language regarding the investigation
27 by a criminal justice agency of unlawful activity relating to the personal adult use of
28 marijuana or marijuana products or the home cultivation of marijuana for personal adult
29 use; and language regarding withdrawal of municipal authorization for the operation of a
30 marijuana establishment within a municipality.

31 15. It clarifies provisions in the Act relating to employment practices in a manner
32 that ensures that the rights and protections for qualifying patients afforded by the Maine
33 Medical Use of Marijuana Act are not affected by the provisions of the Act.

34 16. It directs the department to ensure that, when necessary and practicable, the
35 regulation of the labeling and packaging of adult use marijuana and adult use marijuana
36 products under the Act is consistent with the regulation of the labeling and packaging of
37 marijuana and marijuana products for medical use under the Maine Medical Use of
38 Marijuana Act.

39 17. It provides for a limited period in which a cultivation facility licensee that is also
40 a registered primary caregiver or registered dispensary may purchase an unlimited
41 number of marijuana plants and seeds from an entity that is also a registered primary
42 caregiver or registered dispensary. Any such transactions are subject to the imposition of
43 the excise tax imposed under the Act.

1 18. It makes a number of other technical changes to the Act to incorporate these
2 changes within Part A of the bill.

3 **PART B**
4

5 Part B amends the Maine Criminal Code and the law concerning the Department of
6 Public Safety, Bureau of State Police, State Bureau of Identification to include provisions
7 that address a statutory conflict between Maine Criminal Code provisions prohibiting the
8 possession and cultivation of marijuana and marijuana plants and provisions of the Act
9 authorizing such possession and cultivation of marijuana and marijuana plants. These
10 amendments to the Maine Criminal Code are consistent with current exemptions in the
11 Maine Criminal Code relating to conduct authorized under the Maine Medical Use of
12 Marijuana Act. The amendment also provides an exemption from the laws concerning
13 criminal assert forfeiture relating to conduct authorized under the Act.

14 **PART C**
15

16 Part C of the amendment is identical to Part C of the bill, which amends the State's
17 laws governing municipal powers and duties of plantations.

18 **PART D**
19

20 Part D, which addresses the collection of sales tax revenue relating to adult use
21 marijuana and adult use marijuana products sold to a consumer, strikes language
22 proposed in the bill relating to the collection of sales taxes at marijuana social clubs and
23 municipal revenue sharing of sales tax revenue.

24 **PART E**
25

26 Part E includes provisions to shift the administration and enforcement of the Maine
27 Medical Use of Marijuana Act and the medical marijuana program adopted thereunder
28 from the Department of Health and Human Services to the department, including the
29 following.

30 1. It restricts the department from assigning the administration and enforcement of
31 the Maine Medical Use of Marijuana Act to any bureau or division within the department
32 responsible for the administration and enforcement of the laws governing the
33 manufacture, sale and distribution of liquor.

34 2. It requires the department to consult with the Department of Health and Human
35 Services prior to the adoption or amendment of rules under the Maine Medical Use of
36 Marijuana Act.

37 3. It directs the transfer of the balance of the Medical Use of Marijuana Fund in the
38 Department of Health and Human Services to the Medical Use of Marijuana Fund in the
39 department.

40 4. It includes a number of additional provisions to facilitate the transition of the
41 administration and enforcement of the Maine Medical Use of Marijuana Act from the
42 Department of Health and Human Services to the department. It requires the

1 Commissioner of Administrative and Financial Services to submit a report on or before
2 January 31, 2019 to the joint standing committee of the Legislature having jurisdiction
3 over health and human services matters regarding the status of this transition and
4 authorizes the joint standing committee to report out legislation relating to the report.

5 5. As it is the intent of the committee that oversight of the medical marijuana
6 program adopted under the Maine Medical Use of Marijuana Act remain with the joint
7 standing committee of the Legislature having jurisdiction over health and human services
8 matters, Part E of the amendment includes the following provisions.

9 A. It amends the State Government Evaluation Act to provide that the review of the
10 bureau or division within the department that administers and enforces the Maine
11 Medical Use of Marijuana Act remain with the joint standing committee of the
12 Legislature having jurisdiction over health and human services matters.

13 B. It amends the Maine Medical Use of Marijuana Act to direct that the registry
14 identification cards annual report specifically be submitted to the joint standing
15 committee of the Legislature having jurisdiction over health and human services
16 matters.

17 **PART F**

18
19 Part F adds an appropriations and allocations section.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**

MLI Committee
L.D. 1719
"the marijuana bill"
Majority OTP-AM
adopted 16-1

Rep. Teresa Pierce, chair

Rep. Don Marean
Rep. Erik Jorgensen
Rep. Aaron Frey
Rep. Lydia Blume
Rep. Kim Monaghan
Rep. Craig Hickman
Rep. Kent Ackley
Rep. Patrick Corey
Rep. Lance Harvell
Rep. Bruce Bickford
Rep. Jeff Hanley

Sen. Roger Katz, chair

Sen. Mark Dion
Sen. Kim Rosen
Sen. Joyce Maker
Sen. Susan Deschambault

Since January 2018. . .

Our tripartisan committee revisited the bill while staying true to our guiding principles to:

- **Protect the safety and well-being of Maine residents**, particularly our youth;
- **Set up a rigorous licensing system** for cultivation, product production, and retail sale;
- Provide an **entrepreneurial edge to Maine residents**—giving them first crack at the economic opportunities, legalization offers;
- Ensure **“local control”** through **an OPT-IN system** so communities decide for themselves if they want licensed activity in their town or not;
- **Discourage diversion** to the illegal market, and
- **Fairly tax** these new businesses.

In developing L.D. 1719, the committee worked for 16 months with the public and a wide range of stakeholders, including:

- Law Enforcement
- YES on 1
- NO on 1
- Maine Municipal Association
- Christian Civic League
- Caregivers
- Dispensaries
- The Administration
- All four caucus leaders

Regulatory Structure

- The Department of Administrative and Financial Services (DAFS) will serve as the oversight and licensing agency for the adult-use marijuana market (as well as the Medical Marijuana system).
- DAFS is will work in consultation with the following agencies in its Rule Making and Regulation:
 - Department of Agriculture, Conservation and Forestry
 - Department of Labor
 - Department of Public Safety

Adult-Use Marijuana Licenses

- **Nursery facility**: growth and sale of immature plants, clones and seeds.
- **Cultivation facilities**: marijuana farms (indoor and outdoor)
 - Four different tiers of increasing canopy size (plant count) starting at 30 plants, capping out at 20,000 sq ft canopy.
- **Manufacturing facilities**: production of marijuana products (foods, oils, tinctures, etc.)
- **Testing facilities**: test marijuana and marijuana products for sale to the public.
- **Retail facilities**: final point of sale for marijuana and marijuana products.

General Licensing Requirements, all applicants for licenses:

- Must be 21 years of age or older;
- Must be a resident of Maine for at least 4 years and paid Maine taxes;
- If a business, majority of owners/investors must be Maine residents;
- Must not have a disqualifying drug offense within the last 10 years;
- May not be an employee of a state agency;
- Must submit to a criminal background check;
- Must submit security, facility, cultivations, etc. plans.

Child & Consumer Safety Measures

Packaging, Labeling & Advertising

- The bill sets strict advertising guidelines
 - No cartoon characters, animal shapes or bright colors that would attract children
 - No advertising/marketing that has a high likelihood or reaching person under 21 years old.
- The bill sets strict packaging requirements
 - All products must be packaged in childproof, tamperproof packaging.
- The bill also sets standards for labeling.
 - Marijuana or marijuana products must be properly labeled with all relevant data – THC content,, health and dietary data, universal marijuana symbol, etc.

Child & Consumer Safety Measures (cont'd)

Adult Use Marijuana Public Health & Safety Fund

A total of 12% of all revenues received will go into the health & safety fund. This money will fund;

- Public health and safety, awareness and education programs, particularly directed at youth.
- Law enforcement training programs for drug recognitions experts (DREs) to keep our roads safe.

Child & Consumer Safety Measures (cont'd)

- Departments will collect a wide range of data to help determine the impact of the regulated marijuana market and inform future legislation.
- Marijuana establishments must be 1000 feet from schools.
- All adult-use marijuana facilities must track all marijuana and marijuana products in a state tracking system to prevent diversion and ensure robust tax collection.

Local Control

- Municipalities will have full control of adult-use marijuana facilities within their town. Municipalities may:
 - Adopt their own standards for licensing;
 - Set specific locational restrictions on marijuana facilities;
 - Limit the number of marijuana facilities allowed;
 - Enact a ban or moratorium on marijuana facilities.
- Municipalities may write ordinances regulating home cultivation (but may not completely ban the practice).

Marijuana Advisory Commission

The commission will study how new adult use system is operating and will report its findings and ongoing recommendations to the Legislature.

The commission is comprised of 15 members, appointed by the Speaker of the House and the President of the Senate.

Members include:

- Department heads
- Public health officials
- Stakeholders
- Law enforcement

Personal Use & Home Cultivations

- Persons 21 years of age or older are allowed to possess 2.5 ounces of marijuana or marijuana products.
- Persons 21 years of age or older are allowed to have 3 mature marijuana plants, 12 immature marijuana plants, and unlimited seedlings at their residence or on someone else's land with their written permission. Regulations will:
 - Ensure marijuana is not visible from a public way;
 - Adopt reasonable precautions to prevent public from accessing;
 - Ensure compliance with local regulations.
- The dangerous practice of home extraction of marijuana concentrates is strictly prohibited.

Taxes & Revenue Sources

1. **A 10% sales tax collected at point of final sale;**
2. **An excise tax at the cultivation level (effective rate of 10%)**

Taxable Item	Dollar Amount
Marijuana Flower	\$335/pound
Marijuana Trim	\$94/pound
Immature Plant or Seedling	\$1.50/plant or seed
Marijuana Seed	\$0.30/seed

- *Adoption of an excise tax:*
 - *brings stability to state revenues in a market with known fluctuation, and*
 - *relieves "sticker shock" to the end consumer – that a high sales tax might create.*

Taxes & Revenues (cont'd)

All revenue will be sent to the state's general fund

- *Except the 12% that goes to the Adult Use Marijuana Public Health & Safety fund*

Towns may assess fees to cover administrative and enforcement costs so that municipalities may not suffer financial loss.

Total Projected Revenue and Expenses

	<u>2019</u>	<u>2020</u>	<u>2021</u>
REVENUE:			
Sales tax	\$2,130,000	\$8,800,000	\$14,100,000
Excise Tax	\$1,800,000	\$7,700,000	\$8,085,000
Licensing Fees	\$855,460	\$1,214,890	\$1,214,890
TOTAL REVENUE:	\$4,785,460	\$17,714,890	\$23,399,890
EXPENSES:	\$4,432,771	\$6,317,853	\$7,075,622

Changes from last session's marijuana bill (L.D. 1650)

- Moved the Medical Marijuana program to DAFS *(but NOT BABLO)*
- Coordination of medical and adult-use rules
- Changed the definition of “plant canopy”
 - Reduced the size of cultivation tiers
- Changed the definition of “resident”
 - Increased the residency restriction for licenses
- Added language for unorganized territories
- Reduced home cultivation plant count
 - Count is now attached to individual – NOT property
- Removed municipal revenue sharing
- Removed social clubs
- Clarified “opt-in” language for towns
- Added directive for commission to study impact the law may have on police contacts with citizens and groups of people

If L.D. 1719 does NOT pass . . .

Policy	MLI Bill, LD 1719	Current Law - Referendum Language
3-plant limit on personal home grow	Yes	No
Money allocated for child prevention	Yes	No
Money allocated for law enforcement training	Yes	No
Prohibits internet sales	Yes	No
Prohibits home deliveries	Yes	No
Prohibits drive-thru windows	Yes	No
Opt-in language for towns	Yes	No
Penalties for violators/violations	Yes	No
Data collection for smart policy - moving forward	Yes	No
Effective tax rate of 20%	Yes	No
Prohibits social clubs	Yes	No
Medical program oversight moved to DAFS	Yes	No
Prohibits medical and adult use colocation of stores	Yes	No

Committee Bill (L.D. 1719) Majority OTP-AM (16-1)

- This bill creates a well regulated market, based on the citizens' initiative
- Who is asking us to pass L.D. 1719?
 - Our town officials
 - Our law enforcement
 - Our employers
 - Our business community
 - Our neighbors, our parents, and our children



Karen Cullen <planner@hampdenmaine.gov>

Fwd: LD1719 Marijuana PowerPoint-REV (4.10.18).pdf

1 message

Angus Jennings <townmanager@hampdenmaine.gov>
To: Karen Cullen <planner@hampdenmaine.gov>

Tue, Apr 10, 2018 at 12:59 PM

----- Forwarded message -----

From: **David Haggan** <dhaggan@gmail.com>

Date: Tue, Apr 10, 2018 at 12:49 PM

Subject: Re: LD1719 Marijuana PowerPoint-REV (4.10.18).pdf

To: newburghmgr@uninets.net, townclerk@uninets.net, jlrogers@hampdenmaine.gov, Angus Jennings <townmanager@hampdenmaine.gov>, clerk@hampdenmaine.gov, wildetowncouncil@hampdenmaine.gov, marbletowncouncil@hampdenmaine.gov, mcavoytowncouncil@hampdenmaine.gov, rydertowncouncil@hampdenmaine.gov, cormiertowncouncil@hampdenmaine.gov, mcpiketowncouncil@hampdenmaine.gov

[More details.](#)

Outline of Proposed MLI bill as of 4/3/2018

This is a list of major points regarding the current proposed bill that has yet to have a final committee vote. It may not include everything in the new bill but covers areas of concern that have been brought up by this caucus over the past several months.

- Licensing through the state only

All adult use marijuana will be under DAFS and DAFS can consult with other departments like AG, Labor and Public Safety. This includes all rulemaking, licensing, inspection and enforcement.

Preference on licenses will be given to Maine residents who have been Maine residents for four years.

The bill lays out licensing requirements including but not limited to no drug offenses; no previous license revocation; no outstanding court-ordered payments; criminal background check; compliance with the application process; no false statements; tax compliance; and fingerprinting.

No state license is issued if the local municipality has not allowed for it. No town can issue licenses, must be done through the state and that must wait for rulemaking. If a town does not respond to a request to open an establishment the establishment cannot open until the town says yes. A non answer is not a yes.

Each entity is licensed separately.

- Tax structure: Sales tax rate of 10% - Excise tax rate is \$335/per pound and \$94/per pound trim – Cumulative 23.09%

The revenue from the excise taxes is to be credited to the General Fund, except that 12% of this revenue will be credited to the Adult Use Marijuana Public Health and Safety Fund (PHSF) within DAFS to be used for public health and safety awareness and education programs and for enhanced law enforcement training. The bill also requires that 12% of the existing sales tax on marijuana and marijuana products go to the PHSF.

No portion of sales or excise tax goes to towns that allow for recreational establishments which was in the November bill. No "impact fee" to municipalities. No towns will have to handle money, it will be handled at the state level.

- Use of Plant canopy to regulate space, cannot exceed 20,000 square feet.
- No government agency can cultivate, care or sell marijuana including marijuana seized forfeited. In the bill lays disposing of abandoned or seized marijuana is taken care of.
- The bill allows for different licensing in these categories: nursery, cultivation, production, retail. No internet sales, drive-thru, giveaways, vending machines or delivery service allowed as was in the original MLI referendum. Testing facilities are allowed but must be independent and totally separate from any other type of marijuana operation.
- “Opt in” language says that each municipality must affirmatively allow for recreational marijuana establishments. Until the town government (town council if a charter, town vote if no charter) says yes, then no establishments allowed. Towns can further regulate establishments, making the regulations stronger than state law, but not more lenient than state law.
- Proposed bill includes a 1000 ft setback from a school property line. A municipality can choose to lower this, but not less than 500ft. if approved by the municipality. A municipality could make this stricter, include more distance or other types of facilities with children. Current law is 500ft. for medical.
- Town can terminate license for a cause.
- Retail Recreational and medical establishments must remain totally separate. They cannot share inside space or entry ways; no shared employees; no shared restrooms; no sharing of facilities of any kind. However, it’s proposed to allow for medical and recreational plants to grow in the same place but totally separated. A production space (kitchen) can be used by either but the products are separate. All has to be tagged to be tracked.
- A proposal allows for some plant transfers between dispensaries/registered caregivers and adult use cultivators.
- No Inside smoking of marijuana allowed anywhere not even for sampling.
- The goal of the law is that all marijuana plants are tracked from start to finish.
- The proposed bill will have strict labeling and packaging standards and also proposes those standards apply to all advertising. The goal is to prohibit any appeal to children and to mandate health and safety warning labels on packaging of retail marijuana and retail marijuana products. The new bill will include language to standardize packaging and labeling with medical and recreational. Specifics to be worked out in rule making.
- Employers have the right, in the proposed bill, to ask if prospective employees use recreational marijuana and can decide not to hire them if they use. However, they cannot do the same if the job applicant is a medical user with a medical card.

Employers can prohibit use at the workplace.

- Restricted access, no one can enter a marijuana store unless they're 21 years of age. Medical card holders 18 and up can still go into a medical establishment.
- New bill proposal will reduce the number of plants authorized for personal possession and home cultivation to 3 mature plants, 12 immature plants and unlimited seedlings. It will allow 6 months for people to go from 6 plants to 3. The person who owns the plants has to tend to them not just own them. The referendum had 6 plants and no limit on how much they could grow for others.
- A proposal allows for some plant transfers between dispensaries/registered caregivers and adult use cultivators who were dispensaries/registered caregivers.
- New bill proposes a Marijuana Advisory Commission of 15 members(was 19) to report to the legislature and make recommendations. Not just legislators. Job will be to ensure consistency of two programs.
- Concerns regarding reigning in the medical program; work is being considered on this including work by the HHS committee.
- Major substantive rulemaking for all rules. No one can get approved for a recreational license until this is done. No town can do licensing.

On 10 April 2018 at 12:35, david haggan <dhaggan@gmail.com> wrote:

Hello All,

The attached slide show is the details within the new marijuana bill. I just received this which is the most recent information on the bill. It sets strong rules regulating recreational marijuana. This replaces the original referendum language and gives municipalities official power to regulate.

It also gives law enforcement the ability to police this thing.

It is not a bill approving marijuana, it is a bill to finally give teeth to the enforcement of marijuana to the municipalities and the police.

David Haggan

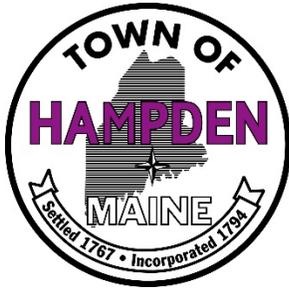
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Angus Jennings
Town Manager

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Please check out our new website: www.hampdenmaine.gov

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Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: April 12, 2018
RE: Citizen inquiries regarding property maintenance

As you are aware and has been discussed at past meetings of the P&D Committee, there are several properties around town that have become a problem for the residents living nearby. Two have recently been brought to staff's attention again, one on Papermill Road and another on Kennebec Road. In both cases, Code Enforcement staff have done site visits and have determined that the conditions present do not warrant enforcement action as they do not meet the threshold for action under the appropriate codes. One of these properties is current on its taxes. Although tax payments on the other property are delinquent and liens have been placed, the property is not in foreclosure with the Town. Until such time as conditions deteriorate to the point that specific authority is triggered, we have no authority to take action except through the public health and safety codes.

The issues with dangerous buildings and unsightly buildings have been discussed in the past (specifically December 2015 and January 2017), and to date the idea of enacting a property maintenance ordinance has not received majority support of the P&D Committee. We have recently been contacted by affected residents again, and are requesting the Committee discuss the issue and consider the possibility of enacting a property maintenance ordinance. We have no reason to believe the Committee's position has changed since its prior consideration of this issue, and we have provided concerned residents with consistent information regarding current policy framework. However, based on continued resident interest this issue is again before the Committee to allow the residents to voice their concerns directly to their elected officials.