

TOWN OF SKOWHEGAN, MAINE
Public Safety Ordinance Governing the Local Production and Regional Distribution of
State-of-Maine-Sanctioned Controlled Drugs (Medical Marijuana)
Adopted at Town Meeting June 6, 2011

The Maine Revised Statute Title 22, Chapter 588-C, known as the MAINE MEDICAL MARIJUANA ACT, directs the Maine Department of Health and Human Services (DHHS) to expand on the statute requirements and produce the operating rules and procedures for medical marijuana production and distribution in Maine.

The DHHS has produced the set of detailed Rules (10-144 CMR Chapter 122; Effective Date: July 1, 2010, as EMERGENCY legislation.

The Rules, at Section 6.1, establish eight (8) districts in the State of Maine, with Kennebec/Somerset County being District (5). It also limits the number of dispensaries to one (1) per District. The purpose of this ordinance is to provide the local regulations for siting and permitting the single possible registered dispensary and its growing facility.

The Skowhegan Board of Selectmen recognizes that both the Statute and the Rules are new legislation and therefore may soon be amended as experience in their use is gained. The Selectmen also recognize the great complexity in applying these rules. They involve: confidentiality of applicants, patients, caregivers, physicians, hospices, nursing care facilities, and dispensaries; background checks, issuing and renewing annual registrations; inspection of the growing sites of patients, caregivers, and dispensaries; testing of plant materials for potency and for presence of pollutants such as pests, mold, mildew, heavy metals, and pesticides; the periodic examination of the records of patients, caregivers, and dispensaries showing numbers of plants, amounts of usable plant material and their disposition, amounts of plant residue material and their disposition; and the details of all financial transactions. All this cannot reasonably be duplicated in Skowhegan's Ordinances for only one possible application.

The Board also recognizes that marijuana has both legitimate medical uses and a long history of widespread use and trafficking, both legal (in the past) and illegal (at present) and therefore, for the safety, health, and welfare of the citizens of Skowhegan and the County of Somerset, the dispensing of marijuana requires careful attention and control. The Board recognizes that the Statute and the DHHS Rules provide that attention and control.

This Public Safety Ordinance deals with only those elements of the issue which fall to local control.

Therefore, the Skowhegan Board of Selectmen devise this Public Safety Ordinance, and ordain that:

- 1) Individual Registered Patients and Registered Primary Caregivers who grow their own marijuana plants by DHHS Rules and under DHHS supervision ARE NOT GOVERNED BY THIS ORDINANCE.
- 2) All operations under the Statute and the DHHS Rules in Skowhegan must be performed in such a way as to protect the required confidentiality of identity of applicants, patients, caregivers, and physicians.
- 3) Because the amount of vehicle traffic that will develop from all of Somerset County is difficult to estimate, a dispensary planning to site in Skowhegan should include a product delivery system for patients and caregivers. This system should consider using a varying set of unmarked cars, vans, and trucks suited for the dispensary's range and amount of products. It should be clear that a van or truck painted with "SKOWHEGAN MEDICAL MARIJUANA DISPENSARY" on its sides, or even with an identifying company name, would instantly disclose the actual street address and building of any users or growers on its delivery route. An arrangement with a vehicle rental agency should be considered. This system would make it unnecessary for most patients and caregivers to drive to Skowhegan.
- 4) A registered medical marijuana facility shall only be located on US_Route 201 or US Route 2 east of ME Route 150. A dispensary may not locate within one thousand (1,000) feet of the property line of any pre-existing public or private school, or any safe zone as designated by the Town of Skowhegan in accordance with state law, 30-A MRSA, section 3253. (Current safe zones are: Bucky Quinn Ball Field on South Factory Street, Pat Quinn Ball Field on East Maple Street, Memorial Field on East Maple Street, Carl Wright Ball Fields at the Community Center, the Community Center, and the Football Field on Willow Street.)
- 5) No registered dispensary and associated growing or processing facility governed by this ordinance may be sited in the Shoreland Zone, or in a Floodplain or Wetland or any other Ordinance required by the Town of Skowhegan.
- 6) The growing facility is considered primarily a nursery for plants and must be fenced, completely enclosed, and secured by locks, lights, motion detection devices, and such other security systems as may be required by the DHHS. This growing facility may NOT be or contain an open field or garden. It may be sited with the dispensary or may be on a different lot.
- 7) Both Registered Dispensary and its associated Growing Facility are to be considered Principal Uses, irrespective of their being sited on the same lot or on separate lots.
- 8) Because the products in medical marijuana have proliferated to include extracts, pills, sprays, and topical products (ointments, salves, and lotions) due to differing needs of patients, different prescriptions by physicians, and increasing knowledge of various effects of the complex chemistry of the several cannabis species and strains, both the growing facility and the dispensary may share in the DHHS approved process of manufacturing, preparing, and packaging the usable marijuana.

- 9) A medical marijuana dispensary or growing facility will conform to the standards of the Town of Skowhegan Site Plan Review Ordinance. If the development is not required to be reviewed under the provisions of the ordinance, the Skowhegan Code Enforcement Officer (CEO), shall determine that all applicable performance standards of the Site Plan Review Ordinance have been met. The CEO shall be responsible for conducting such reviews and inspections as are necessary to assure compliance with all other codes and ordinances.
- 10) For confidentiality and public safety reasons, no building layout plans for either dispensary or growing facility will be made public, and any plans or Town applications or any Public Meeting or Hearing will NOT discuss or disclose interior details or any security features, which are the responsibility of the DHHS.
- 11) No application for a Certificate of Occupancy shall be approved for a nonprofit dispensary unless it has been issued a valid registration certificate by the State pursuant to 22 M.S.S.A. § 2428(2) and meets all other State and local laws and regulations.
- 12) Municipal Officers, Town Officials, and Citizens are referred to the State Statute and to the DHHS Rules, as amended.
- 13) Additional sections of this ordinance may be added if additional controlled substances are legislated for local or regional distribution under DHHS or State-administered control.
- 14) Severability: It is the intention of the Board of Selectmen that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any of them shall be declared unconstitutional, invalid, or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- 15) This Ordinance takes effect on the date of enactment by Town Meeting vote.