

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 26, 2021

6:30 P.M. Council Photos

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

July 12, 2021

III. MANAGER'S REPORT

Legislative Update from State Representative Steve Moriarty and Senator Cathy Breen

IV. PUBLIC DISCUSSION

Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.

V. LEGISLATION AND POLICY

21 – 076. To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2022 tax rate.

21 – 077. To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

21 – 078. To hear a presentation re: a rail and trail system along the former Canadian/ Atlantic rail line.

21 – 079. To hold a Public Hearing to consider and act on a moratorium ordinance re: Medical Marijuana Caregiver Uses.

21 – 080. To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land), Section 250-6.D.7 (Conservation Subdivision Standards); and to Section 250-8.D and E (Prohibited uses of common open space); and to Section 250-9

(Ownership, management, legal protection and maintenance of common open space in a conservation subdivision) A(1) and B(1)(b) and 250-13 (General subdivision procedures) B.1 and 250-14 (Procedure for subdivisions in the RR1 or RR2 Districts) A and D, as recommended by the Planning Board.

21 – 081. To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) Section 229-6 A (Major Staff Review) and Appendix C (Submission Requirements) to change the number of copies of an application packet to 2 full size paper plan sets and an electronic application packet, as recommended by the Planning Board.

21 – 082. To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club's "Just for Fun Tournament" to be held on September 4th and 5th, 2021 at Twin Brook Recreation Facility.

21 – 083. To consider and act endorsing the Maine Municipal Association Workers' Compensation Safety Incentive Program.

VI. NEW BUSINESS

VII.EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VIII.ADJOURNMENT

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 12, 2021

6:00 – 7:30 P.M. Workshop re: Town Council Goal Setting FY22

7:30 P.M. Call to Order

Present: Councilors Copp, Edes, Foster, Segrist, Storey-King and Vail

Excused: Councilor Gruber

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Storey-King, to accept the June 28, 2021 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Work on the railroad crossings is scheduled to begin in a few weeks. The work is weather dependent and will hopefully be completed by Labor Day.

Blanchard Oaks subdivision was approved by the Planning Board. We have a pre-construction meeting with the developer this week.

We have received a request for a Mass Gathering Permit from a company in Florida who wants to hold a monster truck show at the fairgrounds. We have denied their request because of the number of police and EMS employees that they require at the event. We don't have the public safety resources that they require and an event like this would be a lot to ask that neighborhood to put up with.

III. PUBLIC DISCUSSION

Ron Greco requested that the Town Council consider moving the election date for Town Council and School Board members from June to November. It feels like a failure of democracy and most of our citizens are not having their voices heard in these elections. The June election averages a 20% turnout versus a 70% turnout at the November election.

Bruce Sherwin of Blanchard Road said that he has been studying the Town's financial reports that are posted online. He discovered that between the years of 2011 and 2020, we lost \$1,630,479.00 at Val Halla. That is an average of \$163,048.00 per year. He does not think that the Town Council should be comfortable with that. Val Halla does not pay taxes and he sees no reason to be losing money at Val Halla. Between 2011 and 2020, the capital assets in this Town have increased 91.6%. That's a lot of money spent on capital assets that did not show up on the profit and loss report for people to see. 91.6% is big money. He also looked at school attendance numbers for each year and is not buying the attendance issue that keeps coming up from the School Board. In 2011 the attendance number was 1,500 and in 2020 it was 1,400. These numbers are based on the 2000 census. It's time to do a new one.

IV. LEGISLATION AND POLICY

21 – 075 To set a Public Hearing date of July 26th to consider and act on a moratorium ordinance re: Medical Marijuana Caregiver Uses.

Councilor Storey-King explained that the Ordinance Committee met last week with the Town Attorney to discuss the various issues related to marijuana growing. With marijuana, we have learned that the target has been moving since it has been approved by the voters. We are going to ask for a 6-month moratorium to get a better grip on what we can and cannot do. We have had 3 dispensaries open on Route 100 in close proximity to each other. It is not fair to the people in West Cumberland to keep allowing this use. The moratorium will give us more time to do a more thorough examination of our ordinance.

Councilor Segrist asked if the moratorium would affect existing dispensaries from operating.

Councilor Storey-King said that it would not, but could in the future if the ordinance changes.

Chairman Vail reminded the public that the purpose of a moratorium is to give the Town Council time to develop ordinances and take under consideration concerns that a community may have. He is concerned with indoor growing because it uses a tremendous amount of electricity.

Chairman Vail asked for any public comment.

No public comment.

Motion by Councilor Foster, seconded by Councilor Copp, to set a Public Hearing date of July 26th to consider and act on a moratorium ordinance re: medical marijuana caregiver uses.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Segrist – The Council met in workshop earlier this evening to talk about future priorities. He encouraged people to reach out and share their ideas with the Council as we are formulating these plans and priorities for the next year.

Mr. Greco brought up an interesting point about moving the election, but he was under the impression that there may be some additional requirements on the State level that may have to happen in order to make it work.

Town Manager Shane said that we would have to inform North Yarmouth if we decide to make the change because they also have School Board members on their ballot.

Councilor Storey-King – She reminded everyone to get your bicentennial gear now. The bicentennial celebration is fast approaching. Every Saturday morning, you can get your gear at the Farmer's Market, there is some on display at the library, or you can contact any of your Bicentennial Committee members to help you purchase some.

Condolences to the Casey family. Nancy Casey passed away recently. Nancy lived 74 of her 94 years on Middle Road. She raised her 5 children who all went to Greely schools, and she has great grandchildren who go to Greely now.

Senior property tax relief applications are now available on the Town website. If you are a senior who lives in our community, you can apply for a rebate on some of your property taxes.

She requested that the Town Manager add a visit from the Casco Bay Trail Alliance to our next meeting agenda to talk about the Casco Bay Trail system that would connect 13 municipalities between Portland, Lewison-Auburn and Brunswick. This sounds very much like the GPCOG plan from a couple of years. She met with Martha Laggat, who is on the committee, and learned that they are simply looking for support for the project. It will not cost the Town any money, they have federal funding.

Work at the Historical Society building is moving forward. Interior walls have been constructed.

Chairman Vail – Democracy is not a spectator sport. He cannot remember the last time that he missed an election. He made it his job to show up and vote. It didn't matter if it was in June or November. There is a responsibility for people to vote, no excuses.

Condolences to the Casey family on the passing of Nancy.

He thanked the Council for their input during the workshop this evening. It was very productive, and we have some good goals going forward.

Councilor Foster – On Friday at 6:00 p.m., our monthly community mental wellness event is going to be hosted by Trust Your Gut in North Yarmouth (at the intersection of Route 9 and 115). There will be a food truck, yoga, and activities for the kids. It really is an event for the whole family.

As a member of the Finance Committee, in response to Mr. Sherwin's comment about Val Halla, the Finance Committee is very much aware and have discussed Val Halla many times over the last year. We have taken the approach of not looking at it as a business, but rather open space. If you think about the amount of money that we spend on other open space (Twin Brook, Town Forest, Knight's Pond), the use of Val Halla isn't only as a golf course. While we are very conscious of minimizing the loss over the long-term, a lot of changes have been made over the last 12 months on how it's operated and to increase efficiency. The past is not a predictive of what we are expecting in the future.

In regard to moving the election, the school budget vote would still be in June and that is a concern for her. While she very much agrees that the turnout is disappointing in June, when you consider how important and impactful those elections are, to separate even more from the budget vote would be a concern for her. That piece is 70% of the entire Town budget.

Councilor Edes – Condolences to the Casey family. He spent a lot of time at their house when he was growing up. The only political sign that they ever allowed on their lawn was his. He was very blessed to know them and sent condolences to the family.

Councilor Copp – He continues to support the 4-H fund that provides the food pantry with meat and urged everyone to do the same. It is a very worthy cause.

He agreed with Mr. Greco that 20% of the population should not steer the ship. People need to get out and vote. It's very important and everyone has a responsibility to vote on important issues in our Town.

VI. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Copp, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:07 P.M.

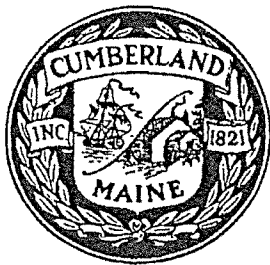
Respectfully submitted,

Brenda L. Moore
Council Secretary

ITEM

21-076

To hear a report from the Tax Assessor and to hold a Public Hearing to
consider and act on setting the FY2022 tax rate



MEMORANDUM

Town of Cumberland, Maine
290 Tuttle Road
Cumberland, ME 04021
Telephone (207) 829-2205 • Fax (207) 829-2214

To: William Shane, Town Manager
From: John Brushwein, Assessor
Date: July 15, 2021
Re: FY 2022 Tax Rate

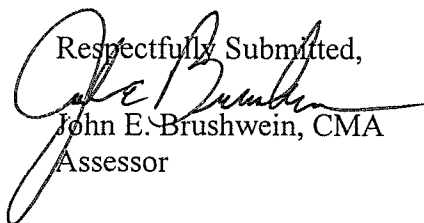
The 2021-22 commitment is complete with tax bills scheduled to be mailed the 1st week in August. It is my recommendation that the tax rate be set at \$20.55 per \$1,000.00 of assessed value which represents a .98% (20 cent) increase above the 2020-2021 rate of \$20.35.

The overall assessed valuation of the Town increased by approximately \$28,804,350 as a result of new construction, land divisions, and additional personal property. The total taxable valuation of the Town is currently \$1,441,027,350. The homestead exemption is adjusted by the certified ratio which for FY22 is 95% which brings the exemption down to \$23,750.00. The table below represents the tax increase resulting from the 2020-21 rate change.

ASSESSED VALUE	TAX INCREASE	INCREASE PER/\$100K
\$250,000	\$50.00	\$20.00
\$300,000	\$60.00	
\$400,000	\$80.00	
\$500,000	\$100.00	
\$1,000,000	\$200.00	

LD1 (2005) requires municipalities to calculate a property tax levy limit annually. If the municipality exceeds the limit, a vote must be taken by the local governing body to exceed the limit. The limit is based on local property growth and statewide average personal income growth. The State Office of Policy and Management calculates the personal income growth based on a 10 year average. This year's LD1 calculation resulted in a Municipal Property Tax Levy limit of \$6,228,485.00. The FY 2021 Municipal Property Tax Levy is \$5,621,902.00 which is \$539,973.00 under the limit, therefore, no vote is needed to exceed the limit.

Respectfully Submitted,


John E. Brushwein, CMA
Assessor

ITEM

21-077

To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes

Maine Office of the Treasurer

[Home](#) → [Revenue Sharing](#) → Delinquent Tax Rates

Delinquent Tax Rates

Municipalities may, by vote, determine the rate of interest that shall apply to taxes that become delinquent during a particular taxable year until those taxes are paid in full. The maximum rate of interest that can be charged per [Title 36, M.R.S.A. Section 505.4](#) is as follows:

Taxable Year***Maximum Rate***

2021	4.00% up to 6.00%
2020	8.00%
2019	9.00%
2018	8.00%
2017	7.00%
2016	7.00%
2015	7.00%
2014	7.00%
2013	7.00%
2012	7.00%
2011	7.00%
2010	7.00%
2009	7.00% up to 9.00%
2008	11.00%
2007	12.00%
2006	11.00%
2005	7.75%
2004	6.50%
2003	7.00%
2002	6.75% up to 8.75%
2001	11.50%
2000	10.75%
1999	10.00%
1998	10.75%
1997	10.50%
1996	10.75%
1995	10.75%
1994	10.00%
1993	10.00%
1992	10.00%
1991	12.00%

If you have any questions about this information, please feel free to contact my Office.

Credits

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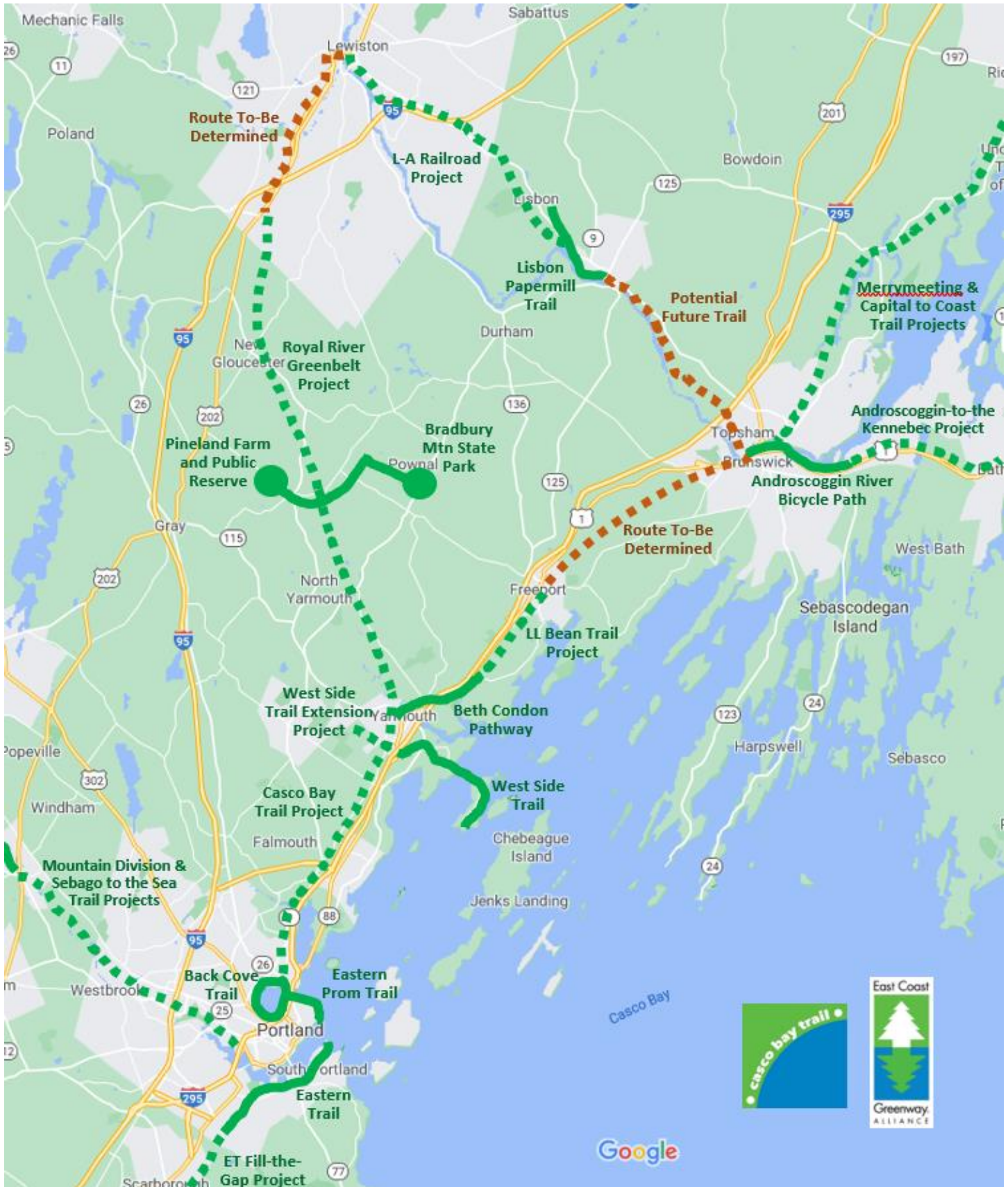
ITEM 21-078

To hear a presentation re: a rail and trail system along the former
Canadian/Atlantic rail line

CASCO BAY TRAIL SYSTEM

**Background Briefing to Cumberland Town Council
Dick Woodbury, Casco Bay Trail Alliance
July 26, 2021**

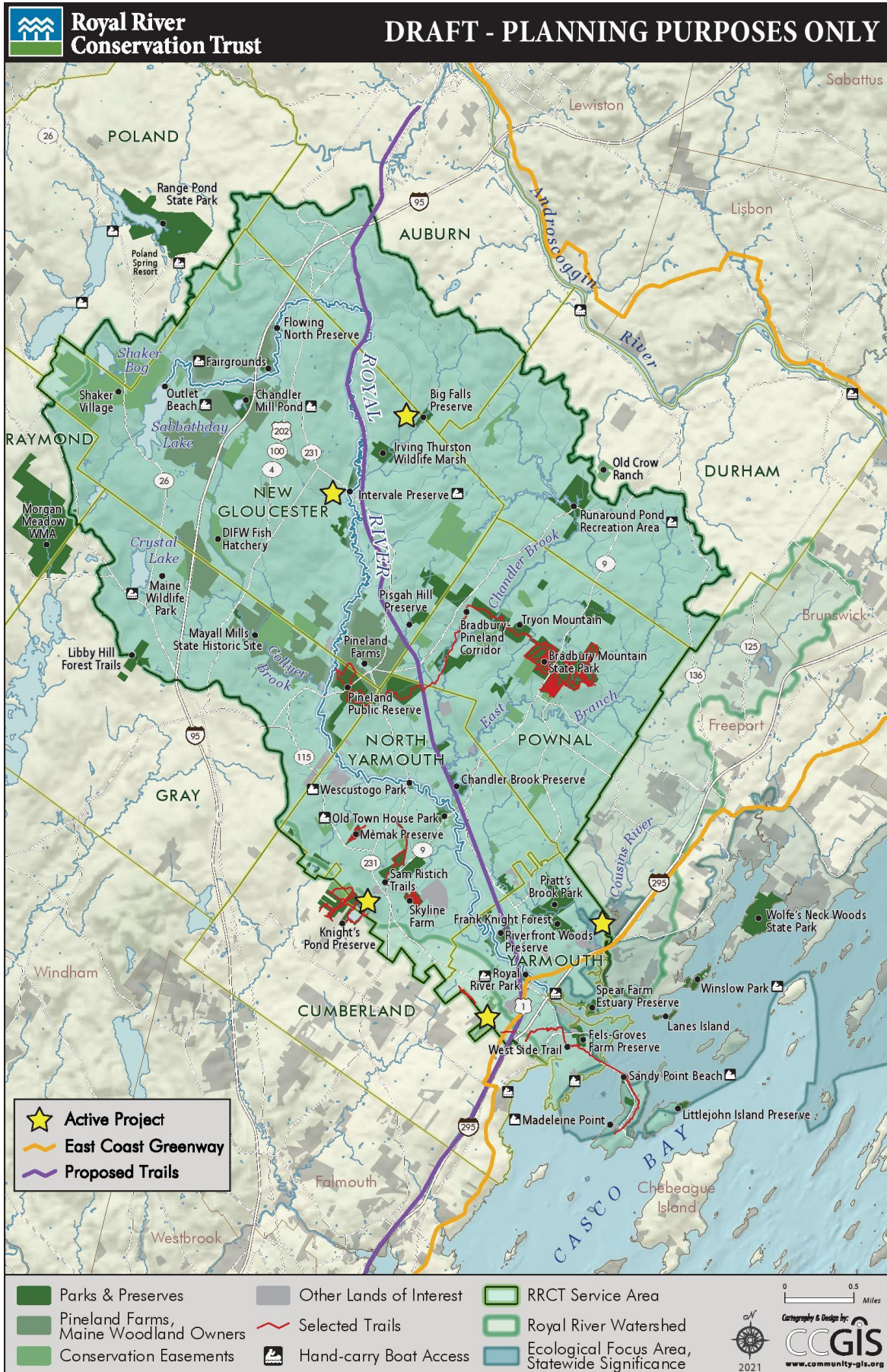
MAP 1



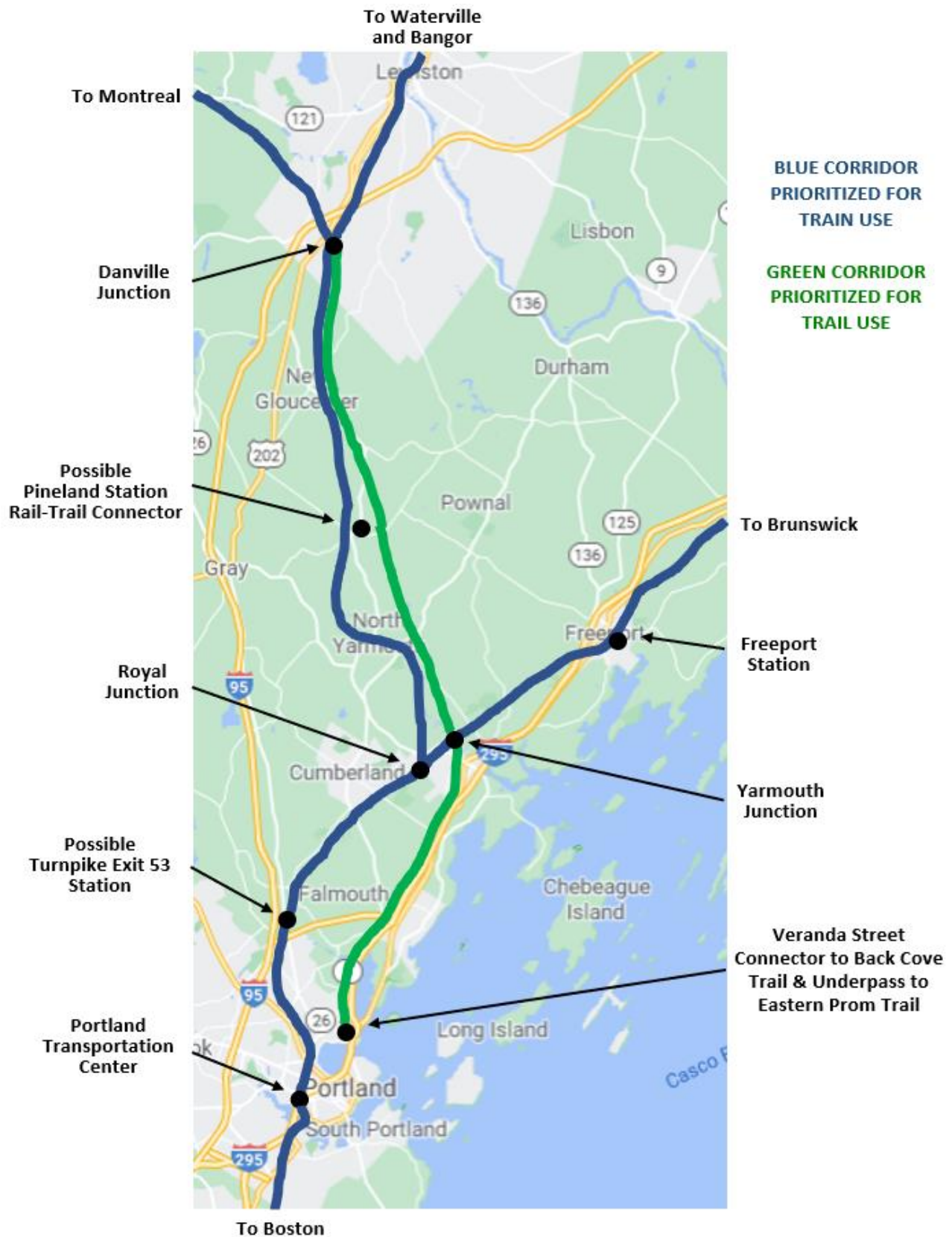
KEY ISSUES AND RECENT DEVELOPMENTS

1. The [Casco Bay Trail](#) system would connect 13 municipalities between Portland, Lewiston-Auburn, and Brunswick. Additional projects extend this multi-use trail network west to Fryeburg, north to Augusta, east to Bath, and south to Kittery. See Map 1.
2. The network would be anchored by a multi-use trail on the St. Lawrence and Atlantic rail corridor between Portland and Auburn, passing through Cumberland. This corridor is state-owned and unused by trains.
3. The SLA corridor south from Cumberland would be a resource for bicycle commuting into Portland, as well as for other recreational use. The SLA corridor north from Cumberland would connect many conservation lands in the Royal River watershed, as well trail systems through Pineland Farm and Bradbury Mountain State Park. See Map 2.
4. There is a second, still-active rail corridor between Portland and Lewiston-Auburn that could be used to extend future Amtrak, commuter train, and/or freight service from Boston, through Portland to Brunswick, Lewiston-Auburn, Waterville, and Bangor. See Map 3.
5. The legislature just enacted LD 1133, which creates a *Rail Corridor Advisory Council* process. This process is explicitly designed to evaluate alternative uses of corridors like the St. Lawrence and Atlantic. MaineDOT has already committed to using the process to evaluate prospective rail-trails between Brunswick and Augusta (the Merrymeeting Trail) and between Portland and Fryeburg (the Mountain Division Trail).
6. The trigger for MaineDOT to initiate a *Rail Corridor Advisory Council* is having the municipalities along the corridor request it. We would like to get the St. Lawrence and Atlantic corridor on MaineDOT's evaluation agenda at the same time or shortly after their evaluations of these other corridors.
7. There is an unused freight easement on the St. Lawrence and Atlantic corridor that expires at the end of October. MaineDOT has indicated that municipal interests along the corridor (i.e., whether a freight easement is important to the communities, or whether an alternative use might be explored instead) are a key input to their evaluation of whether to renew the easement.
8. Our hope is that Cumberland might join with other communities along the St. Lawrence and Atlantic corridor in adopting resolutions requesting a *Rail Corridor Advisory Council* process to consider alternative future uses of the corridor, specifically as a rail-trail.

MAP 2: CONNECTING CONSERVATION LANDS IN THE ROYAL RIVER WATERSHED



MAP 3: COMPLEMENTARY PASSENGER TRAIN SERVICE BETWEEN PORTLAND AND LEWISTON-AUBURN



ITEM

21-079

To hold a Public Hearing to consider and act on a moratorium ordinance
re: Medical Marijuana Caregiver Uses

**TOWN OF CUMBERLAND
MORATORIUM ORDINANCE REGARDING
MEDICAL MARIJUANA CAREGIVER USES**

WHEREAS, the Town Council of the Town of Cumberland (the “Town”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (3) The Town has previously enacted a Registered Caregiver Overlay District as part of its Zoning Ordinance; and
- (4) Because the Registered Caregiver Overlay District only applies to commercial zoning districts, it has not resolved legitimate and substantial questions about the impact of medical marijuana uses on the Town in other zoning districts, including questions as to compatibility with existing land uses and developments in the Town; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana uses within the Town have potentially serious implications for the health, safety and welfare of the Town and its residents; and
- (6) The Town currently faces the possibility of an overconcentration of medical marijuana uses, both in the Registered Caregiver Overlay District and in other districts; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana uses in the Town; and
- (8) In the judgment of the Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains:

Section 1. Moratorium. The Town does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana uses within the Town. No person or organization shall develop or operate a new medical marijuana use that was not in lawful existence on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana use.

Section 2. Definitions. For purposes of this ordinance, the term “medical marijuana uses” means a registered caregiver as defined in 22 M.R.S. § 2422(11), and includes a caregiver cultivation facility, a caregiver processing facility or any other associated use.

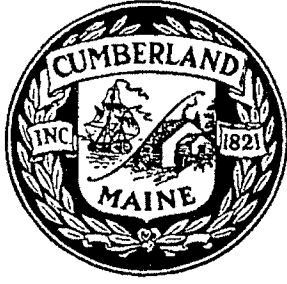
Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana use for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance, but it shall not apply to any medical marijuana use that has received site plan approval from the Town prior to July 12, 2021.

Section 4. Conflicts/Savings Clause. Any provisions of the Town’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana use is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. Pursuant to Article II, § 11(c) of the Cumberland Town Charter, this Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days after July 12, 2021, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

Section 7. Severability. Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision.



**M E E T I N G
A G E N D A**
ORDINANCE COMMITTEE
TOWN OF CUMBERLAND, MAINE

Shirley Storey King

Bob Vail

Mike Edes

**Wednesday, July 7, 2021
5:00 PM Council Chambers**

- I. Review of the Turner & Gorham Ordinances**
- II. Review of Language for Moratorium**
- III. Other Business**
- IV. Adjournment**

DRAFT- 7-01-21

TOWN OF ~~CUMBERLAND~~ TURNER, MAINE MEDICAL MARIJUANA ESTABLISHMENT LICENSE FOR REGISTERED CAREGIVERS ORDINANCE

ADOPTED ~~TBD~~ APRIL 6, 2019

SECTION 1: PURPOSE AND AUTHORITY: The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing. This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

SECTION 2: DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Registered caregiver retail store. “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary. “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

~~*Marijuana testing facility.* “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.~~

~~*Marijuana Manufacturing facility.* “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.~~

Cultivation area. “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

Medical marijuana establishment. “Medical marijuana establishment” means a registered caregiver retail store, ~~marijuana testing facility, Marijuana Manufacturing facility,~~ or Cultivation area.

State registration authority. “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

Registered caregiver "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

SECTION 3: LICENSE REQUIRED: No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without first obtaining a license from the ~~Board of Selectmen~~ Cumberland Town Council prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning ~~Board, Department~~ pursuant to the Town of ~~Turner-~~ Zoning Cumberland Site Plan Review Ordinance Section 5-Chapter 229
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the ~~Board of Selectmen~~ Planning Department may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have ~~12-6 months~~ months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

SECTION 4: APPLICATION: An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the ~~Board of Selectmen's~~ Town Council agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well

as the following supporting materials:

- a. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- b. Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- c. If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the ~~Board of Selectmen~~Town Council determines that a submitted application is not complete, they shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Board of Selectmen's request, the application may be denied.

SECTION 5: INVESTIGATION OF APPLICANT, OFFICERS, ETC: Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;

- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.
- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the ~~Board of Selectmen~~ Town Council.

SECTION 6: ACTION ON APPLICATION:

- a. PUBLIC HEARING: Prior to granting a license, the ~~Board of Selectmen~~ Town Council shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. ISSUANCE OF LICENSES: After public hearing and within fifteen (15) days of said public hearing, the ~~Board of Selectmen~~ Town Council shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the ~~Board of Selectmen~~ Town Council may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The ~~Board of Selectman~~ Town Council may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

SECTION 7: STATUS AND DISPLAY OF LICENSE: No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the ~~Board of Selectmen~~ Town Council.

SECTION 8: DUTY TO UPDATE INFORMATION: Any license holder issued a license under this Ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in Section 4 of this Ordinance within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

SECTION 9: RENEWALS: Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen Town Council.

SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:

Renewals of existing licenses shall be denied by the Board of Selectmen Town Council, and an existing license may be suspended or revoked by the Board of Selectmen Town Council after notice and hearing, if the applicant, or any owner of the applicant or license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

SECTION 11: OPERATING REQUIREMENTS: In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen Town Council that the following requirements will be met. A license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- b. *Security.*
 - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
 - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
 1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such

records shall be made available to law enforcement agencies when investigating a criminal complaint.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.

c. *Ventilation.*

- i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- ii. All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

- d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.
- e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- f. *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

~~g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.~~

SECTION 12: VIOLATIONS; PENALTIES. In addition to revocation or suspension of a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance may be punished, at the decision of the ~~Board of~~ Selectmen Town Council, by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit

of the town. This section shall be enforced by the ~~Board of Selectman~~ Town Council, or their designee. Notice of violations by medical marijuana establishment license holders of other provisions of this Ordinance shall be provided to the ~~Board of Selectmen~~ Town Council.

SECTION 13: LICENSE FEE AND COSTS.

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The ~~Selectmen~~ Town Council shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

SECTION 14: SEVERABILITY. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15: APPEALS. Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.

DRAFT- 7-01-21

TOWN OF CUMBERLAND TURNER, MAINE MEDICAL MARIJUANA ESTABLISHMENT LICENSE FOR REGISTERED CAREGIVERS ORDINANCE

ADOPTED TBD APRIL 6, 2019

SECTION 1: PURPOSE AND AUTHORITY: The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing. This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

SECTION 2: DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Registered caregiver retail store. “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary. “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

~~*Marijuana testing facility.* “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.~~

~~*Marijuana Manufacturing facility.* “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.~~

Cultivation area. “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

Medical marijuana establishment. “Medical marijuana establishment” means a registered caregiver retail store, ~~marijuana testing facility, Marijuana Manufacturing facility,~~ or Cultivation area.

State registration authority. “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

Registered caregiver "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

SECTION 3: LICENSE REQUIRED: No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without first obtaining a license from the ~~Board of Selectmen~~ Cumberland Town Council prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning ~~Board, Department~~ pursuant to the Town of ~~Turner-~~ Zoning Cumberland Site Plan Review Ordinance Section 5-Chapter 229
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the ~~Board of Selectmen~~ Planning Department may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have ~~12-6 months~~ months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

SECTION 4: APPLICATION: An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the ~~Board of Selectmen's~~ Town Council agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well

as the following supporting materials:

- a. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- b. Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- c. If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the ~~Board of Selectmen~~Town Council determines that a submitted application is not complete, they shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Board of Selectmen's request, the application may be denied.

SECTION 5: INVESTIGATION OF APPLICANT, OFFICERS, ETC: Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;

- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.
- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the ~~Board of~~ SelectmenTown Council.

SECTION 6: ACTION ON APPLICATION:

- a. PUBLIC HEARING: Prior to granting a license, the ~~Board of SelectmenTown~~ Council shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. ISSUANCE OF LICENSES: After public hearing and within fifteen (15) days of said public hearing, the ~~Board of SelectmenTown Council~~ shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the ~~Board of SelectmenTown Council~~ may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The ~~Board of~~ SelectmanTown Council may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

SECTION 7: STATUS AND DISPLAY OF LICENSE: No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the ~~Board of~~ SelectmenTown Council.

SECTION 8: DUTY TO UPDATE INFORMATION: Any license holder issued a license under this Ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in Section 4 of this Ordinance within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

SECTION 9: RENEWALS: Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen Town Council.

SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:

Renewals of existing licenses shall be denied by the Board of Selectmen Town Council, and an existing license may be suspended or revoked by the Board of Selectmen Town Council after notice and hearing, if the applicant, or any owner of the applicant or license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

SECTION 11: OPERATING REQUIREMENTS: In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen Town Council that the following requirements will be met. A license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- b. *Security.*
 - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
 - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
 - 1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such

records shall be made available to law enforcement agencies when investigating a criminal complaint.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.

c. *Ventilation.*

- i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- ii. All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

- d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.
- e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- f. *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

~~g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.~~

SECTION 12: VIOLATIONS; PENALTIES. In addition to revocation or suspension of a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance may be punished, at the decision of the ~~Board of~~ Selectmen Town Council, by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit

of the town. This section shall be enforced by the ~~Board of Selectman~~ Town Council, or their designee. Notice of violations by medical marijuana establishment license holders of other provisions of this Ordinance shall be provided to the ~~Board of Selectmen~~ Town Council.

SECTION 13: LICENSE FEE AND COSTS.

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The ~~Selectmen~~ Town Council shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

SECTION 14: SEVERABILITY. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15: APPEALS. Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.

Town of Cumberland

Medical Marijuana Caregiver Licensing Ordinance

Adopted: _____

Section 1 - Title This ordinance shall be known as and cited as the "Town of Cumberland ~~Gorham Adult Use and~~ Medical Marijuana Cargiver Licensing Ordinance" and will be referred to hereinafter as the " Ordinance." This Ordinance limits all ~~subject adult-use marijuana establishments and~~ medical marijuana caregiver businesses, as ~~both are~~ defined herein, to the zoning districts specified under the GorhamCumberland Zoning Ordinance, prescribes definitions and provides for permitting/licensing, regulation, and performance standards for such uses.

Section 2 - Authority and Applicability This Ordinance is adopted pursuant to the authority granted by 22 M.R.S.A. § 2429-D, 28-B M.R.S.A. § 101 et seq., as both may be amended or recodified, and the Town's home rule authority under Chapter VIII, Part 2 Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, as may be amended or recodified.

Section 3 - Purpose; Construction The purpose of this Ordinance is to allow for the licensed operation of adult-use marijuana cultivation facilities, adult-use marijuana manufacturing facilities, adult-use marijuana testing facilities, ~~????~~ medical marijuana caregivers, medical marijuana manufacturing facilities, and medical marijuana testing facilities in GorhamCumberland, while ensuring that the same are operated safely and in accordance with state law. This Ordinance does not authorize the operation of adult-use marijuana stores as that term is defined in 28-B M.R.S.A. § 102(34), as may be amended or recodified. ~~In addition, this Ordinance does not authorize the operation of medical marijuana caregiver retail stores or medical marijuana dispensaries, as those terms are defined in 22 M.R.S.A. §§ 2422(1-F) and 2422(6) respectively, as may be amended or recodified. The operation of a medical marijuana caregiver within his/her primary residence, or in the primary residence of one or all of its officers or managers, is exempt from the licensing requirements of this Ordinance, but is still subject to the home occupation standards set forth in Section 2-15 of the Town of GorhamCumberland Land Use and Development Code.~~ This Ordinance does not, and shall not be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C.

Section 4 - Conflict with other ordinances; state law. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with state law; whenever a provision of this Ordinance conflicts with state law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable state laws.

Section 5 - Validity and severability Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 6 - Effective Date The effective date of this Ordinance shall be thirty (30) days from the date of adoption by the Town Council.

Section 7 - Definitions **Adult-use marijuana cultivation facility** - an adult-use "cultivation facility," as that term is defined in 28-B M.R.S.A. § 102(13), as may be amended or recodified. An adult-use marijuana cultivation facility includes a "nursery cultivation facility," as that term is defined in 28-B M.R.S.A. § 301(5), as may be amended or recodified. **Adult-use marijuana establishment** - an adult-use marijuana cultivation facility, an adult-use marijuana products manufacturing facility, or an adult-use marijuana testing facility, which uses are only allowed to operate in GorhamCumberland once properly licensed by the State of Maine and under the applicable sections of this Ordinance. **Adult-use marijuana products manufacturing facility** - an adult-use "products manufacturing facility," as that term is defined in 28-B M.R.S.A. § 102(43), as may be amended or recodified. **Adult-use marijuana testing facility** - an adult-use "testing facility," as that term is defined in 28-B M.R.S.A. § 102(54), as may be amended or recodified. **Agricultural Building** - a structure designed, constructed, and used to store farm machinery, supplies, implements, livestock, or crops. **Cultivate or cultivation** - the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale of adult-use or medical marijuana. **"Cultivation" or "cultivate"** does not include manufacturing, testing or marijuana extraction. **Manufacture, processing** - "manufacture," as that term is defined in 28-B M.R.S.A. § 102(26), as may be amended or recodified. **Manufacturing batch** - "batch," as that term is defined in 28-B M.R.S.A. § 102(5), as may be amended or recodified. **Marijuana** - "marijuana," as that term is defined in 28-B M.R.S.A. § 102(27), as may be amended or recodified. **Medical Marijuana Caregiver** - a "caregiver," as that term is defined in 22 M.R.S.A. § 2422(8-A), as may be amended or recodified. **Medical Marijuana Business** - a medical marijuana manufacturing facility, a medical marijuana testing facility, or a medical marijuana caregiver that operates in a location that is not that caregiver's primary residence, or in the case of a caregiver that is a registered entity, the primary residence of any of the entity's officers, partners, managers, or members. A medical marijuana business does not include or encompass a medical marijuana caregiver store or a medical marijuana dispensary, neither of which are authorized to operate in the GorhamCumberland. **Medical Marijuana Manufacturing Facility** - a medical marijuana "manufacturing facility," as that term is defined in 22 M.R.S. § 2422(4-R), and further specified in 22 M.R.S. § 2423-F, as both may be amended or recodified. **Medical Marijuana Testing Facility** - a medical "marijuana testing facility," as that term is defined in 22 M.R.S. § 2422(5-C), as may be amended or recodified. **Plant canopy** - "plant canopy," as that term is defined in 28-B M.R.S.A. § 102(41), as may be amended or recodified.

Section 8 - Annual License required; distribution of licenses; renewal

A. License Required. No person may establish, operate or maintain an adult-use marijuana establishment or a medical marijuana business without first obtaining an annual license from the Town Council. It is a violation of this Ordinance for any person or entity to operate, or cause to be operated, an adult-use marijuana establishment or a medical marijuana business without a valid license issued by the Town Council, pursuant to this Ordinance. Pursuant to 28-B M.R.S.A. §301 and §502, an applicant seeking to operate an adult-use marijuana establishment may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate a marijuana cultivation or manufacturing facility.

B. Limit on Number of Licenses; Licenses Not Transferable. The Town Council may only issue one (1) total adult-use marijuana establishment to a single business, individual, or owner. For the purposes of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities. The Town Council is authorized to issue no more than ~~twenty (20) adult-use~~ 5 medical marijuana caregiver establishment licenses in accordance with this Ordinance and where allowed in the Land Use and Development Code. Licenses issued pursuant to this Ordinance are not transferable following a change in ownership of the licensee or a change in location of the licensed activity. Any change in ownership or change in officers of an owner of an adult-use marijuana establishment or medical marijuana business shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership. ~~Adult-use Medical~~ marijuana caregiver establishment licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete. Home cultivation of adult use or medical marijuana for personal use is exempt from the licensing requirements of this Ordinance.

Section 9 - Application procedure

A. An application for a license required by this Ordinance must be made on a form provided by the Town of ~~Gorham~~ Cumberland.

B. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

C. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

D. Application Requirements

1. If the applicant is a single individual, this person must sign the application for a license. If the applicant is a business entity, each person who has an interest in the business must sign the

application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for an adult-use marijuana establishment or medical marijuana business license shall contain the following information and shall be accompanied by the following documents:

- a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty- one (21) years of age.
- b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the adult-use marijuana establishment or medical marijuana business under a name other than that of the applicant, they must state the establishment or business name and submit the required registration documents.
- f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous license under this Ordinance or other marijuana-related license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the facility for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Cultivation or Manufacturing Facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this Ordinance or other marijuana-related license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of adult-use marijuana establishment, or medical marijuana business for which the applicant is seeking a license.

j. The location of the proposed adult-use marijuana establishment or medical marijuana business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the adult-use marijuana establishment or medical marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a Town of Cumberland Gorham Tax Map depicting: (1) the subject property lines, and (2) the property lines of any preexisting public or private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with this Ordinance. 3. Medical marijuana caregivers and other applicants submitting applications and supporting information that is confidential under 22 M.R.S.A. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S.A. § 403(3)(F), shall mark such information as confidential. An individual who possesses a valid Maine medical marijuana registered caregiver identification card need not identify themselves in an application for a license for a medical marijuana business. The cardholder must, however, identify themselves and provide the relevant cards to the Town Clerk for examination, but the identity of the cardholder shall not be a public record and the Town shall not share the identity of the cardholder, except as necessary by law in the performance of the Town's official functions. At the time of the application, the cardholder may appoint a representative to appear before the Town Council on their behalf. Advertisements for the requisite public hearing shall contain the location of the proposed medical marijuana business and the identity of the owner of the real estate and the identity of the designated representative.

Section 10 - Standards for license General

1. All adult-use marijuana establishments and medical marijuana businesses shall comply with applicable state and local laws and regulations.

2. Adult-use marijuana establishments and medical marijuana businesses shall only be located within the zoning districts permitted in the ~~Gorham~~Cumberland Zoning Ordinance.

3. Adult-use marijuana establishments and medical marijuana businesses may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S.A. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the adult-use marijuana establishment or medical marijuana business is located. If the adult-use marijuana establishment or medical marijuana business is located within a subdivision, the required setback shall be measured from the front door of the facility to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. No outdoor cultivation, testing, or manufacturing or storage of marijuana, marijuana products, or related supplies is permitted, except as allowed by ordinance.

5. All adult-use marijuana establishments and medical marijuana businesses are required to operate in compliance with the state standards related to odor control and mitigation, as outlined in 18-691 C.M.R., ch. 1, § 2.4.2, as may be amended or recodified, and all adult-use marijuana establishments and medical marijuana businesses shall have odor mitigation systems such that odor is imperceptible from any adjoining property line.. A ventilation plan shall be required that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.

6. All adult-use marijuana establishments shall obtain a State of Maine conditional license prior to operating in the Town of ~~Gorham~~Cumberland. All caregivers or other individuals or entities wishing to operate medical marijuana businesses must be licensed by the State of Maine prior to applying for licensure from the Town of Cumberland ~~Gorham~~, and must provide a copy of said license to the Town as part of its licensing application.

7. Operating Plan - All Adult-use marijuana establishments and medical marijuana businesses are required to submit an operation plan that at a minimum addresses the following: a. wastewater b. disposal of waste c. ventilation and odor d. parking e. landscaping

Section 11 - License expiration and renewal A separate license must be obtained for each adult-use marijuana establishment or medical marijuana business located on the same premises. Each license shall be effective for a period of one year from the date of its issuance. A

license must be obtained prior to the opening of adult-use marijuana establishment or medical marijuana business. Applications for renewal licenses shall be submitted at least sixty (60) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a new license is granted.

Section 12 - Denial, suspension or revocation of license. An application for any license under this Ordinance shall be denied to the following entities or persons:

1. A person or entity who fails to meet the requirements of this Ordinance.
2. A person or entity that has had a license for an adult-use marijuana establishment or a medical marijuana business revoked by the Town of ~~Gorham~~Cumberland or by the State of Maine.
3. A person or entity who has not acquired all necessary state approvals and other required local approvals prior to issuance of a license. The Town may suspend or revoke a license for any violation of this Ordinance, Chapter 1 or Chapter 2 of the Land Use and Development Code, or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has had a state license for an adult-use marijuana establishment suspended or revoked, or in the case of a medical marijuana business, the applicant has been disqualified as a caregiver, or otherwise had a needed license suspended or revoked by the State of Maine. The licensee shall be entitled to notice and a hearing before the Town Council prior to any suspension or revocation, provided, however, that any such hearing, including all documents related thereto, pertaining to a licensed medical marijuana caregiver business, shall be confidential and conducted in executive session.

Section 13 - Right of Access/Background Check/Inspection

A. Every adult-use marijuana establishment and medical marijuana business licensee shall allow law enforcement officers and the ~~Gorham~~Cumberland Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.

B. Every owner and employee of an adult-use marijuana establishment, medical marijuana manufacturing facility, or medical marijuana testing facility, applying for a license, shall contact the ~~Gorham~~Cumberland Police Department for the purposes of fingerprinting and criminal background checking.

C. All medical marijuana caregivers shall provide to the Town a copy of all registered caregiver licenses issued to any and all officers, managers, and/or employees, and shall update the same annually.

D. All licensees shall submit emergency contact information to the Police Department. E. Due to fire, explosion, and other hazards inherent in adult-use marijuana establishments and medical marijuana caregiver businesses, including, but not limited to, heavy electrical loads, hot lighting

fixtures, CO2 enrichment, and flammable contents, the owners and/or operators of all such facilities shall agree to be inspected annually by the ~~Gorham~~Cumberland Fire Department and have a Lock Box installed at the structure's exterior entrance for emergency access. Lock Boxes shall be obtained and installed in coordination with the ~~Gorham~~Cumberland Fire Department.

Section 14 - Indemnification By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any adult-use marijuana establishment or medical marijuana business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a an adult-use marijuana establishment or medical marijuana business licensed under this Ordinance.

Section 15 - State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the adult-use marijuana businesses, medical marijuana businesses, or medical marijuana caregivers, the additional or stricter regulation shall control. Compliance with all applicable State laws and regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

Section 16 - Advertisement and Public Hearing

A. For new or renewal licenses requiring Town Council action, the Council shall hold a public hearing. At said hearing the Town Council shall determine whether the license applicant has satisfied all applicable licensing criteria as outlined in this Ordinance, and if so, shall authorize the issuance of such a license, with or without conditions.

B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the public hearing.

C. In the case of an application for license by a medical marijuana caregiver, or any renewal thereof, the notice and public hearing shall be subject to the confidentiality provisions of Section 9

(D)(3) of this Ordinance, if applicable. Section 17 - License Fees Licensing fees for adult-use marijuana establishments and medical marijuana businesses shall be paid annually as set forth

below. All applications must be submitted with a nonrefundable/nontransferable \$500 fee. If an application is approved, the following license fees must be paid before the Town will issue a license:

Adult-Use Marijuana Manufacturing Facility: \$5,000

Adult-Use Marijuana Cultivation Facility:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Adult-Use Nursery Cultivation facility: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are capped at 1,000 SF, subject to the requirements and restrictions of State law.) Adult-Use Marijuana Testing Facility: Annual License Fee: \$3,000.

Medical Marijuana Caregiver (Non-Home Occupation): Annual License Fee:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

_____Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Medical Marijuana Manufacturing Facility: Annual License Fee: \$5,000.

Medical Marijuana Testing Facility: Annual License Fee: \$3,000. Renewal applicants for adult-use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section and State law. Section 18 - Enforcement; Violations Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. § 4452. Every day a violation exists constitutes a separate violation. Operation of any adult-use marijuana establishment or medical marijuana business without a town license shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, and failure of the licensee or other individual or business to take the required remedial action in a timely manner, the Town can pursue fines and/or penalties under 30-A M.R.S.A. § 4452.

Section 19 - Appeals Any appeal of a decision of the Town made in connection with this Ordinance shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure

The focus of this memorandum is on indoor marijuana cultivation and manufacturing facilities that are not being operated on a small scale within a primary residence or as a home occupation or outdoor cultivation operations.

Since 2018, when the Maine Medical Use of Marijuana Act was amended to give municipalities express authority to regulate medical marijuana cultivation and manufacturing operations, many Maine municipalities have classified such uses, and the structures associated with such uses, as manufacturing, industrial or light industrial uses. The reason for this is two-fold. First, marijuana cultivation and manufacturing activities occurring indoors within a controlled environment—that is, with artificial lighting extensive engineered climate controls; use of chemical fertilizers, pesticides, and nutrients; and industrial extraction processes—are akin to industrial or light industrial uses. Second, the land use impacts of marijuana cultivation and manufacturing activities—including odor impacts, noise impacts, security concerns, and fire hazards—are akin to the impacts of industrial or light industrial uses.

Even when municipalities do not classify these uses as manufacturing, industrial, or light industrial uses, many Maine municipalities have imposed setbacks from residential and other sensitive uses, such as parks and recreational facilities, dwelling units, places of worship, schools, and day care facilities. Such setback restrictions reflect an understanding that marijuana cultivation and manufacturing facilities are not compatible with residential neighborhoods, places where children gather, or downtown commercial or mixed-use districts.

The chart attached to this memo as Appendix A summarizes both the zoning and setback requirements for indoor marijuana manufacturing and cultivation operations in a sampling of Maine municipalities and provides citations to the relevant codes or ordinances. Appendix B is a non-exhaustive list of the municipalities that do not allow marijuana cultivation or manufacturing within their downtown commercial or mixed-use districts or in their residential zones. Appendix C contains photos that illustrate the types of equipment and infrastructure commonly associated with marijuana cultivation and manufacturing uses.

I. Marijuana Cultivation and Manufacturing Facilities Are Commonly Restricted to Industrial or Light Industrial Zones

As illustrated in the chart in Appendix A, a diverse range of municipalities—including Auburn, Bangor, Biddeford, Brunswick, Eliot, Gorham¹, Lewiston, Orono, Portland, Saco and Waterville—restrict marijuana cultivation and manufacturing to their industrial or light industrial zones, and allow these uses in other commercial or rural zones under very limited circumstances.

In Waterville, for example, marijuana manufacturing is only permitted in the General Industrial Zone. Marijuana cultivation is allowed only in the General Industrial Zone and the Commercial-C Zone. Notably, the purpose of the Commercial-C Zone is to accommodate establishments

¹ The sole exception is for cultivation/manufacturing in the rural district when inside an existing agricultural building.

catering to the needs of motorists and users of motorized equipment, such as sales, service, and repair of motor vehicles. Residential uses are prohibited in the Commercial-C zone; indeed, a buffer strip of evergreen plantings at least 20 feet in width and 10 feet in height must be planted and maintained *and* a solid fence must be constructed on properties adjacent to residential districts or uses in this zone.

Likewise, in Portland, marijuana manufacturing and cultivation are only permitted in industrial zones and the B-4 zone. While the B-4 zone accommodates some commercial uses, its purpose is to provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials (uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market), as well as to provide appropriate locations for large-scale commercial uses that require larger land areas to accommodate their operations. Residential uses are prohibited in the B-4 zone. Indeed, in Portland, marijuana manufacturing and cultivation facilities, regardless of zoning, cannot be sited within 300 feet of the boundary of a residential zone.

More rural communities take a similar approach. For example, the Town of Eliot (pop. 6,204 at the 2010 census) is zoned into five broad categories: R (rural), S (suburban), V (village), MHP (mobile home park), and C/I (commercial and industrial). The Town only allows marijuana cultivation and manufacturing in its C/I zone subject to site plan review. The Town of Greenville (pop. 1,646 at the 2010 census) both prohibits marijuana uses within its downtown district and prohibits all marijuana cultivation and manufacturing facilities sited outside the downtown district from being located within 1,000 feet² of: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; or e) a licensed day care facility.

Indeed, the issue of whether marijuana-related uses are compatible with residential and commercial uses is a key consideration when municipalities adopt zoning amendments to accommodate marijuana-related uses. For example, the Town of Kittery is in the process of finalizing draft zoning ordinance amendments and a licensing ordinance to allow new marijuana-related uses and to further regulate existing medical marijuana businesses. Town staff and officials, particularly members of the Planning Board, spent many hours over the past year in workshops and meetings discussing potential land use impacts of various marijuana-related uses and the zoning that would be appropriate for such uses. Town officials took into account the experiences in and approaches of other municipalities and conducted a site visit to a marijuana cultivation facility in a nearby town. Most recently, in a memorandum to the Town Council, the Town Manager recommended making adjustments to a proposed zoning ordinance amendment in order to prohibit marijuana cultivation facilities in the Town's commercial zone (C-1) and mixed-use neighborhood zone (MU). In making this adjustment, the Town Manager explained that "[a]ll who have been involved in the development and review of this ordinance are rightly concerned about marijuana cultivation and manufacturing preempting redevelopment in the C-1 and MU areas where the Town is hoping to see mixed-use affordable housing developments."³ The town of Old Orchard Beach has similarly been developing land use ordinance amendments over the past several months to allow adult use marijuana establishments. The recommendation from the

² For Tier 1 cultivation facilities the setback is 500 feet instead of 1,000.

³ See *Town Manager's Report to the Kittery Town Council* (dated June 28, 2021), available at https://www.kitteryme.gov/sites/g/files/vyhlf3316/f/agendas/council_packet_6-28-2021.pdf.

Planning Board and staff to the Town Council was to limit cultivation and manufacturing activities to the town's Industrial District.⁴

Maine communities are not alone in treating marijuana cultivation and manufacturing as industrial or light industrial uses: this zoning and regulatory approach is consistent with practices in states with more mature cannabis markets, such as Washington State. The Municipal Research and Services Center in Washington, for example, reports the following marijuana zoning trends in cities and counties across the state since 2012:

City and county zoning measures adopted since initiative 502 was approved are diverse. Some jurisdictions have enacted total prohibitions, while others have allowed marijuana businesses in appropriate zoning districts (retail marijuana businesses in retail zones, outdoor marijuana production in agricultural zones, and indoor marijuana production and marijuana processing in industrial zones).

Most jurisdictions that allow indoor marijuana production in warehouse-type structures, such as Moses Lake or Ellensburg, have limited them to manufacturing and/or industrial zones. Some urban jurisdictions, like Vancouver, have chosen to allow all marijuana businesses only in industrial or light industrial zones – to keep them tucked away where they will be less obvious or controversial. Additionally, some cities, like the city of Newport, require a conditional use permit process and impose conditions concerning issues such as odors emanating from the property.⁵

A Note About Outdoor Cultivation of Marijuana

Most municipalities prohibit the outdoor cultivation of marijuana. The City of Auburn is an outlier: it allows outdoor cultivation in its agricultural and resource protection districts. An outdoor cultivation facility is different from a large indoor cultivation facility because an outdoor grow area does not require the same type of infrastructure (lighting, HVAC systems) typical of indoor cultivation operations. Notably, Auburn only allows marijuana manufacturing uses in its agricultural zone if it is an accessory use to an outdoor cultivation facility. Similarly, cultivation facilities are only allowed in the City's general business district if they are accessory to a marijuana retail store. This regulatory framework allows for a vertically integrated business to have multiple licenses on the same site but ensures that the marijuana uses are of a scale and nature compatible with surrounding agricultural or commercial uses. The only zone where the City permits indoor cultivation of marijuana and marijuana principal manufacturing uses, however, is in its industrial district.

II. Marijuana Cultivation and Manufacturing Facilities Are Commonly Required to be Set Back and Buffered from Residential Uses and Public Gathering Places

In addition to restricting cultivation and manufacturing activities to industrial zones, municipalities typically impose setback and buffering requirements to separate marijuana-related uses from other

⁴ See *Planning Staff's Report to the Old Orchard Beach Town Council* (dated July 13, 2021), available at https://www.oobmaine.com/sites/g/files/vyhlf3621/f/events/council_workshop_packet_07_13_2021.pdf.

⁵ See *Marijuana Regulation in Washington State*, Municipal Research and Services Center, available at <https://mrsc.org/getdoc/8cd49386-c1bb-46f9-a3c8-2f462dc576b/Marijuana-Regulation-in-Washington-State.aspx> (last visited July 7, 2021).

uses, such as residential zones, dwelling units, and sensitive uses. While state law already requires municipalities to prohibit adult use marijuana businesses and registered dispensaries from being located within a certain distance from public and private schools⁶, most municipalities elect to include additional setback and buffer requirements for marijuana-related uses.

For example, Bangor, Bridgton, Eliot, Lewiston, and Portland specifically preclude marijuana-related uses from being located within a certain distance of a dwelling unit or a residential zoning boundary. Communities also frequently adopt requirements to separate and buffer marijuana-related uses from public parks, recreational facilities, public properties, houses of worship, schools, playgrounds, and childcare facilities. These types of restrictions are strong indicia that marijuana-related uses are incompatible with residential uses and with public gathering places—the types of uses one would generally see in residential, mixed-use, or downtown commercial zones.

A sampling of municipalities that have established setback and buffering requirements is provided in Appendix B.

III. Carve-outs for Small-Scale Home-Based Caregivers

Truly small-scale caregivers operating out of their homes, cultivating a small number of plants, and engaging in limited manufacturing activities in home kitchens represent a very different operation than the marijuana cultivation and manufacturing activities representative of the modern cannabis industry. For this reason, many Maine municipalities distinguish small-scale caregiver operations from marijuana cultivation and manufacturing facilities in their zoning and land use ordinances. For example, the City of Portland enacted a definition for a “small-scale marijuana caregiver” use that is allowed in the City’s mixed use zones:

A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

An operation of this size can largely go unnoticed by neighbors with minimal risk of generating issues such as odor, noise, increased traffic, or fire hazards. While under state law a registered caregiver is authorized to serve an unlimited number of patients and cultivate up to 500 square feet of plant canopy, the City of Portland felt it was necessary to further restrict this activity under the local ordinance in order to allow caregivers to operate in non-industrial districts—so long as such operations remain truly small-scale.

Such limits on the amount of plant canopy, restrictions around manufacturing processes, and caps on the number of patients are indicators that a municipality recognizes that the cannabis industry is sophisticated and well-funded, and marijuana-related activities can quickly scale up to become industrial-scale operations.

⁶ See 28-B M.R.S. § 402(2); 22 M.R.S. § 2428(6)(B).

Appendix C contains photographs of marijuana cultivation and manufacturing facilities, including some that have been recently constructed in in Maine.

In municipalities where marijuana cultivation and manufacturing are allowed beyond small home-based caregiver operations, the general approach to regulating such uses is to classify them as industrial or light industrial uses; to prohibit them in residential and mixed-use commercial zones; and to establish stringent setback and buffering requirements from residential and other sensitive uses, including public gathering places.

APPENDIX A

Maine Municipal Zoning and Regulatory Framework for Marijuana Cultivation and Manufacturing

The table, below, provides a sampling of how Maine municipalities zone and regulate marijuana cultivation and manufacturing uses.

Note: This list is not exhaustive.

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Auburn	(1) Marijuana cultivation and manufacturing are permitted uses in the Industrial District; (2) Marijuana cultivation is a permitted use in the Agriculture and Resource Protection District (manufacturing only allowed if accessory to licensed cultivation site in this zone) ; (3) Marijuana cultivation is a permitted use in the General Business District (but only if accessory to a retail use); (4) Marijuana cultivation is a permitted use in the Minot Avenue (GBII) District (but only if accessory to a retail use)	(1) 750 feet from schools; (2) 1,000 feet from other marijuana businesses, but not applicable to cultivation or manufacturing facilities in the Industrial Zoning District specifically	City of Auburn Code of Ordinances, Chapter 60, Article IV – District Regulations; Article XVIII, Section 14-659
Bangor	Permitted uses in (1) Urban Industry District; (2) Industry and Service District	(1) 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park; (2) 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building	City of Bangor Code of Ordinances, Part II, Chapter 165, Article XIII, Sec. 165-96; Article XIV, Sec. 165-102
Biddeford	Conditional uses in the Industrial zones (I-1, I-2, I-3)		Code of Ordinances of the City of Biddeford, Part III, Article V, Table A (available here)
Bridgton	Permitted uses in: (1) Inner Corridor District; (2) Outer Corridor District	(1); 1,000 foot buffer from schools, safe zones, churches or other houses of worship; (2) 100-foot	Town of Bridgton Land Use Ordinance, Article II, Section 2

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
		buffer from residential uses; (3) 300-foot buffer from other marijuana businesses	Town of Bridgton Site Plan Review Ordinance, Article XI, Section 4
Brunswick	Conditional use in the Growth Industrial District	500 feet from schools	Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.2 - Growth Area Permitted Use Table
Eliot	Site plan review (SPR) use in the Commercial and Industrial District	500 feet from the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility	Eliot Code of Ordinances, Subpart B, Chapter 33, Sec. 33-189; Sec. 33-190
Gorham	Permitted use in the following zones: (1) Industrial District; (2) Olde Canal Industrial District; (3) Rural District when inside an existing agricultural building	750 feet from schools	Gorham Land Use and Development Code, Chapter 1, Section 1; Town of Gorham Adult-Use and Medical Marijuana Licensing Ordinance
Greenville	Larger scale cultivation facilities and manufacturing facilities are prohibited in the downtown districts	(1) 1,000 feet (<i>500 feet instead for tier 1 cultivation facilities only</i>) from: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility. (2) 500 feet from the boundaries of any land use district where these uses are prohibited for the largest category of cultivation/manufacturing (Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities)	Land Use Ordinance for the Town of Greenville, Article V, Table V-1; Town of Greenville Marijuana Establishments Ordinance, Adopted November 3, 2020, available here: https://greenvilleme.com/wp-content/uploads/Greenville-Marijuana-Establishments-Ord.-11.3.2020-1.pdf
Lewiston	Permitted uses in zones categorized as “Industrial” in land use table: (1) Highway Business; (2) Office Service; (3) Industrial; (4) Urban Enterprise; (5) Mill	(1) 750 feet from schools and public parks, playgrounds, or recreational facilities owned by the City; (2) 300 feet from a dwelling in a residential zoning district; (3) 500 feet between marijuana stores	City of Lewiston Code of Ordinances, Appendix A: Zoning & Land Use Code, Article IX; Chapter 22, Article XV, Sec. 22-430

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Orono	(1) Cultivation allowed in Forestry & Agriculture (F&A), Commercial-1 (C-1), and Economic Development Zone (EDZ) zones; (2) manufacturing allowed in C-1 and EDZ zones (all classified as industrial zones)	(1) 1,000 feet from a school or other educational facility; (2) 1,000 feet from any child-care or day-care facility; (3) 500 feet from a university	Orono Land Use Ordinance to Implement Standards for Marijuana Establishments (codified version not yet available online)
Portland	Permitted uses in the B-4 zone and Industrial zones (I-L/I-Lb, I-M/I-Mb, I-H/I-Hb)	(1) 500 feet from schools; (2) 300 feet from the following residential zones: R-1, R-2, R-3, R-4, R-5/R-5A, R-6/R-6A, or R-7.	City of Portland Land Use Code, Chapter 14, Article 6, Table 6-C, 6-E City of Portland Land Use Code, Chapter 14, Article 6, Section 6.4.10(B))
Presque Isle	(1) Cultivation allowed in industrial (I), light industrial (LI) and agricultural farming/forestry (AFF) zones; (2) manufacturing allowed in business (B), industrial (I), light industrial (LI), and agricultural farming/forestry (AFF) zones	(1) 1,000 feet from schools; (2) 150 from other marijuana businesses, churches, pre-schools, day cares, and community centers (cultivation and manufacturing facilities in the industrial zones exempt from this setback)	City of Presque Isle Municipal Ordinances, Chapter 59-A, Adult Use and Medical Marijuana Business Ordinance, Section J; land use chart
Saco	Medical marijuana caregivers only allowed in the Business-Industrial District and Industrial District	500 feet from schools/daycares	City of Saco City Code Chapter 230, Table 3-3; Sec. VII12
Waterville	(1) Cultivation facilities allowed in the Rural Residential (R-R), Commercial-C (C-C), General Industrial (I) and Airport Industrial (AI) zoning districts; (2) Extraction facilities allowed in the General Industrial (I) and Airport Industrial (AI) zoning district.	500 feet from schools, places of religious worship, daycares, recreational areas designated for use by children up to eighteen (18) years of age, areas designated as municipal safe areas.	City of Waterville Marijuana Ordinance, Article VI

APPENDIX B

Municipalities Prohibiting Marijuana Cultivation and Manufacturing Facilities⁷ from Downtown and/or Residential Zones

1. Auburn
2. Bangor
3. Biddeford
4. Boothbay
5. Bridgton
6. Brunswick
7. Damariscotta
8. Eliot
9. Gorham
10. Greenville
11. Lewiston
12. Orono
13. Portland
14. Presque Isle
15. Saco
16. Scarborough
17. Topsham
18. Waterville
19. Wilton
20. Windham

⁷ This list is not exhaustive and does not include small-scale, home-based operations as discussed *supra*, Section. III.

APPENDIX C

Sample Photos of Marijuana Cultivation and Manufacturing Facilities







Hydro-Carbon Marijuana Extraction Equipment (Photo 1) and C1/D1 Modular Fire Rated Extraction Booth* (Photo 2)

*NFPA Model Fire Code Chapter 38 and State Law Require that Hydro-Carbon and CO2 Extraction Occur within a C1/D1 Lab



Rotary Evaporator (Roto Vape) – Used in Marijuana Distillate Production



Marijuana Edibles Commercial Kitchen

ITEM

21-080

To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land), Section 250-6.D.7 (Conservation Subdivision Standards); and to Section 250-8.D and E (Prohibited uses of common open space); and to Section 250-9 (Ownership, management, legal protection and maintenance of common open space in a conservation subdivision) A(1) and B(1)(b) and 250-13 (General subdivision procedures) B.1 and 250-14 (Procedure for subdivisions in the RR1 or RR2 Districts) A and D, as recommended by the Planning Board

Notice of Decision

Date: July 21, 2021

To: William Shane, Town Manager

From: Carla Nixon, Town Planner

Re: Recommendation to the Town Council on Amendments to the Cumberland Subdivision Ordinance Chapter 250, Section 250-6.D.7 (Conservation Subdivision Standards); and to Section 250-8.D and E (Prohibited uses of common open space); and to Section 250-9 (Ownership, management, legal protection and maintenance of common open space in a conservation subdivision) A(1) and B(1)(b) and 250-13 (General subdivision procedures) B.1; and to Section 250-14 (Procedure for subdivisions in the RR1 or RR2 Districts) A and D; and to Section 250 Appendix D.D (Completion Checklist).

This notice is to advise that the Planning Board held a public hearing on a recommendation to the Town Council on proposed amendments to the Cumberland Subdivision Ordinance Chapter 250 and voted unanimously to recommend to the Town Council to not approve amendments to the Cumberland Subdivision Ordinance Chapter 250, Sec. 250-6.D.7; and to Sec. 250-8.D and E; and to Sec. 250-9.A.1 & B.1.b; and to Section 250-13.B.1; and to Section 250-14.A & D and that the Council instead establish a subcommittee to consider changes to those sections,

Cumberland Planning Board

Paul Auclair, Chairman

ITEM

21-081

To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) Section 229-6 A (Major Staff Review) and Appendix C (Submission Requirements) to change the number of copies of an application packet to 2 full size paper plan sets and an electronic application packet, as recommended by the Planning Board

Notice of Decision

Date: July 21, 2021

To: William Shane, Town Manager

From: Carla Nixon, Town Planner

Re: Recommendation to the Town Council on Amendments to the Cumberland Site Plan Ordinance (Chapter 229) Section 229-6 A (Major Staff Review) to change the number of copies of an application packet to 2 full size paper plan sets and an electronic application packet.

This notice is to advise you that the Planning Board conducted a public hearing at their meeting on July 20, 2021 to make a recommendation to the Town Council on amendments to the Cumberland Zoning Ordinance, Section 229 – Site Plan Review and voted unanimously to recommend to the Town Council the amendments to the Cumberland Site Plan Ordinance Chapter 229, Sec. 229-6.A; and to appendix C to change the number of copies of an application packet to 2 full size paper sets.

Cumberland Planning Board

Paul Auclair, Chairman

Proposed amendment to Chapter 229-6. Major staff review procedure.

A. The applicant shall provide **two paper** copies of a complete application packet **with full size plan sets and one electronic application packet**

Proposed amendment to Chapter 229-Appendix C – Planning Board Site Plan Review Application (proposed addition for above applicant signature line on last page of application)

Please provide two paper copies of a complete application packet with full size plan sets and one electronic application packet.

Applicant's signature _____

Submission date: _____

ITEM

21-082

To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club's "Just for Fun Tournament" to be held on September 4th and 5th, 2021 at Twin Brook Recreation Facility

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Cumberland Soccer Club "Just for Fun" Labor Day Tournament

I held a meeting at 11:00 a.m., on Thursday, June 24, 2021, with, Cumberland Soccer Club Representative Mr. Brett Austin, Police Chief Rumsey, Fire Chief Dan Small, and Recreation Program Director Peter Bingham.

We reviewed in detail the requirements of the Mass Gathering Ordinance with Mr. Austin. The following represents our mutual understanding:

- Exact attendance levels are unknown; however, it was determined that 3,000 is likely. Therefore, the organizers will pay the Minor Mass Gathering fee of \$250.00.
- The 2021 "Just for Fun" Tournament will be held September 4th and September 5th. The hours will be from 7 a.m. to 5:00 p.m.
- There will be 175 teams from across Maine participating.
- There will be parking attendants for the parking areas. The Cumberland Soccer Club Boosters will be used as parking attendants.
- "No Parking" signs will be posted on the edge of Tuttle Road at the entrance to the park.
- The current insurance expires August 31, 2021, and a renewal certificate will be provided to the Clerk immediately prior to the event.
- The Soccer Club Boosters will be running the concession stands at both locations (Twin Brook and the High School).
- Greely Soccer teams will dispose of all trash and place in dumpster. Dumpsters will be emptied on Monday, September 6th, 2021.
- There will be 1 Paramedic floating between facilities and 1 EMT from the Fire Department on site at Twin Brook both days as well as 1 EMT 10-2 both days at the High School.
- There will be 1 Police Officer on duty 8 a.m.-5 p.m. at Twin Brook both days, and 1 Police Officer on duty from 10 a.m.-2 p.m. each day at the high school.
- There will be seven (7) additional porta potties available.

- Communication between parties will be by two-way radio and cell phone.
- Anita Anderson will conduct food vendor inspections during the set-up hours.
- Contact person for this event is Mr. Brett Austin. Contact number is 415-2682.

Insurance certificate is forthcoming.

Approximate fees for this event are as follow:

\$ 250.00 Mass Gathering Permit
\$2,316.80 Twin Brook Fee
\$1,940.64 Police Department
\$1,080.00 Fire Department
\$ 700.00 Municipal Staff

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed. I hope the weather cooperates and they have a wonderful turnout. Thank you.



TOWN OF CUMBERLAND
MASS GATHERING EVENT PUBLIC SAFETY SIGN-OFF

Date of event September 4 & 5, 2021

Name of event "Just for Fun Tournament"

Location of event Twin Brook & GHS

Estimated attendance 3,000

Police Chief recommendation for event coverage: Sat. 1 officer from (8-5) (9 hrs) 1 officer from (10-2) (4 hrs) Sunday 1 officer (8-5) (9 hrs) 1 officer (10-2) (4 hrs) Total 26 hrs @ \$74.64 pr. hr.

Police event coverage cost: \$ 1,940.64

Fire Chief recommendation for event coverage: Ambulance at both locations, Twin Brook

& Greeley Campus with EMT and a paramedic that floats between locations, from 8 to both days.
20 hrs x 2 = 40 hrs @ 27.00 pr hr.

Fire Department event coverage cost: \$ 1,080.00

Total safety cost for event coverage: \$ 3,020.00

***This is a cost estimate based on the numbers you provided. If the event changes & additional staff is required, costs will increase.**

Event Coordinator Signature: J. O'Donnell for Brett Austin

TOWN OF CUMBERLAND

Publication Dates: _____
Publication Names: _____
Date Filed: _____
Fee Received: _____
Date Ordinance Received: _____
Issued: _____
Denied: _____

Mass Gathering Application-Minor Large Outdoor Event (500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.
Application must be accompanied by a non-refundable fee of \$250.00.

Name of Applicant: CUMBERLAND SOCCER CLUB

Address of Applicant: P.O. BOX 352, CUMBERLAND ME 04021

Name of Event: CSC "JUST FOR FUN TOURNAMENT"

Facility where the event will be held: TWIN BROOK, GHS, GMS

Is the facility owned by the applicant: _____ yes; ☒ no, (if no, attach a copy of the contract with
The owner which allows use of property)

Name of promoter (if different from above): _____

Telephone number: 207 415 2682

Date of Event: SEPTEMBER 4-5 Time (start and finish times): 8-5

Number of tickets available: 1

Expected attendance: 3,000

Description of event: YOUTH SOCCER TOURNAMENT

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) FOOD SIMILAR TO A HIGH SCHOOL SOCCER

GAME (PIZZA, CHIPS, FRUIT, WATER, GATORADE) AT TWIN BROOK !
GHS.

Will any alcohol vendors be serving at the event? _____ yes, ☒ no (if yes, list name and attach
A copy of the vendors license to sell alcohol, describe what alcohol will be served) _____

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. 2019 CSC JUST FOR FUN TOURNAMENT
2. 2018 CSC JUST FOR FUN TOURNAMENT
3. 2017 CSC JUST FOR FUN TOURNAMENT

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: _____ permanent; 6 portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: _____ yes;
_____ no, if no, which lots are not lighted EVENTS END IN DAYLIGHT
- F. Source of potable water: TWIN BROOK SHELTER AND PORTABLE COLD SINK AT GHS.
- G. Refuse containers available, number and size: NUMEROUS AT TWIN BROOK AND GHS
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
GREEKY BOOSTERS
- I. When will refuse be picked up? YES

Public Safety:

- J. Describe first aid facilities: 1 FIRE DEPT/EMT ON SITE AT TWIN BROOK AND GHS
- K. Describe emergency facilities: 1
- L. Describe communication facilities: _____
- M. Number of certified police officers: 1 + OFFICER B-5.
- N. Other security personnel (include company name and qualification): _____
- O. Describe fire personnel: _____

ITEM

21-083

To consider and act endorsing the Maine Municipal Association
Workers' Compensation Safety Incentive Program



**MMA WORKERS' COMPENSATION SAFETY INCENTIVE PROGRAM
RESOLVE FORM**

WHEREAS, the TOWN OF CUMBERLAND is a member of the Maine Municipal Association Workers' Compensation Fund (hereinafter "WC Fund"); and

WHEREAS, Maine Municipal Association (hereinafter "MMA") provides risk management services and workers' compensation coverage; and

WHEREAS, MMA developed the Workers' Compensation Safety Incentive Program (hereinafter "the Program") to help reduce the incidents and impact of workplace injuries by implementing WC claim best practices; and

WHEREAS, MMA will provide necessary written program information, and offer assistance to participants; and

WHEREAS, WC Fund members that participate in the Program and complete the required activities, will have the opportunity to earn a credit to their annual contribution; and

WHEREAS, the TOWN OF CUMBERLAND is committed to providing a safe environment for its employees, citizens, and visiting public; and

WHEREAS, the Program will help enhance such an environment and promote a self-sustaining culture of safety with participating members,

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF CUMBERLAND
to elect to participate in the MMA Workers' Compensation Safety Incentive Program.

DATED THIS 26TH **DAY OF** JULY, 2021

ATTEST by Governing Board (signatures or e-signatures):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____