

**ADULT USE AND MEDICAL  
CANNABIS ORDINANCE  
FOR THE  
TOWN OF THORNDIKE, MAINE**

**ENACTED:**

**EFFECTIVE:**

**CERTIFIED:** \_\_\_\_\_

\_\_\_\_\_, Town Clerk

Affix Seal

# **Cannabis Ordinance**

## **Table of Contents**

<b><u>Articles</u></b>		<b><u>Page</u></b>
I	Title	3
II	Purpose & Authority	3
III	Effective Date	3
IV	Licenses Generally	3 - 5
V	General Standards for Licensing	5 - 7
VI	General Requirements for Permit Application	7 - 10
VII	Application Procedure	10 - 11
VIII	Right of Access/Inspection	11
IX	Enforcement	11 - 12
X	Conflicts with other Ordinances	12
XI	Confidentiality	12
XII	Definitions	13 - 15

## **Town of Thorndike Cannabis Ordinan**

**For this Ordinance the word marijuana and cannabis are considered interchangeable.**

### **Article I Title:**

This ordinance shall be known and cited as the “Town of Thorndike Cannabis Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all Adult Use and Medical Cannabis Establishments to the zoning rules and regulations contained herein and to the districts specified.

### **Article II Purpose and Authority:**

**WHEREAS**, implementing a system for the regulation of Establishments for the sale, cultivation, manufacturing, and testing for both Adult Use and Medical Cannabis, is a complex function with significant administrative demands on the Town of Thorndike; and

**WHEREAS**, to ensure that possession and use of Adult Use and Medical Cannabis is limited to persons who are 21 years of age or older, except in the case of minors in possession of a Medical Marijuana Cannabis Patient Card; and

**WHEREAS**, the Town of Thorndike believes that any production, testing, processing, or selling of Adult Use and Medical Cannabis should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to Adult Use and Medical Cannabis throughout the Town of Thorndike; and

**NOW THEREFORE**, this Ordinance is adopted pursuant to the Cannabis Legalization Act, Title 28-B M.R.S. c. 1; Maine’s Medical Marijuana laws and regulations; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-A M.R.S. §3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq.

**Article III: Effective Date**, The effective date of this Ordinance shall be the date this Ordinance is adopted by the voters at Town Meeting on \_\_\_\_\_

### **Article IV Licenses Generally:**

1. The Town of Thorndike limits the number of establishments as follows:
  - Retail establishments: no more than 3 (three)
  - Cultivation Establishments: no more than 4 (four)
  - Processing Establishments: no more than 4 (four)
  - Testing Establishments: no more than 3 (three)
2. No person may establish, operate, or maintain an Adult Use or Medical Cannabis Establishment without first obtaining a license from the Select Board after the Code Enforcement Officer or the Thorndike Fire Chief has submitted a Certificate of Compliance of the Thorndike Marijuana Ordinance.

Adult-Use Cannabis Licenses and Medical Cannabis Licenses shall be valid for one year from the date that the license is approved by the Town of Thorndike Select Board. The Town may approve licenses for less than one year to align with State/Town time frame,

3. This Ordinance does not apply to Home Cultivate for Personal Use which must meet Maine State Statutes Title 28-B, Chapter 3, Section 1502 *Home Cultivation for Personal Adult use*.
4. This Ordinance does not apply to caregivers not required to register under state law and who do not need a license from the Town.
5. Adult-use Cannabis Licenses in the Town of Thorndike:
  - a. **Cultivation.** Indoor and Outdoor cultivation facilities are allowed in the Town of Thorndike. The following tiers of cultivation licenses are allowed:
    - i. **Tier 1.** A tier 1 cannabis cultivation license shall allow the license holder to cultivate up to 500 sq. ft. of cannabis plant canopy, and to sell harvested, unprocessed cannabis, cannabis plants, or seedlings at wholesale.
  - b. **Cultivation.** The following tiers of cultivation facilities are allowed in the Town of Thorndike as indoor cultivation sites.
    - i. **Tier 2.** A tier 2 cannabis cultivation license shall allow the license holder to cultivate up to 2,000 sq. ft. of cannabis plant canopy, and to sell harvested, unprocessed cannabis, cannabis plants, or seedlings at wholesale.
    - ii. **Tier 3.** A tier 3 cannabis cultivation license shall allow the license holder to cultivate up to 7,000 sq. ft. of cannabis plant canopy, and to sell

harvested, unprocessed cannabis, cannabis plants, or seedlings at wholesale.

- iii. **Tier 4.** The existing Tier 4 outdoor cultivation facility may continue to operate and expand. No new Tier 4 cannabis cultivation site will be allowed in Thorndike.
- iv. **Nursery cultivation Facilities.** The license shall allow the license holder to cultivate up to 1000 sq. ft. of cannabis plant canopy indoors or outdoors for wholesale to other License cannabis Facilities.

- c. **Retail.** An adult use cannabis retail license shall allow the license holder to sell adult use cannabis in accordance with M.R.S. Title 28-B, Section 504.
- d. **Processing.** An adult use cannabis products manufacturing facility shall allow the license holder to manufacture and process adult use cannabis products, extracts, etc. in accordance with M.R.S. Title 28-B, Section 502, and the criteria of Article VI.
- e. **Testing.** An adult use cannabis testing license shall allow the license holder to test adult use cannabis products in accordance with M.R.S. Title 28-B, Section 503, and the criteria of Article VI.

6. **Medical Cannabis Facilities Licenses for Register Caregivers:**

a. **Cultivation Facilities:** A Cannabis cultivation license shall allow the license holder to cultivate up to 30 mature marijuana plants, or 500 sq. ft. of cannabis plant canopy, 60 immature cannabis plants, and unlimited seedlings indoors or outdoors.

b. **Retail Sales, Testing, Manufacture/Processing Facilities:** Must comply Maine Revised Statutes Title 22, Section 2429 D and Town of Thorndike Cannabis Ordinance.

6. **Medical Cannabis Registered Dispensary Facility:**

- a. Medical Cannabis cultivation of 500 sq. ft. of plant canopy or 30 mature plants may be grown indoors or outdoors.
- b. Medical Cannabis cultivation of 501 sq. ft. to 7,000 sq. ft. of plant canopy must be grown indoors.
- c. For Medical Cannabis Retail Sales Facility, Indoor Cultivation Facility, & Manufacturing Facility, must meet the criteria under Article VI, Section 1, NFPA 101 – Life safety Code, Section 2, NFPA 1 – Fire Code, & other criteria listed criteria listed under Article VI.

**Article V: General Standards for Licensing**

1. All cannabis establishments shall be compliant with the following Town Ordinances:

- a. Thorndike Land Use Ordinance
- b. Thorndike Road Ordinance
- c. Any other Thorndike Ordinance relevant

2. State Law

- a. In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Cannabis or cannabis products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Cannabis Establishment, Retail Store, Cultivation Facility, Manufacturing/Processing Facility, or Testing Facility in Thorndike.
- b. Compliance with M.R.S. 28-B, c. 1, State laws and regulations pertaining to medical cannabis, and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with M.R.S. 28-B, c. 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

3. Location

- a. Adult use and Medical Cannabis Establishments may not be operated on property located within:
  - i. Five hundred (500) feet of the property line of a public or preexisting private school (K-12) to the Property line of the proposed Cannabis Facilities.
  - ii. Five hundred, (500) feet of any of the following: a church, or other other religious worships, an athletic field, playground, or recreational facility, public library, licensed day care center, or municipal building.
  - iii. Required setbacks for the above shall be measured as the most direct, level, shortest, straight-line distance between the main entrance of the proposed cannabis facility and any entrances of any of the preexisting building listed above.

**Article VI: General Requirements for Permit Application:**

Must be submitted with the Permit Application. Two sets of Certified Architect Plan for compliance with NFPA 101 Life Safety Code & NFPA 1 Fire Prevention Code

1. NFPA 101 – Life Safety Code: Compliance with the 2018 NFPA 101 – Life safety Code, or updated/amended editions adopted by Maine State Fire Marshal Office, Section 16, Chapter 20.
  - a. Chapter 40: Industrial Occupancy for Adult Use Marijuana and Medical Marijuana indoor Growing Facilities, Processing Facilities, or Extraction Facilities.
  - b. Chapter 36: New Mercantile Occupancy for Adult Use and Medical Marijuana Retail Store for sales.
  - c. Also, other Chapters that are referred to from Chapter 40 and Chapter 36.
  
2. NFPA 1 – Fire Prevention Code: Compliance with the 2018 NFPA 1 – Fire Prevention Code, or updated/amended editions adopted by Maine State Fire Marshal Office, Section 16, Chapter 3.
  - a. Cannabis Cultivation, Manufacturing, and Testing Facilities must comply with 2018 NFPA-1\_Chapter 38\_standards for Marijuana Growing, Processing, or Extraction Facilities, and these standards will be utilized by the Thorndike Fire Department during its Plan review & inspections of these premises.
  - b. 2018 NFPA-1, Chapter 20, Section 20.12 for inspection of Cannabis Retail Store for sales.
  - c. Also, other Chapters that are referred to from Chapter 40 and Chapter 38.
  - d. Due to fire, explosion, and other hazards inherent in Cannabis Cultivation and Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO2, etc.), high-pressure extraction methods (CO2, etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Fire Chief of the Thorndike Fire Department.
  - e. Cannabis Cultivation and Manufacturing Facilities must comply with the 2018 NFPA-1 Chapter 38 standards for Marijuana Growing, Processing, or Extraction Facilities, and these standards will be utilized by the Fire Chief of the Thorndike Fire Department during his inspections of these premises.
  
3. Security Measures: All Adult Use and Medical Cannabis Establishment premises shall include, at a minimum, the following:

- a. Outdoor cultivation operation shall be enclosed with secure fencing with a privacy

screen that will prevent unauthorized entrance.

4. Interior Plumbing for Facilities

- a. All cannabis establishments must be compliant with the Uniform Plumbing Code 2018 or updated/amended editions adopted by Maine State Statues.
- b. Permits issued to a Licensed Plumber, Title 32, Section 3302, and Inspections are needed.

5. Subsurface Wastewater Disposal Systems for Facilities

- a. All cannabis establishments must be compliant with Chapter 241, 2023 State of Maine Subsurface Wastewater Disposal Rules, or updated/amended Editions adopted by Maine State Statues.
- b. If there is an existing system in place than it must be inspected by a State of Maine Certified Septic Inspector and a Certification of Compliance of a working system shall be issued by the Inspector.
- c. If there is no building on site with a Subsurface Wastewater Disposal System within an acceptable walking distant of 500 feet of the outdoor cultivation then a Portable Toilet Facilities must be provided.

6. Electrical

- a. All electrical work is done by a License Electrician, Title 32, Section 1201, In accordance with the latest NFPA – 70. An Electrical Permit must be pull by the Electrician for work to be done.
- b. Certificate of Compliance from Maine State Electrical inspector for all new electrical work.

7. Disposal Systems for Indoor & Outdoor Cultivation Site: An Operating Plan must be submitted showing waste disposal of used indoor growing soil, and disposal of cannabis byproducts. Balls of soil from growing pots must not be disposed of within visibility of the road right-of-way.

8. Odors/Ventilation

- a. Indoor Adult Use Cannabis and Medical Cannabis facilities shall be ventilated so that the odor cannot be detected by a person with a normal sense of smell from any adjoining use or property.
- b. Licensees must demonstrate a reasonable effort to prevent odors from being detected beyond the property line.
- c. Odor Mitigation Plan. All cannabis establishments must provide an odor mitigation plan that demonstrates a reasonable effort to prevent odors from being detected



beyond the property line. All applicants must submit an odor mitigation plan that includes:

- i. Effective large carbon filters, activated carbon scrubbers, and/or other air filtration method that prevents the escape of odors;
- ii. A description of the odor prevention methods and practices to minimize the chance of any odor emanating beyond the property boundaries; and
- iii. A maintenance schedule and log detailing operating procedures, frequency of equipment inspection, and equipment repairs or replacements to ensure continuous odor mitigation.

### **Article VII: Application Procedure**

1. All applications for licenses must submit a Cannabis License Application provided by the Town Clerk or Code Enforcement Officer to determine whether applicant meets the requirements set forth in this Ordinance and requires a onetime application fee.
  - a. Adult Use Cannabis establishments applicants must first obtain a conditional license from the Office of Cannabis Policy and submit a copy of it along with copies of the Operating Plan and Operating Plan for Cultivation if applicable which were submitted to the Office of Cannabis Policy, before applications to the Town of Thorndike Clerk or Code Enforcement Officer can be accepted.
2. Application and Licenses fees shall be established by the Thorndike's Select Board. These fees shall be non-refundable and must be submitted by the applicant before review of the application can begin.
3. The Thorndike Selectboard and Thorndike Code Enforcement shall begin review within 35 days of receiving a completed application. The Select Board shall complete its review within 90 days of the first meeting and shall provide the applicant with a copy of its findings.
4. Licensees seeking to renew or expand a cannabis establishment license must apply within 35 days of the expiration date of current license.
5. Permits shall expire one year from the date the Office of Cannabis Policy issues an Active License to the applicant, unless the expiration date is specified on the license.
6. The Select Board shall hold a public hearing prior to making any final determinations regarding the licensing of new, renewal, or expanded cannabis establishments. The public hearing notices will be posted at the Town Municipal Building and Post Office fourteen days prior to the hearing at the Selectmen

Meeting. Land abutters within 500 feet will receive notification of the Public Hearing by certified letter.

7. Demonstration of possession or entitlement of the proposed premises of the Cannabis Facilities pursuant to a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises.

#### **Article VIII: Rights of Access/Inspection**

1. Every Adult Use and Medical Cannabis Establishment shall allow Thorndike Code Enforcement Officer, Thorndike Fire Chief, Enforcement Officers from the Office of Cannabis Policy, and other State Agency Law Enforcement Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. M.R.S. Title 28-B, Section 512 or M.R.S. Title 22, Section 2430-K.
2. 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 or Medical Cannabis Establishment owners, operators, employees, clients, or customers for a violation of local, State, or federal laws, rules, or regulations.

#### **Article IX: Enforcement**

1. Violations
  - a. Any person including, but not limited to an Adult Use or Medical Cannabis business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this ordinance shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall constitute a separate offense.
  - b. In addition to the civil penalty, the Town of Thorndike is entitled to injunctive relief.
  - c. In any successful prosecution the Town of Thorndike shall be rewarded its reasonable attorney fees.
  - d. The Town of Thorndike is authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.
  - e. Actions for the violation of this Ordinance may be initiated by the Code Enforcement Officer, Select Board, Thorndike Fire Chief, or reports to the

Town Select Board from Local or State Law Enforcement Office, and  
Maine Office of Cannabis Policy Enforcement Officers.

2. Code Enforcement Officer (CEO). The primary enforcement person for the town shall be the Code Enforcement Officer. If the CEO finds that any provision of this Ordinance is being violated, the CEO shall verbally notify and follow up with a letter to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. Copy of such notices shall be given to the Select Board and maintained as a permanent record.
3. Law Enforcement Officers. State or Local Law enforcement officers, or Maine State Office of Cannabis Policy Enforcement Office may at any reasonable time conduct on-site inspections of adult-use establishments to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of the Ordinance. M.R.S. Title 28-B, Section 512 or M.R.S. Title 22, Section 2430-K.

**Article X: Conflict with Other Ordinances; Severability**

1. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other Town Ordinance, regulation or standard, the more restrictive provision shall apply.
2. 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.

**Article XI: Confidentiality:** All applications submitted by Registered Caregivers under this ordinance shall be confidential and only provided to Towns staff for the performance of their duties.

**Article XII: Definitions – The word Marijuana and Cannabis shall be considered interchangeable for definition.**

The terms in this ordinance shall have the same definition as defined in Title 28-B M.R.S., Section 102, or Title 22 M.R.S., Section 2422, and other state regulations written and distributed by the Office of Cannabis Policy. This ordinance defines the following terms further:

**Adult use marijuana:** Marijuana cultivated, distributed, or sold by a marijuana establishment for non-medical purposes.

**Adult use marijuana product:** A marijuana product that is manufactured, distributed, or sold by a marijuana establishment for non-medical purposes.

**Caregiver:** A person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.

**Cultivation or cultivate:** The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation or cultivate" does not include manufacturing.

**Cultivation facility:** A facility that cultivates, prepares and packages adult use marijuana and Medical Marijuana that sells to products manufacturing facilities, marijuana stores and to other cultivation facilities.

**Immature marijuana plant:** A marijuana plant that is not flowering and that is not a mature marijuana plant, or a seedling.

**Licensee:** A person permitted pursuant to this Ordinance to establish and operate an adult use marijuana operation.

**Manufacturing or manufacture:** The production, blending, infusing, compounding or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation.

**Marijuana:** The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" does not include industrial hemp, as defined in MRSA Title 7, section 2231, or a marijuana product.

**Marijuana Nursery Cultivation Facility:** A site of cultivation of marijuana seedlings of an area that is not more than 1,000 sf of plant canopy in compliance with Maine State Statutes 28-B, Section 501.3.

**Marijuana operation:** A cultivation facility, a products manufacturing facility, a testing facility, or a marijuana store.

**Marijuana plant:** All species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant and a seedling.

**Medical Marijuana Dispensary:** The first legal medical retail stores in Maine. Originally 8 were licensed by the state, with 6 additional authorized by law to come online now and an unlimited number allowed after 2021.

**Medical Marijuana Retail Store:** A facility that purchases medical marijuana from a medical marijuana cultivation facility, purchases medical marijuana, marijuana products from a medical marijuana manufacturing facility and sells medical marijuana to qualifying patients.

**Marijuana product:** Marijuana concentrate or a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture.

**Marijuana store or Retail Store:** A facility that purchases adult use marijuana from a cultivation facility, purchases adult use marijuana products from a products manufacturing facility and sells adult use marijuana and adult use marijuana products to consumers.

**Mature marijuana plant:** A marijuana plant that is flowering or that is of a size: Greater than 12 inches in height; or greater than 12 inches in width.

**Nursery Cultivation Facility:** A facility that cultivates immature marijuana plants, seedlings, and marijuana seeds only for sale and distribution to marijuana stores, other cultivation facilities, and to consumers.

**Plant canopy:** The area within a cultivation facility that is dedicated to the live cultivation of marijuana plants, including, but not limited to, the growth and maintenance of mother plants, the propagation of marijuana plants from seed to plant tissue, the cloning of marijuana plants and the maintenance of a vegetative or flowering area for marijuana plants. "Plant canopy" does not include the area within the premises of a cultivation facility that is not dedicated to the live cultivation of marijuana plants, including, but not limited to, areas for the storage of fertilizers, pesticides or other products; quarantine areas; general office space, work areas and walkways.

**Products manufacturing facility:** A facility that purchases adult use marijuana from a cultivation facility; manufactures, labels and packages adult use marijuana products; sells adult use marijuana products to marijuana stores, and to other products manufacturing facilities.

**Propagation:** The process of reproducing marijuana plants through the use of seeds, cuttings or grafting.

**\*\*\* change Public Parks:** Detroit Village Park on South Main Street

**Registered caregiver:** A caregiver who is registered by the department pursuant to M.R.S. Title 22, Section 2425-A

**Registered caregiver retail store:** A store that has attributes generally associated with retail stores, including but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or service directly to a consumer, and that is used by a  
Town of Thorndike Public Hearing Draft for 6.17.2024

registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

**Seedling:** A marijuana plant that is: Not flowering; less than 6 inches in height; and less than 6 inches in width.

**Tier 1 Cultivation Facility:** A facility that may cultivate not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or has not more than 500 square feet of plant canopy.

**Tier 2 Cultivation Facility:** A facility that may cultivate 501-2,000 SF of mature plant canopy.

**Tier 3 Cultivation Facility:** A facility that may cultivate 2,001-7,000 SF of mature plant canopy.

**Tier 4 Cultivation Facility:** A facility that may cultivate 7,001-20,000 SF of mature plant canopy.

**Testing or test:** The research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. "Testing or test" does not include cultivation or manufacturing.

**Testing facility:** A facility that develops, researches and tests marijuana, marijuana products and other substances.

**Unregistered caregiver:** Generally caregiver must be registered with the State to operate (22M.R.S. Sec 2425-A)(2)). There is an exception for caregivers providing assistance to member of the caregiver's household or a family member. Such "unregistered" caregiver may only assist up to two family members, and may not sell marijuana plants wholesale, operate a retail store, or organize as a business entity (22M.R.S. Sec 2423-A (3) (C-1)).