

Marijuana Laws & Ordinance Development

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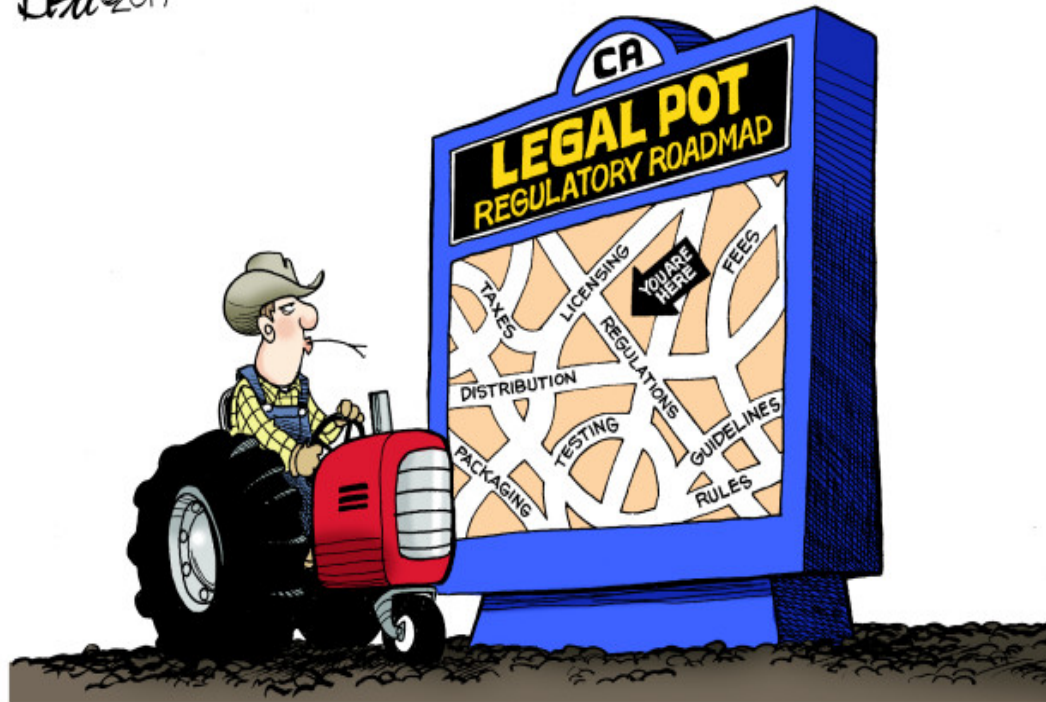
Municipal Practice Group

November 1, 2018

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ADULT USE MARIJUANA

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LICENSING

- CULTIVATION FACILITY
- TESTING FACILITY
- PRODUCTS MANUFACTURING FACILITY
- MARIJUANA STORE

LICENSING PROCEDURE

- CONDITIONAL LICENSE
- LOCAL AUTHORIZATION
- ACTIVE LICENSE
- IDENTIFICATION CARD

LOCAL REGULATION

- LAND USE REGULATIONS
- GENERAL AUTHORIZATION OF MARIJUANA ESTABLISHMENTS
- LIMITATION ON NUMBER OF MARIJUANA ESTABLISHMENTS
- LOCAL LICENSING

SIGNS

- MAY NOT BE MISLEADING, DECEPTIVE OR FALSE
- MAY NOT INVOLVE ADVERTISING LIKELY TO REACH PERSONS UNDER 21 YEARS OF AGE
- MAY NOT BE WITHIN 1,000 FEET OF A SCHOOL (MAY BE REDUCED TO 500 FEET BY THE MUNICIPALITY)

VIOLATIONS/PENALTIES

DAFS Enforcement Authority

- May not exceed \$100,000 per major license violation
- May not exceed \$50,00 per minor license violation
- Suspension
- Revocation
- Disposition of unauthorized marijuana

Municipal Enforcement Authority

MARIJUANA ADVISORY COMMISSION

The law establishes a Marijuana Advisory Commission to conduct continuing study of marijuana laws and annual reporting to the legislature.

- 15 Members, notably there is no municipal representation on the commission, unless one of the seats for a general member of the public is occupied by a municipal official.

PERSONAL USE

Persons 21 years of age or older may:

- Use, possess, purchase or transport marijuana paraphernalia
- Use, possess or transport at any one time up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than 5 grams of marijuana concentrate
- Possess, cultivate or transport at any one time up to 3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings and possess all the marijuana produced by such plants at the person's place of residence or at the location where the marijuana was cultivated
- Purchase up to 12 immature marijuana plants or seedlings from a nursery cultivation facility as described in section 301, subsection 5 or from a marijuana store
- Consume marijuana or marijuana products in a private residence, including curtilage; or on private property, not generally accessible by the public, and the person is explicitly permitted to consume marijuana or marijuana products on the property by the owner of the property

MEDICAL MARIJUANA

LD 238 (Veto Overridden) – Emergency Enacted

Replaces the limited municipal school setback and dispensary regulation authorizations in the pre-existing Medical Use of Marijuana Act with explicit authority for municipalities to regulate registered medical marijuana primary caregivers, dispensaries, and testing and manufacturing facilities.

- Municipalities may not prohibit or limit the number of registered caregivers



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MEDICAL MARIJUANA

LD 1539 (Veto Overridden – Effective December 13, 2018) – Significant Amendments to Maine’s Medical Use of Marijuana Act

Like LD 238, replaces the limited municipal school setback and dispensary regulation authorizations in the pre-existing Medical Use of Marijuana Act with explicit authority for municipalities to regulate registered medical marijuana caregivers, dispensaries, and testing and manufacturing facilities.

- Such facilities are not permitted unless allowed by a vote of the legislative body. However, the amendment specifically permits the continued operation of those facilities, including retail stores, that are operating with town approval as of the effective date of the law.
- Municipalities may not prohibit or limit the number of registered caregivers

THANK YOU

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