

ARTICLE XI. - MEDICAL **MARIJUANA** ESTABLISHMENTS

Sec. 10-603. - Definitions. (Codifier will put definitions in alpha order)

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

Cultivation of marijuana for medical use. All cultivation of marijuana for medical use must comply with State rules and State statutes.

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.

Extraction means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by State rule.

Marijuana product means a product composed of marijuana, or marijuana concentrate and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana inhalant, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Manufacture or manufacturing means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products by a registered manufacturing facility or by a patient, caregiver or dispensary as authorized under 22 MRS, chapter 558-C. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation.

Manufacturing facility. "Manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

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 testing facility means an entity licensed by the State Department and certified to test medical use marijuana, including concentrates and products containing marijuana, for research and development purposes and to analyze contaminants in, and the potency and cannabinoid profile of, marijuana samples and products containing marijuana cultivated in accordance with 22 MRS, chapter 558-C.

Medical marijuana establishment. "Medical marijuana establishment" means a registered caregiver retail store, registered dispensary, marijuana testing facility, or manufacturing facility.

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.

Registration certificate means a State Department document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for medical use.

Registry identification card means a photographic identification card issued by the State Department to an individual who is authorized to manufacture marijuana or marijuana products for medical use, in the capacity of or in the employ of a patient, caregiver, dispensary or manufacturing facility. For the purposes of State rules, the State Department may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B MRS, chapter 1.

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.

([C.M. of 11-13-2018, V. 2018-247](#) ; C.M. of 1-15-2019, V. [2019-13](#).)

Sec. 10-605. - Application.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) **A Copy** of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) **Evidence Copies** 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 state registration certificate, state application for registration or renewal manufacturing facility tier 1 or 2 along with approval certification, and state application for registration or renewal testing facility and dispensary facility along with approval certifications as applicable.**
- (3) 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.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.

- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.
- (6) 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.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
- (8) Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Evidenece Copies of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable state food or local victualer's license as applicable.
- (11) Evidenece Copies of compliance with the requirements of section 10-611 including, but not limited to State Department licensing, registration, and certification and evidence that the standards listed in section 10-610 have been met including but not limited to copies of State Department licensing, registration, and certification as applicable as applicable.

If the town clerk determines that a submitted application is not complete, the clerk 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 clerk's request, the application may be denied.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-606. - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-605(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, ~~and~~ plumbing code, and subsection 10-611, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.

- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-605(5) and under subsection 10-610 and shall report findings in writing to the town clerk.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))
