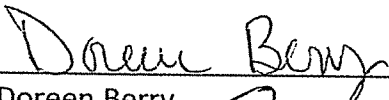


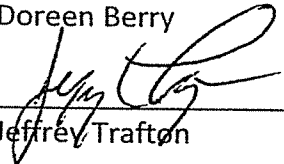
THORNDIKE SPECIAL TOWN MEETING
THORNDIKE TOWN OFFICE
January 16, 2021
9:00am
REGISTRAR OF VOTERS

The Selectmen hereby give notice that the Registrar of Voters will be in session at the above mentioned place of meeting on Saturday, the day of said meeting for the purpose of correcting the list of voters, from 8:30 a.m. until the close of the meeting.

Given under our hands at Thorndike, ME this 6th day of January, 2021



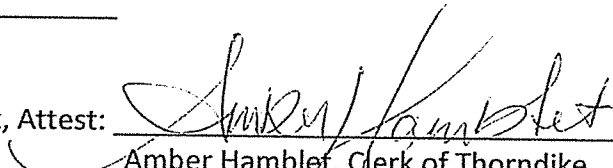
Doreen Berry



Jeffrey Trafton

Robert Carter

A true copy of the Warrant, Attest:



Amber Hamblet, Clerk of Thorndike

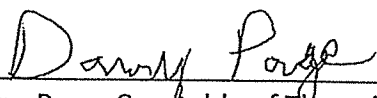
Return on Town Meeting Warrant

Wednesday, January 6, 2021

Thorndike, Maine

January 6, 2021

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said Warrant at the door of the Town Office, the bulletin board of Thorndike Auto, and on the Post Office bulletin board in said town, being public and conspicuous places in said town, on the 6th day of January, A.D., 2021, being at least seven days before the meeting.



Danny Page, Constable of Thorndike

State of Maine \ Waldo ss

To: Danny Page, a constable of the Town of Thorndike, in the County of Waldo, State of Maine,

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Thorndike in said county and state, qualified by law to vote in town affairs, to assemble at the THORNDIKE FIRE DEPARTMENT, in said town on Saturday, the 16th day of January 2021 at 9:00 am in the forenoon to act upon the articles, to wit:

Article 1. To choose a moderator by written ballot to preside at said meeting.

Article 2. To see what sum of money the Town will vote to raise and/or appropriate for the cost of an engineer for the Salt and Sand Shed:

Recommendation: Farwell Funds: \$38,000

VOTE: YES ____ NO ____

Article 3. To see if the Town will vote to adopt a Moratorium Ordinance on Adult-Use Marijuana Establishments. (The proposed ordinance is posted with the Special Town Meeting warrant).

VOTE: YES ____ NO ____

Article 4. To see what sum of money the Town will vote to raise and/or appropriate for the cost for paving work on the Reynolds Road:

Recommendation \$101,000 from LRAP Funds

VOTE: YES ____ NO ____

Article 5. ADJOURNMENT

VOTE: YES ____ NO ____

**TOWN OF THORNDIKE
MORATORIUM ORDINANCE
ON ADULT-USE MARIJUANA ESTABLISHMENTS**

WHEREAS, a ballot initiative to legalize, regulate and tax marijuana for non-medical purposes known as the “Marijuana Legalization Act” was approved by the voters at a State-wide referendum election on November 8, 2016 and, following subsequent amendments by the Legislature, is codified in the Maine Revised Statutes as Title 28-B (the “Act”); and

WHEREAS, the Act provides for the licensure of adult-use “marijuana establishments,” which term is defined in Section 102(29) of the Act as “a cultivation facility, a products manufacturing facility, a testing facility, a marijuana store or a sample collector licensed under this chapter”; and

WHEREAS, the Section 402(3) of the Act prohibits the operation of an adult-use marijuana establishment within a municipality unless:

- A. The legislative body of the municipality has voted to adopt an ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including that type of marijuana establishment;
- B. The person has obtained all applicable municipal approvals, permits or licenses that are required by the municipality for the operation of that type of marijuana establishment; and
- C. The person has been issued by the department an active license to operate the marijuana establishment pursuant to section 205, subsection 4; and

WHEREAS, on August 22, 2020, the voters of the Town of Thorndike at the annual town meeting, which is the Town’s legislative body, considered the following warrant article:

“Article 40. Shall the Town vote to authorize within the Municipality the operation of adult use marijuana establishments, provided they operate in compliance with all applicable state and local requirements?” (hereinafter, “Article 40”); and

WHEREAS, on August 22, 2020, the Town of Thorndike’s legislative body approved Article 40 by a vote of thirty-four (34) in favor to twenty-five (25) opposed; and

WHEREAS, consistent with the language of Section 402(3)(A) of the Act, the Town’s adoption of Article 40 is sufficient to allow for the operation of all adult-use marijuana establishments within the Town, provided that the same obtain all municipal approvals, permits or licenses and are licensed by the State of Maine Office of Marijuana Policy; and

WHEREAS, following the adoption of Article 40, the Town has not yet adopted any further ordinances or regulations that would regulate or otherwise constrain the location or operation of licensed adult-use marijuana establishments within the Town; and

WHEREAS, the unregulated location and operation of adult-use marijuana establishments within the Town of Thorndike raises legitimate and substantial questions about the impact of such uses and operations on the Town, including but not limited to questions of the compatibility of adult-use marijuana establishments with existing residential neighborhoods and patterns of development; the potential adverse health and safety effects of adult-use marijuana establishments on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of adult-use marijuana establishments; and

WHEREAS, the Town's existing ordinances do not provide comprehensive or sufficient provisions to regulate the location and operation of adult-use marijuana establishments within the Town and the Town needs time to review the regulatory options provided by applicable law, including but not limited to the Act, as well as its existing ordinances, to determine the implications of future proposed adult-use marijuana establishments and to develop reasonable ordinances governing the location and operations of such adult-use marijuana establishments to address the concerns cited above; and

WHEREAS, the Town, under its home rule authority, its police power as generally established by the Constitution of Maine, Article VIII, Part Second and codified in part in Chapters 111 and 187 of Title 30-A of the Maine Revised Statutes, and as expressly provided by Section 401 of Title 28-B of the Maine Revised Statutes, has the authority to impose reasonable restrictions, conditions, limitations, and licensing requirements on adult-use marijuana establishments; and

WHEREAS, the Town of Thorndike's Planning Board and Board of Selectmen, in conjunction with appropriate professional and technical advice, plan to study the Town's current ordinances and draft proposed revisions thereto and/or draft new proposed ordinances to effectively regulate the location and operation of adult-use marijuana establishments within the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes and/or new ordinances will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on Adult-Use Marijuana Establishments;

NOW, THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it ordained that the following Moratorium Ordinance on Adult-Use Marijuana Establishments

("Ordinance") be, and hereby is, enacted, and, in furtherance thereof, the town meeting of the Town of Thorndike does hereby declare a moratorium on the location, operation or licensing of any adult-use marijuana establishments, as defined in 28-B M.R.S. § 102(29), as may be amended or recodified, within the Town of Thorndike.

This Ordinance shall take effect upon enactment by town meeting, but shall be applicable as of January 6, 2021, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless repealed or modified by town meeting, or extended by the Board of Selectmen.

The moratorium period shall be used for the express purpose of drafting a new ordinance or new ordinances, or an amendment or amendments to the Town's current ordinances, in order to protect the public from health and safety risks including, but not limited to, compatibility of adult-use marijuana establishments with existing residential neighborhoods and patterns of development; the potential adverse health and safety effects of adult-use marijuana establishments on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of adult-use marijuana establishments; and

BE IT FURTHER ORDAINED, that this Ordinance shall apply to all adult-use "marijuana establishments," as that term is defined in 28-B M.R.S. § 102(29), that may be proposed to be located in the Town of Thorndike on or after January 6, 2021; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed adult-use marijuana establishment for which an application for a building permit, Certificate of Occupancy, land use permit, Maine Adult Use Local Authorization Form, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to January 6, 2021, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or begin operating an adult-use marijuana establishment within the Town on or after the January 6, 2021 applicability date of this Ordinance without complying with whatever new ordinance, or ordinance amendment or amendments, may later be enacted by the Town; and

BE IT FURTHER ORDAINED, that 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 land use permit, building permit, certificate of occupancy, Maine Adult Use Local Authorization Form, and/or

any other permits or licenses related to any adult-use marijuana establishment use, or the expansion of any such use; and

BE IT FURTHER ORDAINED, that those provisions of the Town's current ordinances or adopted warrant articles, including but not limited to Article 40, adopted by the Town of Thorndike's annual town meeting on August 22, 2020, that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if any adult-use marijuana establishment use, or expansions of any such use, are 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 available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that pursuant to and consistent with 30-A M.R.S. § 4356(3), because the legislative body of the Town of Thorndike is its town meeting, the Town's Board of Selectmen is hereby authorized, after notice being given and a public hearing being conducted, to extend the duration of this Ordinance by an additional term or terms, each not to exceed one hundred and eighty (180) days in duration, upon finding that the necessity stated in this Ordinance continues to exist, and that such additional time remains necessary for further drafting and adoption of new ordinances and/or amendments to existing ordinances concerning the location and operation of adult-use marijuana establishments; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Applicability Date: January 6, 2021