



**MEDICAL MARIJUANA**  
**ESTABLISHMENT LICENSING**  
**ORDINANCE**

Adopted Date: November 2, 2021

Amended Date: \_\_\_\_\_, 2023

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Revision-001

Affix Town Seal:

### **Section 1: Title**

This ordinance shall be known and cited as the “Town of Livermore Falls **Medical Marijuana Establishment Licensing Ordinance** and will be referred to herein as “the Ordinance.”

### **Section 2: Purpose: Authority**

The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana retail stores, medical marijuana cultivation facilities and medical marijuana manufacturing facilities, all as further defined in this Ordinance, and to require annual licensing for the same. For the avoidance of doubt, medical marijuana dispensaries, as defined in this Ordinance, are expressly prohibited in Livermore Falls.

This Ordinance is enacted pursuant to the Town of Livermore Falls’ home rule authority, under Art. VIII, Part Second of the Maine Constitution and 30-A M.R.S. § 3001. This Ordinance is also enacted consistent with the Town’s statutory authority pursuant to 22 M.R.S. § 2429-D, as may be amended or recodified.

### **Section 3: Definitions**

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings:

**Cardholder:** means a “cardholder” as that term is defined in 22 M.R.S. § 2322(1), as may be amended or recodified.

**Cultivation Area:** means “cultivation area,” as that term is defined in 22 M.R.S. § 2422(3), as may be amended or recodified.

**Disqualifying Drug Offense:** means “disqualifying drug offense” as that term is defined in 22 M.R.S. § 2422(4), as may be amended or recodified.

**Licensed Premises:** means the physical location where a licensee is licensed by the Town to operate a Medical Marijuana Establishment.

**Manufacture or Manufacturing:** means “manufacture” or “manufacturing,” as those terms are defined in 22 M.R.S. § 2422(4-Q), as may be amended or recodified.

**Medical Marijuana:** means marijuana possessed or used by a cardholder for medical use, in accordance with 22 M.R.S. § 2423-A (2), as may be amended or recodified. For the avoidance of doubt, “medical marijuana” does not refer to marijuana possessed or used by an individual of

#### **Section 4: Applicability: Interpretation**

- A. Beginning on the effective date of this Ordinance, no Registered Caregiver or other individual or entity may establish or otherwise begin to operate a Medical Marijuana Establishment that was not legally operating prior to the adoption of this Ordinance, without first receiving site plan approval from the Town of Livermore Falls Planning Board, in a manner consistent with all applicable provisions of this Ordinance as well as with all applicable provisions of the Town of Livermore Falls Site Plan Review Ordinance.
- B. If a Medical Marijuana Cultivation Facility (but not a Medical Marijuana Retail Store or a Medical Marijuana Manufacturing Facility) was legally in existence prior to the effective date of this Ordinance, the same may not be expanded, changed, or otherwise augmented in any way, without first receiving site plan approval from the Town of Livermore Falls Planning Board.
- C. Beginning on the effective date of this Ordinance, no Medical Marijuana Establishment may operate within the Town of Livermore Falls without first receiving a license from the Town of Livermore Falls Select Board in a manner consistent with the procedures and requirements of this Ordinance, except as provided in Section 11(B), below.
- D. For the avoidance of doubt, Medical Marijuana Dispensaries are **expressly prohibited** within the Town of Livermore Falls.
- E. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient or registered caregiver as established in 22 M.R.S. § 2421, *et seq.*

#### **Section 5: Effective Date**

This Ordinance and any amendments thereto shall be effective upon adoption by Town Meeting.

#### **Section 6: Validity and Severability**

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

#### **Section 7: License Application**

An applicant for a Medical Marijuana Establishment license shall complete and file an application with the Code Enforcement Officer (CEO) or other such person designated by the Livermore Falls Town Manager, on a form designed and provided by the Town, together with

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

### **Section 9: Action on Application**

- A. **Public Hearing Required.** Within thirty (30) days of receipt of an application, the Town of Livermore Falls Select Board shall conduct a duly-noticed public hearing to provide an opportunity for public comment on the submitted Medical Marijuana Establishment application. Notification of the scheduling of this public hearing shall be posted in three (3) conspicuous locations within the town at least seven (7) days prior to the date of said hearing. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- B. **Written Decision.** Within fifteen (15) days of said public hearing, the Town of Livermore Falls Select Board shall grant the license requested unless the issuance of the license would violate any provision of this Ordinance or other ordinance enacted by the Town of Livermore Falls, or any State of Maine law, or any Planning Board approval or condition of approval. All decisions of the Select Board shall be produced in writing, explaining the reasons for the Select Board's decision. A copy of this decision shall be provided to the applicant.
- C. **Conditions of Approval.** In granting a license, the Town of Livermore Falls Select Board may impose any conditions of approval it deems necessary to fulfill the provisions of this Ordinance, state law, or any other ordinance of the Town of Livermore Falls.

### **Section 10: Performance Standards**

No Medical Marijuana Establishment license may be granted, and no Medical Marijuana Establishment may operate, even after issuance of a license, except in compliance with the following performance standards. Such performance standards shall automatically be incorporated into all Medical Marijuana Establishment licenses granted by the Select Board as conditions of approval.

***D. Loitering; no use of marijuana on licensed premises***

The Licensee shall make adequate provisions to prevent patrons or other persons from loitering on the Licensed Premises. It shall be the Licensee'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.

***E. Hours of Operation***

Medical Marijuana Establishments shall be open no earlier than 7:00 A.M. and shall close no later than 9:00 P.M.

***F. Compliance with requirements of Maine State and local law(s)***

A Medical Marijuana Establishment shall meet all operating and other requirements of all applicable state laws and regulations and town ordinances. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing registered caregivers or Medical Marijuana Establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive law or regulation shall be the control.

**Section 11: Miscellaneous**

***A. License Term***

All licenses issued under this ordinance shall be valid for a period of one year from the date of issuance. Renewals of existing licenses are governed by Section 13 of this Ordinance.

***B. Grace Period for Existing Medical Marijuana Establishments***

Notwithstanding anything to the contrary within this Ordinance, a legally preexisting Medical Marijuana Establishment shall have twelve (12) months from the effective date of this Ordinance to obtain a license pursuant to this Ordinance. However, failure to obtain a license prior to the expiration of this twelve (12) month period shall subject the Medical Marijuana Establishment owner or operator to all penalties contained in this Ordinance.

***C. Licenses Non-assignable/Non-transferable***

No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in officers of the Licensee requires a new license. The new owners of any Medical Marijuana Establishment, as defined in this Ordinance, shall apply to the Select Board for a new license prior to beginning operation. Licenses are limited to the Licensed Premises for which they are issued and are not transferable to any other property. All Licensees who desire to relocate to a new location shall apply to

The Town of Livermore Falls Select Board shall have the authority to revise these fees without further revision of this Ordinance.

***I. Maximum Issued Licenses***

No more than three (3) Medical Marijuana Retail Store licenses may be issued for locations within the Village Area, as defined in this Ordinance.

***J. Inside Village Area***

Only Medical Marijuana Retail Stores will be allowed inside the Village Area. Medical Marijuana Cultivation Facilities and Medical Marijuana Manufacturing Facilities are not permitted within the Village Area.

***K. Outside Village Area***

Medical Marijuana Retail Stores, Medical Marijuana Cultivation Facilities and Medical Marijuana Manufacturing Facilities will be allowed outside the Village Area upon being licensed under this Ordinance.

***L. Effect on Legally Pre-Existing Licenses***

Notwithstanding anything to the contrary in this Ordinance, including any limits placed on licenses issued to Medical Marijuana Establishments within certain geographic areas of the Town, any Medical Marijuana Establishment that has received and has maintained a valid license issued under this Ordinance will be allowed to continue business operation and annual licensing renewals, unless a license is revoked, expires, is not renewed in a timely manner, or the business permanently closes.

**Section 12: Standards for License Denial or Revocation**

Renewals of existing licenses shall be denied by the Town of Livermore Falls Select Board; as well an existing license may be suspended or revoked by the Town of Livermore Falls Select Board after notice and hearing if the applicant or Licensee, or any of the Licensee's officers, members, directors, or partners:

- A. Fails to prove or maintain compliance with all requirements of this Ordinance or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. Ch. 558-C, as may be amended or recodified;
- B. Has had a license for a Medical Marijuana Establishment revoked by the Town of Livermore Falls or by the State of Maine;

Witness our hands this 7<sup>th</sup> day of March, 2023. The Select Board of the Town of Livermore Falls accepts these ordinances as written to be voted on by the public at the June 13, 2023 “raise your hand” election.

\_\_\_\_\_  
Jim Long, Chair

\_\_\_\_\_  
Ernie Souther, Vice Chair

\_\_\_\_\_  
William Kenniston

\_\_\_\_\_  
Bruce Peary

\_\_\_\_\_  
Jim Cyr



Alexander Pawson, Notary

ALEXANDER R. PAWSON  
Notary Public, State of Maine  
My Commission Expires 8/31/2028

