1. Board Of Selectmen's Meeting Materials

   Documents:

   2019-07-22 BOS AGENDA.PDF
   2019-07-22 BOS PACKET.PDF
BOARD OF SELECTMEN’S
MEETING AGENDA
6:00 / 6:15 / 7:00 PM MONDAY, JULY 22, 2019
YORK PUBLIC LIBRARY

6:00 PM: Committee Interviews

6:15 PM – Executive Session: Title 1 MRSA § 405.6.C (Real Estate)

7:00 PM: Regular Meeting

Call to Order

Pledge of Allegiance

A. Consent Agenda
   1. June 24, 2019 Meeting Minutes
   2. July 8, 2019 Meeting Minutes
   3. Business License Renewals

B. Minutes
   *Listed in Consent Agenda*

C. Chairman’s Report

D. Manager’s Report

E. Awards

F. Reports

G. Citizens’ Forum – The Citizens’ Forum is open to any member of the audience for comments on any Town matter. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager’s Office.
H. **Public Hearings**
   1. New Business Licenses:
      a. Dan Tuhig DBA: Shore Road Restaurant and Market (Food Service); located at 10 Shore Road
      b. Kind Farms, LLC (Medical Marijuana); located at 19 C White Birch Lane
      c. Giles Stebbins, LLC (Medical Marijuana); located at 17 White Birch Lane
   2. November 2019 Ordinance Amendments
      1. Zoning Definitions
      2. As-built Plan Requirement for Non-conforming Structure Expansions
      3. Cul-de-sac Specifications
      4. Shoreland Overlay District
      5. Workforce Housing
      6. Medical Marijuana
      7. Business Licensing Ordinance regarding Medical Marijuana

I. **Endorsements**
   1. New Business Licenses:
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J. **Old Business**
   1. Action: Proposed Ordinance Amendments
   2. Action: Long Sands Beach
   3. Discussion: York Village Underground Utilities
   4. Action: Proposed Settlement with First Parish Church (Vice-Chair to Conduct)

K. **New Business**
   1. Action: Board and Committee Appointments
   2. Action: Contract with YCSA for General Assistance
   3. Action: Property Redemption Request - 42 Lindsay Road

L. **Future Agendas**
   1. On the Radar

M. **Other Business**

N. **Citizens’ Forum**

**Adjourn**
BOARD OF SELECTMEN'S MEETING AGENDA
6:00 / 6:15 / 7:00 PM MONDAY, JULY 22, 2019
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   1. On the Radar

M. **Other Business**

N. **Citizens’ Forum**

Adjourn
Board of Selectmen’s Consent Agenda

July 22, 2019

For the purpose of convenience and for expediting meetings, matter of business that are repetitive or routine nature (i.e. Business License Applications, Pole Permits, Special Event Permits, Off-site Business Directional Signs, etc.) are included in the Board of Selectmen’s Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any of the Selectmen. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Agenda Items:
1. June 24, 2019 Meeting Minutes
2. July 8, 2019 Meeting Minutes
3. Business License Renewals

Example Motion to Accept all Items: I move to accept the Consent Agenda.

Example Motion when an Item is being pulled out of the Item List: I move to accept the Consent Agenda, minus item ____ (i.e. “2 – York Restaurant Business License”).
BOARD OF SELECTMEN’S
MEETING MINUTES
6:00/7:00/7:15 PM   MONDAY, JUNE 24, 2019
YORK PUBLIC LIBRARY

6:00 PM: Joint Meeting with Planning Board


Absent: Michael L. Estes

7:00 PM: Executive Session – Title 1 MRS §405.6.F (Poverty Abatement)

Present: Chairman Todd A. Frederick, Vice-Chairman Robert E. Palmer, Jr., Marilyn McLaughlin, Elizabeth D. Blanchard, Town Manager Stephen H. Burns, and Family Services Manager for York Community Services Association Janie Sweeney.

Absent: Michael L. Estes

Moved by Ms. McLaughlin, seconded by Mr. Palmer to enter into executive session. Vote 4-0, motion passes.

Moved by Ms. McLaughlin, seconded by Mr. Palmer to exit out of executive session. Vote 4-0, motion passes.

7:15 PM: Regular Meeting

Present: Chairman Todd A. Frederick, Vice-Chairman Robert E. Palmer, Jr., Marilyn McLaughlin, Elizabeth D. Blanchard, Town Manager Stephen H. Burns and members of the press and public.

Absent: Michael L. Estes

Call to Order
Chairman Todd A. Frederick called the meeting to order at 7:35 PM.

Pledge of Allegiance

A. Consent Agenda

1. June 10, 2019 Meeting Minutes
2. Business License Renewals
3. Reoccurring Special Event Permits
4. Pole Location Permit – Agamenticus Road

Moved by Ms. Blanchard, seconded by Mr. Palmer to accept the Consent Agenda, with June 10, 2019 Meeting Minutes as amended. Vote 4-0, motion passes.

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards

1. Heating Fuel Bid for Town Facilities

Moved by Mr. Palmer, seconded by Ms. McLaughlin to award for the FY20 #2 Heating Oil Bid to Estes Oil at a fixed price of $2.240 per gallon and the FY20 Propane Bid to Estes Oil at a fixed price of $1.290 per gallon. Vote 3-1, Ms. Blanchard against, motion passes.

2. Cliff Walk Repairs – Robin Cogger

Moved by Mr. Palmer, seconded by Ms. Blanchard to award the bid, for the Cliff Walk repairs, as part of the FEMA designation, to Maritime Construction, LLC in the amount not to exceed $73,300.00. Vote 4-0, motion passes.

3. Nubble Light Restoration Phase III – Robin Cogger

Moved by Ms. McLaughlin, seconded by Ms. Blanchard to award the Phase Three of the Exterior Restoration of Cape Neddick Light Station to the J.B. Lesley Company, Inc. of South Berwick, Maine in the amount of $81,500.00. Vote 4-0, motion passes

4. Electric Vehicle Charging Stations – David White

Moved by Ms. McLaughlin, seconded by Ms. Blanchard to authorize the Energy Steering Committee to submit two applications for Efficiency Maine co-funding:
one application for a single electric vehicle charging station installation and one application for a double electric vehicle charging installation at the York Public Library. Vote 4-0, motion passes.

5. Harbor Study – David Webber

Moved by Ms. Blanchard, seconded by Mr. Palmer to authorize the Town Manager to award the York Harbor/River Study to GEI Consultants for the total amount of $41,900.00. Vote 4-0, motion passes.

F. Reports

1. Energy Matters – Lucy Brennan, Rozanna Patane and Gerry Runte

2. Ring and RAVE – Captain Szeniawski

G. Citizens’ Forum – The Citizens’ Forum is open to any member of the audience for comments on any Town matter. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager’s Office.

Public Comment: Mac Macabee
Sophia Eytel
Carol Allen
Roz Antone

H. Public Hearings

I. Endorsements

J. Old Business

1. Discussion: Parking Kiosk Issues

2. Discussion: Revised Timeline for May 2020 Budget Referendum

3. Action: Trails Agreement for Davis Property Development

Moved by Mr. Palmer, seconded by Ms. Blanchard to approve the Maintenance and Use Agreement for the Trail Network of the McIntire Woods Condominium, given that #1 is amended to reflect that the “Developer” will provide for the construction of the Trail Network, as originally offered. Vote 4-0, motion passes.
4. **Action:** Draft Ballot Question and Statement of Fact for Davis Property Question

No Action was taken on this item.

5. **Action:** Mountain Road Properties Reconsideration

Moved by Mr. Palmer, seconded by Ms. Blanchard to reconsider the vote of the Board on June 10th regarding conditions of sale of the properties at 294 and 302 Mountain Road. Vote 4-0, motion passes.

Moved by Mr. Palmer, seconded by Ms. McLaughlin to remove Section E from Addendum #1 in the Purchase and Sale Agreement with Parallax Properties, LLC Western Equity Partners, Inc. Vote 4-0, motion passes.

K. **New Business**

1. Discussion: Food Trucks

2. **Action:** Clay Hill Subdivision Release of Irrevocable Letter of Credit

Moved by Mr. Palmer, seconded by Ms. McLaughlin to release the irrevocable letter of credit regarding construction and improvements for Helen’s Way, a phase of the Clay Hill Subdivision. Vote 4-0, motion passes.

3. **Action:** Capital Planning Committee Appointments

Moved by Ms. McLaughlin, seconded by Ms. Blanchard to appoint Robert Palmer and Mike Estes to serve on the Capital Planning Committee. Vote 4-0, motion passes.

4. **Action:** Use of Selectmen’s Contingency

Moved by Mr. Palmer, seconded by Ms. Blanchard to allocate $2,800.00 as an operating budget for the Veterans’ Affairs Committee, and to allocate $5,000.00 as match towards the Electric Vehicle Car Charging Station Grant Application. Vote 4-0

5. **Action:** Board and Committee Reappointments

Moved by Mr. Palmer, seconded by Ms. McLaughlin to approve the following reappointments: I move to reappoint Joseph Carr as a Regular Member to the Board of Appeals, with a term expiring June 30, 2022; Eugene Sullivan as an Alternate Member to the Board of Appeals, with a term expiring June 30, 2022; Barbara Kinsman as a Regular Member to the Board of Assessment Review, with a term expiring June 30, 2022; Leah Drennan as a Regular Member to the Bicycle and Pedestrian Committee, with a term expiring June 30, 2022; Thomas Rose as a
Regular Member to the Cliff Walk Committee, with a term expiring June 30, 2023; Robert Gordon as a Regular Member to the Cliff Walk Committee, with a term expiring June 30, 2023; Robert Luttman as a Regular Member to the Cliff Walk Committee, with a term expiring June 30, 2023; Rozanna Patane as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2022; Gerry Runte as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2022; Bryce Waldrop as a Regular Member to the Historic District Commission, with a term expiring June 30, 2022; Amy Phalon as a Regular Member to the Historic District Commission, with a term expiring June 30, 2022; Roslyn Birger-Hershfield as a Regular Member to the Municipal Social Services Review Board, with a term expiring June 30, 2022; Ron McAllister as a Regular Member to the Parks and Recreation Board, with a term expiring June 30, 2022; Michael Modern as a Regular Member to the Parks and Recreation Board, with a term expiring June 30, 2022; Al Cotton as a Regular Member to the Planning Board, with a term expiring June 30, 2022; Peter Jones as a Regular Member to the Shellfish Commission, with a term expiring June 30, 2022; Jud Knox as a Regular Member to the York Housing Authority, with a term expiring June 30, 2022; and Ellen Baldwin as a Regular Member to the York Housing Authority, with a term expiring June 30, 2022. Vote 4-0, motion passes.

6. Action: Poverty Abatements (#FY19-01 and #FY19-02)

Moved by Mr. Palmer, seconded by Ms. Blanchard to grant a Property Tax Abatement Request for Case #FY19-02 made pursuant to MRSA Title 36 § 841.2 in the amount of $5,211.52 for Tax Years 2018 and 2019. Vote 4-0, motion passes.

L. Future Agendas

1. On the Radar

Chairman Todd Frederick took Items “O. Other Business” and “P. Citizens’ Forum” out of order.

*O. Other Business

Moved by Mr. Palmer, seconded by Ms. Blanchard to appoint Marilyn McLaughlin to the Mount A. Steering Committee. Vote 4-0, motion passes.

*P. Citizens’ Forum

Public Comment: None

M. Executive Session – Title 1 MRS §405.6.C (Real Estate)

Moved by Ms. Blanchard, seconded by Mr. Palmer to enter into executive session. Vote 4-0, motion passes.
Moved by Ms. McLaughlin, seconded by Mr. Palmer to exit out of executive session. Vote 4-0, motion passes.

N. Action on Real Estate Matters

No Action taken.

Adjourn

Moved by Mr. Palmer, seconded by Ms. McLaughlin to adjourn the meeting at 11:07 PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
BOARD OF SELECTMEN’S
MEETING MINUTES
7:00/7:15/7:20 PM  MONDAY, JULY 8, 2019
WHEELER ROOM - YORK PUBLIC LIBRARY

7:00 PM

A.  Executive Session – Title 1 MRS §405.6.F (Poverty Abatement)

Present: Chairman Todd A. Frederick, Vice-Chairman Robert E. Palmer, Jr., Marilyn A. McLaughlin, Michael L. Estes, Elizabeth D. Blanchard, Town Manager Stephen H. Burns, and Family Services Manager for York Community Services Association Janie Sweeney.

Moved by Mr. Estes, seconded by Ms. Blanchard to enter into executive session. Vote 5-0, motion passes.

Moved by Mr. Palmer, seconded by Ms. Blanchard to exit out of executive session. Vote 5-0, motion passes.

7:15 PM

Present: Chairman Todd A. Frederick, Vice-Chairman Robert E. Palmer, Jr., Marilyn A. McLaughlin, Michael L. Estes, Elizabeth D. Blanchard, Town Manager Stephen H. Burns, and members of the public.

Call to Order

Chairman Todd A. Frederick called the meeting to order at 7:15 PM.

B.  Action: Poverty Abatement (#FY19-01)

Moved by Mr. Estes, seconded by Ms. Blanchard to grant a partial Property Tax Abatement Request for Case #FY19-01 made pursuant to MRSA Title 36 §841.2 in the sum of $2,009.48 for Tax Year 2019. Vote 5-0, motion passes.

7:20 PM

C.  Committee Interviews

D.  Executive Session – Title 1 MRS §405.6.C (Real Estate)
Moved by Mr. Palmer, seconded by Mr. Estes to enter into executive session. Vote 5-0, motion passes.

Moved by Ms. Blanchard, seconded by Ms. McLaughlin to exit out of executive session. Vote 5-0, motion passes.

Adjourn

Moved by Mr. Palmer, seconded by Ms. Blanchard to adjourn the meeting at 9:54 PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

| DATE SUBMITTED: July 18, 2019 | ☑ ACTION |
| DATE ACTION REQUESTED: July 22, 2019 | ☐ DISCUSSION ONLY |
| SUBJECT: Business License Renewals |

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All approvals are contingent on taxes being current and all appropriate departments (inspections) giving approval; See “Department Approvals” on page two of each application. Signed business license applications and certificates will not be released to the applicant until all necessary department approvals have been received.

RECOMMENDATION: Approve the Business License(s) attached.

PROPOSED MOTION: I move to approve the following licenses:

- Cedar Gordon (Medical Marijuana); located at 19 White Birch Lane Unit L
- Pat Rocheleau DBA: Ledges Golf Club (Food Service, Liquor); located at 1 Ledges Drive
- Mark Anastas DBA: Liquid Dreams (Food Service); located at 171 Long Beach Avenue
- Old York Historical Society (Food Service); located at 3 Lindsay Road
- Ronald Fousek DBA: SBC, LLC (Medical Marijuana); located at 17 White Birch Lane Unit J
- Two Pars, Inc. DBA: The Union Bluff Meeting House (Food Service, Liquor, Innkeeper, Special Amusement); located at 4 Beach Street
- Anne Andrews DBA: Wicked Frozen Creamery (Food Service); located at 7 York Street
- Anne Andrews DBA: Wicked Mini Donuts (Food Service); located at 7 York Street
- 3rd GEN, LLC DBA: Woody’s Brick Oven Pizza (Food Service, Liquor); located at 11 Railroad Avenue
- Jim and Mike Manos DBA: York Beach Dairy Bar (Food Service); located at 97 Long Beach Avenue
- Susan Palamaris DBA: York House of Pizza (Food Service); located at 274 York Street

All subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.

PREPARED BY: ______________________  Reviewed by: _______________________  
Melissa M. Avery, Assistant to the Town Manager
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Cedar Gordon, Medical Marijuana Caregiver

Street Address: 

Business Owner: Cedar Gordon    Business Manager: Same

Mailing Address: 55 Long Beach Ave York, ME 03909    Mailing Address: Same

Phone Number: 603-967-6204    Phone Number: 

E-mail Address: crgordon180@gmail.com    E-mail Address: 

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or □ MANAGER

Is the Business Owner same as the prior year? ☑ YES □ NO □ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
- [ ] Bed and Breakfast License (C/F)
- [ ] Innkeeper License (C/F)
Number of Rooms: 

Food and Beverage:
- [ ] Food Service License (C/F)
- [ ] Liquor License (F/P)
- [ ] Bottle Club License (F/P)
Number of Seats: [ ] (Existing / Proposed)

Entertainment:
- [ ] Special Amusement License (F/P)
- [ ] Dance Hall License (F/P)
- [ ] Bowling Alley License (F)
- [ ] Coin-Operated Amusement License (P)
- [ ] Bingo, Beano and Games of Chance

Miscellaneous:
- [ ] Transient Seller’s License
- [ ] Flea Market License
- [ ] Junkyard, Auto Graveyard/Recycling License
- [ ] Other: Medical Marijuana

C – Code Enforcement Inspection Required    F – Fire Department Inspection Required    P – Police Department Inspection Required
S – Sewer District Inspection Required    W – Water District Inspection Required

Code Enforcement: (207) 363-1002    Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015    Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232    York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Ledges Golf Club
Street Address: 1 Ledges Drive, York ME 03909
Business Owner: Pat Rocheleau Business Manager: Same
Mailing Address: 1 Ledges Drive, York ME 03909
Phone Number: 207-351-8000
E-mail Address: judy.davidson@ledges.com

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or □ MANAGER
Is the Business Owner same as the prior year? ☑ YES □ NO □ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
□ Bed and Breakfast License (C/F)
□ Innkeeper License (C/F)
Number of Rooms: __________

Food and Beverage:
☑ Food Service License (C/F)
□ Number of Seats: __________ (Existing) (Proposed)
□ Liquor License (F/P)
□ Bottle Club License (F/P)

Entertainment:
□ Special Amusement License (F/P)
□ Dance Hall License (F/P)
□ Bowling Alley License (F)
□ Coin-Operated Amusement License (P)
□ Bingo, Beano and Games of Chance

Miscellaneous:
□ Transient Seller’s License
□ Flea Market License
□ Junkyard, Auto Graveyard/Recycling License
□ Other:

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- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: **Liquid Dreams**

Street Address: **171 Long Beach Ave**

Business Owner: **Mark Anastas**

Business Manager: **Rachel Anastas**

Mailing Address: **132 Josiah Norton Rd**

Phone Number: **207-251-0778**

E-mail Address: **info@liquiddreams.net**

Please indicate who is to be the Primary Contact with the Town: ☐ OWNER or ☐ MANAGER

Is the Business Owner same as the prior year? ☑ YES ☐ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

**Lodging:**
- ☐ Bed and Breakfast License (C/F)
- ☐ Innkeeper License (C/F)

Number of Rooms: ____

**Food and Beverage:**
- ✔ Food Service License (C/F)
- ☐ Number of Seats: 10 / 10 (Existing / Proposed)
- ☐ Liquor License (F/P)
- ☐ Bottle Club License (F/P)

**Entertainment:**
- ☐ Special Amusement License (F/P)
- ☐ Dance Hall License (F/P)
- ☐ Bowling Alley License (F)
- ☐ Coin-Operated Amusement License (P)
- ☐ Bingo, Beano and Games of Chance

**Miscellaneous:**
- ☐ Transient Seller’s License
- ☐ Flea Market License
- ☐ Junkyard, Auto Graveyard/Recycling License
- ☐ Other: ________

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Old York Historical Society/Museum Center

Street Address: 3 Lindsay Rd.

Business Owner: Joel Lefever (Exec Director OYHS) Business Manager:

Mailing Address: P.O. Box 312 York, ME 03909

Phone Number: 207-363-4974

E-mail Address: director@oldyork.org

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or □ MANAGER

Is the Business Owner same as the prior year? ☑ YES □ NO ☑ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
☐ Bed and Breakfast License (C/F) ☐ Innkeeper License (C/F)
Number of Rooms: ______

Food and Beverage:
☐ Food Service License (C/F) □ (Existing / Proposed)
Number of Seats: ______

Entertainment:
☐ Special Amusement License (F/P) ☐ Dance Hall License (F/P)
☐ Bowling Alley License (F) ☐ Coin-Operated Amusement License (P)
☐ Bingo, Beano and Games of Chance

Miscellaneous:
☐ Transient Seller's License
☐ Flea Market License
☐ Junkyard, Auto Graveyard/Recycling License
☐ Other: ______

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002 Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015 Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232 York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: SBC LLC
Street Address: 19 White Birch Ave Unit J York Maine 03909
Business Owner: Ronald Foosel
Business Manager: Louis Manole
Mailing Address: 60 Young St
Mailing Address: S. Beach ME 03908
Phone Number: (603-275-8258)
Phone Number:
E-mail Address: vvwgfnr@gmail.com
E-mail Address:

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or ☐ MANAGER
Is the Business Owner same as the prior year? YES ☑ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
___ Bed and Breakfast License (C/F)
___ Innkeeper License (C/F)
Number of Rooms: __________

Food and Beverage:
___ Food Service License (C/F)
Number of Seats: ________ (Existing / Proposed)
___ Liquor License (F/P)
___ Bottle Club License (F/P)

Entertainment:
___ Special Amusement License (F/P)
___ Dance Hall License (F/P)
___ Bowling Alley License (F/P)
___ Coin-Operated Amusement License (P)
___ Bingo, Beano and Games of Chance

Miscellaneous:
___ Transient Seller’s License
___ Flea Market License
___ Junkyard, Auto Graveyard/Recycling License
___ Other: Cannabis

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: TWO PARS INC. The Union Bluff Meeting House
Street Address: 4 Beach St.
Business Owner: MARY JANE MERRITT
Mailing Address: 8 RAM'S HEAD LANE
Business Manager: BRENT MERRITT
Mailing Address: Y NK, MAINE 03909
Phone Number: Phone Number: (207) 363-1333 X 103
E-mail Address: E-mail Address: brent@unionbluff.com

Please indicate who is to be the Primary Contact with the Town: [ ] OWNER [ ] MANAGER

Is the Business Owner same as the prior year? [ ] YES [ ] NO [ ] NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
- Bed and Breakfast License (C/F)
- Innkeeper License (C/F)
Number of Rooms: 8

Food and Beverage:
- Food Service License (C/F)
- Liquor License (F/P)
- Bottle Club License (F/P)
Number of Seats: Existing / Proposed

Entertainment:
- Special Amusement License (F/P)
- Dance Hall License (F/P)
- Bowling Alley License (F)
- Coin-Operated Amusement License (P)
- Bingo, Beano and Games of Chance

Miscellaneous:
- Transient Seller’s License
- Flea Market License
- Junkyard, Auto Graveyard/Recycling License
- Other:

C - Code Enforcement Inspection Required  F - Fire Department Inspection Required  P - Police Department Inspection Required
S - Sewer District Inspection Required  W - Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: **Wicked Frozen Creamery**

Street Address: **7 York Street York, Me**

Business Owner: **Anne Andrews**

Mailing Address: **9 Cutts Rd Kittery Me 03951**

Phone Number: **603-725-2285**

E-mail Address: **andrewsan@comcast.net**

Please indicate who is to be the Primary Contact with the Town: [ ] OWNER or [ ] MANAGER

Is the Business Owner same as the prior year? [ ] YES [ ] NO [ ] NEW BUSINESS

Lodging:
- [ ] Bed and Breakfast License (C/F)
- [ ] Innkeeper License (C/F)

Number of Rooms: ___

Food and Beverage:
- [ ] Food Service License (C/F)
- [ ] Liquor License (F/P)
- [ ] Bottle Club License (F/P)

Food Service License (C/F)
Number of Seats: ___ (Existing/Proposed)

Entertainment:
- [ ] Special Amusement License (F/P)
- [ ] Dance Hall License (F/P)
- [ ] Bowling Alley License (F)
- [ ] Coin-Operated Amusement License (P)
- [ ] Bingo, Beano and Games of Chance

Miscellaneous:
- [ ] Transient Seller's License
- [ ] Flea Market License
- [ ] Junkyard, Auto Graveyard/Recycling License
- [ ] Other: ___

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Wicked Mini Donuts

Street Address: 7 York St. York Me 03909

Business Owner: Anne Andrews  Business Manager: Anne Andrews

Mailing Address:  

Phone Number: 207-363-0089  Phone Number: 207-205-2283

E-mail Address: andrewsals.com  E-mail Address:  

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or ☐ MANAGER

Is the Business Owner same as the prior year? ☑ YES ☐ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:  
☐ Bed and Breakfast License (C/F)  ☑ Innkeeper License (C/F)

Number of Rooms: __________

Food and Beverage:  
☐ Food Service License (C/F)  ☐ Liquor License (F/P)  ☐ Bottle Club License (F/P)

Number of Seats:  ______ (Existing / Proposed)

Entertainment:  
☐ Special Amusement License (F/P)  ☐ Dance Hall License (F/P)

☐ Bowling Alley License (F)  ☐ Coin-Operated Amusement License (P)

☐ Bingo, Beano and Games of Chance

Miscellaneous:  
☐ Transient Seller’s License  ☐ Flea Market License

☐ Junkyard, Auto Graveyard/Recycling License  ☐ Other: ________________________________

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required

S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: 3rd Gen LLC DBA Woody's Back Oven Pizza
Street Address: 11 Railroad Ave York ME 03909
Business Owner: Jennifer Woods
Mailing Address: 11 Railroad Ave York ME 03909
Phone Number: 207-337-1407
E-mail Address: jen@wf1-bz

Please indicate who is to be the Primary Contact with the Town: ☒ OWNER or ☐ MANAGER

Is the Business Owner same as the prior year? ☒ YES ☐ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
☐ Bed and Breakfast License (C/F)
☐ Innkeeper License (C/F)
Number of Rooms: ___

Entertainment:
☐ Special Amusement License (F/P)
☐ Dance Hall License (F/P)
☐ Bowling Alley License (F)
☐ Coin-Operated Amusement License (P)
☐ Bingo, Beano and Games of Chance

Food and Beverage:
☒ Food Service License (C/F)
Number of Seats: ___ / 80 (Existing / Proposed)
☒ Liquor License (F/P)
☐ Bottle Club License (F/P)

Miscellaneous:
☐ Transient Seller's License
☐ Flea Market License
☐ Junkyard, Auto Graveyard/Recycling License
☐ Other: ___

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002
Village Fire Department: (207) 363-1015
York Sewer District: (207) 363-4232
Police Department: (207) 363-1031
Beach Fire Department: (207) 363-1014
York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: YORK BEACH DAIRY BAR

Street Address: 97 LOVE BEACH AVE

Business Owner: Tim & Nicole MANOS

Business Manager: 

Mailing Address: PO Box 600
York Beach ME 03910

Phone Number: 207-363-2884

E-mail Address: 

Please indicate who is to be the Primary Contact with the Town: ☑ OWNER or ☐ MANAGER

Is the Business Owner same as the prior year? ☑ YES ☐ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging: ☐ Bed and Breakfast License (C/F) ☐ Innkeeper License (C/F)
Number of Rooms: ___

Food and Beverage: ☑ Food Service License (C/F) ☐ Liquor License (F/P)
Number of Seats: ___ (Existing / Proposed)
☐ Bottle Club License (F/P)

Entertainment: ☐ Special Amusement License (F/P) ☐ Bowling Alley License (F)
☐ Dance Hall License (F/P) ☐ Coin-Operated Amusement License (P)
☐ Bingo, Beano and Games of Chance

Miscellaneous: ☐ Transient Seller’s License ☐ Flea Market License
☐ Junkyard, Auto Graveyard/Recycling License
☐ Other: ___

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265
Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
THE TOWN OF
YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: YORK HOUSE OF PIZZA
Street Address: 274 YORK ST YORK ME 03909
Business Owner: Susana Palamaris
Business Manager:  
Mailing Address: 274 YORK ST YORK ME 03909
Phone Number: 207-363-6171
E-mail Address:  

Please indicate who is to be the Primary Contact with the Town: ☐ OWNER or ☐ MANAGER

Is the Business Owner same as the prior year? ☐ YES ☐ NO ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
☐ Bed and Breakfast License (C/F)
☐ Innkeeper License (C/F)
Number of Rooms: ___

Food and Beverage:
☐ Food Service License (C/F)
Number of Seats: 360 (Existing / Proposed)
☐ Liquor License (F/P)
☐ Bottle Club License (F/P)

Entertainment:
☐ Special Amusement License (F/P)
☐ Dance Hall License (F/P)
☐ Bowling Alley License (F)
☐ Coin-Operated Amusement License (P)
☐ Bingo, Beano and Games of Chance

Miscellaneous:
☐ Transient Seller’s License
☐ Flea Market License
☐ Junkyard, Auto Graveyard/Recycling License
☐ Other:

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required  
S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
PUBLIC HEARING NOTICE
Town of York – Board of Selectmen
July 22, 2019
7:00 PM
York Public Library

The Town of York Board of Selectmen will hold a Public Hearing on July 22, 2019 regarding a new Business License Application submitted for the following:

- Dan Tuhig DBA: Shore Road Restaurant and Market (Food Service); located at 10 Shore Road
- Kind Farms, LLC (Medical Marijuana); located at 19 C White Birch Lane
- Giles Stebbins, LLC (Medical Marijuana); located at 17 White Birch Lane
Notice of Public Hearing
Board of Selectmen
Monday, July 22, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding proposed zoning ordinance amendments to be potentially considered at the November 5, 2019 General Referendum as follows:

1. Zoning Definitions
2. As-built Plan Requirement for Non-conforming Structure Expansions
3. Cul-de-sac Specifications
4. Shoreland Overlay District
5. Workforce Housing
6. Medical Marijuana

Printed copies of the proposed amendments (draft document dated June 17, 2019) and associated maps are available with the Town Clerk at the Town Hall, and digital copies are available on the Town’s Web page (www.yorkmaine.org).
Proposed Ordinance Amendments

to be considered at a

November 2019 General Referendum

Amendment

1. Zoning Definitions
2. As-built Plan Requirement for Non-conforming Structure Expansions
3. Cul-de-sac Specifications
4. Shoreland Overlay District
5. Workforce Housing
6. Medical Marijuana
Amendment #
Zoning Definitions

**Ballot Language:** The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending the definition of “building appurtenance” and “driveway.”

Statement of Fact: The purpose of these amendments is to clarify the definition of “building appurtenance” and the definition of “driveway” for code interpretation purposes.

**Recommendations:**
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

**Amendment:** Amend Article 2, Definitions, by amending the following definitions:

**APPURTENANCE, BUILDING:** Any visible, functional, or ornamental objects accessory to and part of a building such as, but not limited to, heating, ventilation and air conditioning (HVAC) mechanicals, lightning rods, chimneys, cupolas, etc. solar panels, or ornamental objects such as weathervanes or cupolas.

**DRIVEWAY:** A route that provides vehicular access to a lot(s) or parking area from either a public or private right-of-way. For the purpose of this definition a driveway shall not consist of an access way around a building designed for emergency use, vehicular drive-through(s) as part of a particular development design, or parking area perimeter access ways used for on-site traffic circulation.
Amendment #
As-built Plan Requirement for Non-conforming Structure Expansions

**Ballot Language:** The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the **Zoning Ordinance** by adding a section to Article 17- Non-conforming Situations, which specifies that after an approved non-conforming structure expansion has been constructed that the Code Enforcement Department is provided with an as-built plan to ensure compliance with the permit.

**Statement of Fact:** The purpose of this amendment is to ensure that an approved expansion of a non-conforming structure is built to the specifications as originally approved by the Code Enforcement Department.

**Recommendations:**
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

**Amendment:** Amend Article 2, Definitions, by adding the following definition:

**As-built plan:** A construction or engineering plan prepared after the completion of construction, by a Maine-Licensed Professional Engineer or Land Surveyor, in such a manner as to accurately identify and depict the location of on-site improvements.

**Amendment:** Amend Article 17- Non-conforming situations, specifically section 17.2- Non-conforming structures by adding “j” to the following:

17.2 Non-Conforming Structures

17.2.1 Repair, Enlargement

17.2.1.1 Maintenance, Repair and Improvement Without Enlargement. A non-conforming structure may be maintained, repaired and improved, provided there is no enlargement of the structure with respect to its footprint and/or its volume. - AMENDED 04/10/1993, 11/07/2006

17.2.1.2 Enlargement. The standards applicable to Enlargement of Non-Conforming structures, as amended by the voters on November 4, 2008, shall retroactively apply to any application accepted by the Planning Board or Code Enforcement Officer on or after June 26, 2008, the date on which the first public hearing was posted for the amendments. The former Enlargement of Non-Conforming Structures provisions shall apply to applications accepted prior to this date. A non-conforming structure may be enlarged only in conformance with the provisions of this Section. A Code Enforcement Officer shall review the application to determine conformance with these standards, and may impose conditions on an approval to

**Draft Amendment to be voted in November 2019**
DRAFT – June 17, 2019
Page 3
ensure conformance. Criteria for approval include each of the following: - AMENDED 11/04/2008, 11/03/2009

A. The expansion is not within the 100-year floodplain or on a Coastal Dune;

B. Expansion within the Shoreland Overlay District conforms to the requirements of §8.3.11.4;

C. The expansion satisfies all applicable non-dimensional requirements of the zoning district in which the structure is located;

D. The expansion results in neither expansion of other legal non-conformities nor the creation of any new non-conformities;

E. A one-time vertical expansion of a non-conforming principal structure shall be permitted, provided that:

1. the expansion does not exceed the structure height limits specified in this Ordinance and,
2. in no case may the rear and side yard setbacks be less than five feet, and
3. in no case may the front yard setback be less than 15 feet.
4. in no case may the vertical expansion result in a structure height greater than that of the average height of adjacent principal structures. Adjacency shall be considered the facing, rear, and side lots within a radius of 125’ from the lot boundary;

F. A one-time horizontal expansion shall be permitted, provided that:
   1. the expansion shall extend no farther into the setback than the existing non-conforming structure, and
   2. the area of the non-conforming structure shall not be more double the area of the original non-conforming structure;
   3. in no case may the lot exceed maximum lot coverage.

G. Expansion does not cause or worsen any safety problems, such as but not limited to reduction of sight distances from driveways or intersections; and

H. The purpose of the expansion cannot reasonably be accomplished by expansion which is conforming because of reasons such as the configuration of the structure, topography of the lot, and other such factors.

I. An approved plan for expansion of a non-conforming structure shall be recorded by the applicant with the York County Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
J. In order to verify compliance with an approved plan for expansion of a non-conforming structure, an as-built plan shall be provided to the Code Enforcement Department prior to issuance of a final occupancy permit.
Amendment #

Cul-de-sac Specifications

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending footnote “e” in section 5.2- Schedule of Dimensional Regulations regarding street frontage exemptions for lots on cul-de-sacs.

Statement of Fact: The purpose of this amendment is to ensure a cul-de-sac is constructed to Town specifications for any lots that seek street frontage exemptions per footnote “e” - Street Frontage Exemptions within the schedule of dimensional regulations.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 5- Dimensional Regulations, by amending the following definitions:

e. Street Frontage Exemptions - New building lots located at the end of a cul-de-sac may be designed to have less street frontage than is required in the underlying zoning district but shall comply with the following:

* Have no less than 50 feet of street frontage along the circumference of the cul-de-sac, provided lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in that zoning district;
* The cul-de-sac is constructed to Town road acceptance standards (See Public Road Acceptance Ordinance for cul-de-sac construction requirements); and
* All minimum lot line setbacks shall be met.
Amendment #
Shoreland Overlay District

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending Article 2 Definitions and Article 8 Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to continue to ensure compliance with State minimum shoreland overlay district regulation guidelines by defining “Structure Expansion,” include a section regarding allowance of retaining walls within shoreland setbacks in certain circumstances, and amend the section of the shoreland overlay district pertaining to float sizes associated with piers for marinas and commercial fishing uses.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 2, Definitions, by adding the following definitions to be consistent with state shoreland minimum requirements:

Structure, Expansion (not withstanding other sections of the ordinance, this definition pertains to the Shoreland Overlay District only) - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Amendment: Amend Article 8, Shoreland Overlay District, by amending section 8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or beyond the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization with the following:

8.3.6.9 A pier may be built only on a tract of land with river frontage on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Nedick River or shore frontage on Brave Boat Harbor existing as of May 20, 2017, provided that there is no pier presently on the land and that the following requirements are met:

a. The total area of all floats associated with any single pier shall not exceed 200 square feet, except that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as “Public, Semi-Public, Institutional” per the use tables of Article 4 that is defined as a municipal or commercial marina use. Commercial fishing

Draft Amendment to be voted in November 2019
DRAFT – June 17, 2019
Page 7
uses, as defined in this ordinance, shall be allowed a total float size area not to exceed 400 square feet with any single pier.

b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.

c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.

Amendment: Amend Article 8, Shoreland Overlay District, by amending section 8.3- Structure by adding the following section pertaining to retaining walls:

8.3.11.8 Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof; and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
ii. *Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;*

iii. *Only native species may be used to establish the buffer area;*

iv. *A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;*

v. *A footpath not to exceed the standards in §8.3.3.2 (a), may traverse the buffer.*
Amendment #
Workforce Housing

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending the Workforce Affordable Housing Overlay District boundary map and Workforce Affordable Housing Overlay District section of the ordinance and the Open Space Conservation Subdivision Ordinance by adding a section that requires the incorporation of workforce affordable housing in subdivisions of 5 units or greater.

Statement of Fact: The purpose of this amendment is to better achieve minimum guidelines pertaining to Maine municipalities assuring that workforce affordable housing is attainable in a community; that York continues to implement the Town’s Comprehensive Plan sections regarding affordable housing policies (State Goal 4, Town Goal 4.1 and Town Goal 4.2 in the Comprehensive Plan), and that the Town encourages and promotes affordable, decent housing opportunities for all of York’s citizens.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 3, Establishment of Zoning Districts, by amending section 3.16 Workforce Affordable Housing Overlay District with the following:

3.16 Workforce Affordable Housing Overlay District
The Workforce Affordable Housing Overlay District shall be limited to the Town’s Growth Area as defined in the Comprehensive Plan on November 2, 2008. This Growth Area contains most, but not all, of the area bounded by the Maine Turnpike to the west, the Atlantic Ocean to the east, the York River to the south, and the Cape Neddick River to the north.

The Workforce Affordable Housing Overlay District shall include the lots as shown on a map entitled, “York Zoning Ordinance: “Workforce Affordable Housing Overlay District” dated May 6, 2019.

Amendment: Amend Article 7, Special Provisions, by amending section 7.6.4 Development Standards for Open Space Conservation Subdivisions as follows:
C. Workforce Affordable Housing. A proposed subdivision development that consists of five (5) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded up to the nearest whole number.

Density Bonus: A density bonus incentive of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as “workforce affordable housing” as determined by the Planning Board. The following standards shall also apply:

**Amendment:** Amend Article 10-F, Workforce Affordable Housing Overlay District as follows:

ARTICLE TEN-F

WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT

10-F.1 Workforce Affordable Housing Overlay District
The provisions of this Article pertain to the Workforce Affordable Housing Overlay District as described in section 3.16.

10-F.2 Land Uses

10-F.2.1 This Workforce Affordable Housing Overlay District is established to permit residential zoning at higher density than what is presently allowed in the underlying base zoning district. The provisions of the overlay district apply specifically to Workforce Affordable Housing, as defined in this ordinance. Unless otherwise specified, all other uses shall comply with the standards of the underlying zoning district and any applicable overlay districts.

10-F.2.2 Use of this Workforce Affordable Housing Overlay District shall be limited to housing developed or managed by York Housing or another qualified non-profit housing corporation as defined by 30-A M.R.S.A., Section 5002(13).

**AMENDED 11/02/2010**
10-F.2.3 **Maximum Number of Units**: The maximum number of units allowed for Workforce Affordable Housing is 12 per year. Any unallocated units in any year may be accumulated (banked) for use in future years, provided not more than 36 units are carried forward at the end of any calendar year. All such units are available to eligible builders as defined in §10-F.2.2 on a first-come, first-served basis. *Reserved*

10-F.2.4 **Supplemental Uses.** For each 10 units of newly constructed Workforce Affordable Housing in a single project, a portion of the project may be developed for one or more uses which supplement the project. Only supplemental uses which the Planning Board finds will complement the livability of the project for its residents without unduly impacting the surrounding neighborhood shall be allowed. Such use may include, but is not limited to a place of worship, community center, neighborhood convenience store, and coffee shop, provided the use is permitted in the base zoning district in which it is located. The maximum floor area shall be limited to 200 square feet per unit of Workforce Affordable Housing. - *AMENDED 11/03/2009*

10-F.3 **Dimensional Regulations**

10-F.3.1 **Schedule of Dimensional Regulations for All Newly Constructed Workforce Affordable Housing**

Minimum land area (sq. ft.) per site: 3/4 acre or as specified in the underlying zone, regardless of the number of units, whichever is less restrictive.

Minimum street frontage (ft.): As specified in the underlying zone.

Minimum front yard setback (ft.): As specified in the underlying zone.

Minimum side and rear yard setback (ft): Buildings shall be set back a minimum of 30 35 feet. *Where this standard conflicts with §5.2 the less restrictive standard shall apply.*

Maximum coverage (percent): 50%, or that specified in the underlying base zoning district, whichever is less restrictive. - *AMENDED 11/03/2009*

Maximum building height: 35 feet
Any existing building(s), whether conforming or non-conforming, may be converted to Workforce Affordable Housing within the footprint of the existing building or buildings.

10-F.3.3 **Floor Area**
Each dwelling unit in Workforce Affordable Housing shall have no less than 500 square feet and no more than 1,500 square feet of living space. Where this standard conflicts with §5.3, the less restrictive standard shall apply.

10-F.3.4 **Density**
A. The minimum land area for each newly constructed Workforce Affordable Housing dwelling unit for purchase, as defined in this Ordinance, shall be:
   1) 8,000 sq. ft. of suitable land, if the land is serviced by both public sewer and public water; or
   2) 20,000 sq. ft. of suitable land if the land is serviced by either public sewer or public water, but not by both; or
   3) 30,000 sq. ft. of suitable land if the land is not serviced by either public sewer or public water. Where this standard conflicts with §5.2 or §5.4, the less restrictive standard shall apply.

B. The minimum land area for each Workforce Affordable Housing dwelling unit for rent shall be 3,000 sq. ft. of suitable land, except that, if a building to be used for such housing is in existence at the time this ordinance is enacted, the minimum land area of 3,000 sq. ft per unit is not applicable and that building may be converted into Workforce Affordable Housing rental units within the footprint of the existing building.

C. In all cases, the maximum density for Workforce Affordable Housing which is not serviced by public sewer shall not exceed the standards of the State Minimum Lot Size Law (Title 12 M.R.S.A. §4807 et seq.).

“Suitable land” is land that does not include: any areas of wetland; land in the Resource Protection Subdistrict of the Shoreland Overlay District; or slopes in excess of 30%. The increased density standards described in this section do not apply to any portions of a proposed Workforce Affordable Housing site that lie in the Shoreland Overlay District. Such portions shall be governed by the density standards of the Shoreland Overlay District.

10-F.4 **Performance Standards**

10-F.4.1 **Sewer and Water Supply**
All Workforce Affordable Housing dwelling units shall be connected to public

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sewer when there is a public sewer line capable of servicing the development within 750 feet of the proposed development at its nearest point or to a public water supply if an existing public water system line with adequate supply is within 750 feet of the site, or both.

10-F.4.2 Architectural Appearance
For all new construction of Workforce Affordable Housing, the applicant shall demonstrate compliance with the following standards, and the permit-issuing authority shall not unreasonably withhold its approval based on these issues:

A. Buildings Which Will Front on an Existing Street. For all newly constructed buildings which will front on an existing street adjacent to the property, the following standards shall apply:

1. Rhythm of Building Spacing. The pattern of building facades and adjacent open spaces between buildings shall be compatible with those other structures which are visually related.

2. Relationship of Materials, Textures and Colors. The materials, textures and colors of the building’s exterior shall be compatible with those other structures which are visually related.

3. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of those other structures which are visually related.

4. Size and Massing of Buildings. The size of the proposed building, and its massing in relationship to adjacent open spaces, shall be compatible with these patterns of those other structures which are visually related.

5. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discouraged.

As it pertains to §10-F.4.2.A, structures considered to be visually related to the newly proposed units shall be separately determined for each new building, and shall include only those principal structures visible in winter (minimum foliage) from a point directly in front of the center of the proposed new building at the road centerline and at a height of 5’ above the road surface.

B. For All Other Buildings. For all other newly constructed buildings within the project, the following standards shall apply:
1. Relationship of Materials, Textures and Colors. The materials, textures and colors of each building's exterior shall be compatible with the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.

2. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.

3. Size and Mass of Buildings. For any newly proposed building within 100' of the perimeter property boundary, the size of the proposed building, and its mass in relationship to adjacent open spaces, shall be compatible with these patterns found among existing buildings within 250' of the proposed building. - AMENDED 11/03/2009

4. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discouraged.

10-F.4.3 Buffers and Landscaping
Section 10-F.4.3.1 is applicable to all Workforce Affordable Housing and §10-F.4.3.3, §10-F.4.3.4, and §10-F.4.3.5, are applicable to all large projects as defined by §10-F.4.3.2.

10-F.4.3.1 Any Workforce Affordable Housing, regardless of size, shall submit a landscape plan prepared by a Maine-licensed landscape architect for the parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

10-F.4.3.2 In addition, any Workforce Affordable Housing with more than 15 dwelling units that abuts a lot in a residential district, or in residential use shall comply with the standards in §10-F.4.3.3 through §10-F.4.3.5.

10-F.4.3.3 The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the Workforce Affordable Housing site. Any site where a building in excess of twenty-five (25) feet in height is adjacent to abutting property, the minimum required buffer width shall be increased to 45-feet.

10-F.4.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen, or, in the sole judgment of the Permit Authority is not sufficient to achieve Draft Amendment to be voted in November 2019
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an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen (or where a building with a building height in excess of 25' is adjacent to abutting property, the minimum buffer width shall be increased to 45 feet), in accordance with the following procedure and standards:

a. For the purpose of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2-inch caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1/2-inch caliper six inches above the ground and a minimum height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height and at planting shall be at least 18 inches in height.

b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen tree shall be equal to 5 "plant units", one under-story tree shall be equal to 5 "plant units", and one shrub shall be equal to 1 "plant unit".

c. In each rear or side yard abutting a lot in a residential district or residential use, the required buffer shall include sufficient trees and shrubs to total a minimum of 120 "plant units" per 100 feet of length of yard area, and at least 60 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this section. New plantings required by this section that die shall be replaced within one growing season.

d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the buffer yards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abutting lot and the applicant's development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Permit Authority may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of

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plans is appropriate for the site shall be the Permit Authority’s.

10-F.4.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots in residential districts or a residential use, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, public areas and site entrances, in accordance with §7.17 of the Town of York Site Plan and Subdivision Regulations.

10-F.4.4 Energy Efficiency
Controlling the ongoing utility costs for home occupants is an important component of maintaining affordability. All newly constructed Workforce Affordable Housing units shall be required to obtain an Energy Star certification prior to issuance of an occupancy permit. This certification must be obtained from a Certified Rater who is a member of RESNET (Residential Energy Services Network), or as required under the Energy Star Program as specified in the application requirements (see www.energystar.gov).

For additional information, see the following web pages:
Energy Star: www.energystar.gov

10-F.4.5 Village Green Design.
For a new application for 10 or more units of single-family detached and/or duplex units, but not counting multi-family units, of Workforce Affordable Housing, a village green design shall be the preferred option. The village green design shall be required for these units, provided the Planning Board determines such design is feasible given the configuration of the property. The Board may also permit conventional patterns of housing along existing street frontage. A village green design means each of the units shall front on a central, shared common space. Each building shall face this common space, shall have pedestrian access through this space, and shall have shared rights to use this space. The central, shared common space shall be comprised of at least 10% of the required land area for the units, and shall be designated for active use of the residents. It may include a central lawn or green, garden plots, walkways, a playground, and other such active uses. It shall not be used for parking, roads, or driveways, but may have septic leach beds located underneath provided the septic design and proposed use above are compatible with each other. Vehicular access shall be via one or more shared driveways located to the back side of the homes. If one or more garages will be incorporated into the principal structure, the garage doors shall face away from the central, shared common space, and the design of the garage doors shall be such that the architectural treatment makes the doors aesthetically compatible with the building designs. - AMENDED 11/03/2009
10-F.5 Permit Authority
Authority to review and decide on an application for Workforce Affordable Housing shall rest with the Code Enforcement Officer, except the Planning Board shall have such authority if the number of units being created constitutes a subdivision.

10-F.6 Governance
Regardless of the entity that builds Workforce Affordable Housing Units under this ordinance, a qualified non-profit housing corporation shall qualify all applicants for Work Force Affordable Housing as to the income, employment, and residence preferences as prescribed herein, and will adhere to established legal covenants for occupancy and resale, each of which shall be set forth as covenants in all deeds to buyers and to run with the properties in perpetuity, as stated below:

A. Residents of Workforce Affordable Housing will not be required to leave their residences even if their income(s) rise or their employment changes, provided that this residence remains their primary year-round residence;

B. A qualified non-profit housing corporation shall follow the Resale Price Calculation and procedures to allow homeowners to possibly accrue limited equity, while preserving the long-term affordability of units within the established Workforce Affordable Housing income limits;

C. When owners of Workforce Affordable Housing units choose to sell their homes, the qualified non-profit housing corporation that developed the units shall be given the first option to repurchase the homes. In the event the qualified non-profit housing corporation declines its option to purchase a unit, the owner may sell it to a household that meets the income limits and fits one of the location preferences set forth in this ordinance, as determined by the qualified non-profit housing corporation. All sales shall be subject to the Resale Price Calculation.

D. Resale Price Calculation. Any unit of Workforce Affordable Housing that is offered for sale shall be limited in its maximum resale price. The total resale price must not exceed the percentage of the property’s fair market value (as determined by an independent real estate appraiser) that the seller paid for the property at the time of his or her purchase. For example, if the seller paid $200,000.00 for a Workforce Affordable Home whose fair market value was determined to be $250,000.00 (that is, 80% of the fair market value), then the

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maximum resale price of the property, if appraised at $300,000.00, would be 80% of that value, or $240,000.00. Notwithstanding the above calculation, the resale price must not exceed an amount that is affordable for households of moderate income as defined herein. - AMENDED 11/04/2008, 11/02/2010

10-F.7 Selection Priorities
Preferences will be granted in the following order to income-qualified applicants for Workforce Affordable Housing:

1) At least one member of a qualifying household living and working full-time (as defined by the person’s employer) in York;
2) At least one member of a qualifying household working full-time in York but living elsewhere; and
3) At least one member of a qualifying household living in York but working within a 10-mile radius of the boundaries of York; and
4) Families employed and working with structured services, as defined by the office of General Assistance and the Town of York.

Veterans’ preferences shall be consistent with H.U.D. Handbook 4350.3, Rev. 1, Change 2, and all applicable Fair Housing regulations as defined under U.S.C. 101(2).
Amendment #

Medical Marijuana

**Ballot Language:** The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending Article 2 Definitions, Article 4 Use Regulations, Article 8 Shoreland Overlay District, and Article 7 Special Provisions by incorporating new use definitions and requirements regarding Medical Marijuana.

Statement of Fact: The purpose of this amendment is to integrate new use definitions and standards in the zoning ordinance regarding medical marijuana only. The definitions and standards attempt to correlate to the recently amended Maine Medical Use of Marijuana Act.

**Recommendations:**
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

**Amendment:** Amend Article 2, Definitions, by amending the following definitions regarding Medical Marijuana:

**MARIJUANA:** As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.11, “Marijuana.”

**MARIJUANA CONCENTRATE:** The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

**MARIJUANA EXTRACTION:** The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

**MEDICAL MARIJUANA PRODUCT:** Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition. A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Medical Marijuana Product" does not include Marijuana Concentrate.
**MEDICAL MARIJUANA CAREGIVER:** A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. A person or an assistant of that person that provides care for a qualifying patient in accordance with Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-A, subsection 2.

**MEDICAL MARIJUANA LAND USES:** Any of 3-5 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana. - AMENDED 11/04/2014

- **MEDICAL MARIJUANA HOME PRODUCTION:** Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

- **MEDICAL MARIJUANA PRODUCTION MANUFACTURING FACILITY:** A facility used for cultivating, processing and/or storing medical marijuana by a medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence; the facility can also be used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. A Medical Marijuana Manufacturing Facility shall be either a registered tier 1 or tier 2 manufacturing facility that may contain a person(s) authorized to engage in marijuana extraction as specified under section 2423-F of Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act. This shall be considered a commercial use.

- **MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORE:** A retail store operating pursuant to MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2423-A, subsection 2, paragraph P.

- **MEDICAL MARIJUANA REGISTERED DISPENSARY:** A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial dispensary.

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use. An entity registered under MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

- **MEDICAL MARIJUANA TESTING FACILITY:** A public or private laboratory that:
  
  A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
  
  B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

**Amendment:** In Article 4, Use Regulations, amend the Commercial Use Category for the Route 1-3 (RT 1-3) zoning district by amending the permitted use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

**Commercial Use Category (RT 1-3)**

- **Service Businesses** – Route One Use Permit from Planning Board required.
- **Store for Retail Sale of Merchandise** – With less than 20,000 square feet of floor space. Store with less than 5,000 square feet of floor space may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- **Shopping Center** – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- **Banks,** With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- **Grocery Store** – Route One Use Permit from Planning Board required.
- **Laundries and Dry Cleaning Facilities** (on Public Sewer) – Serviced by Public Sewer. Route One Use Permit from Planning Board required.
- **Store for Retail Sale of Merchandise such as but not limited to Lumber Yards** and **Building Supply Yards** wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Route One Use Permit from Planning Board required.
- **Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment** – Route One Use Permit from Planning Board required.
- **Medical Marijuana Production Manufacturing Facility**
• Medical Marijuana Registered Dispensary
• Motels/Hotels – Route One Use Permit from Planning Board required.
• Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
• Restaurants – Route One Use Permit from Planning Board required.
• Ice Cream Stands – Route One Use Permit from Planning Board required.
• Garden Centers – Route One Use Permit from Planning Board required.
• Animal Boarding (Commercial) – Permitted only as an accessory use to an approved veterinarian use. Route One Use Permit from Planning Board required.
• Animal Grooming – Route One Use Permit from Planning Board required.
• Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
• Animal Retail Sales – Route One Use Permit from Planning Board required.
• Commercial Schools – With less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
• Day Care Center – As an accessory use to a permitted use only. Route One Use Permit from Planning Board required.
• Fruit and Vegetable Produce Stores – Route One Use Permit from Planning Board required.
• Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage – Route One Use Permit from Planning Board required.
• Artisanal Food and/or Beverage Facility – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area. Route One Use Permit from the Planning Board is required.
• EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas

Amendment: In Article 4, Use Regulations, amend the Commercial Use Category for all zoning districts by adding “Medical Marijuana Registered Caregiver Retail Stores” and “Medical Marijuana Testing Facilities” to the existing list of “expressly prohibited” uses; and amend the use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

RES 1-A and RES 1-B
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-2
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-3
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers;

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Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-4

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-5

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-6

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber
Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-7
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

BUS-1
- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Motels/Hotels; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

BUS-2
- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

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- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Commercial Schools; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

YVC-1 and YVC-2

- EXPRESSLY PROHIBITED Motel/Hotel; Fast Food Restaurant, whether the use is a principal use or an accessory use; Formula Restaurant, whether the use is a principal use or an accessory use; Truck Stop; Marina; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Dry Cleaning Facility.

GEN-1

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

GEN-2

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

GEN-3

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Store for Retail Sale of Merchandise such as but not limited to Lumber
Yards and Building Supply Yards wherein merchandise is stored in the open; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-1
- EXPRESSLY PROHIBITED: Service Businesses; Store for Retail Sale of Merchandise; Shopping Center; Banks; Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Small Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Animal Boarding (Commercial); Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Commercial Schools; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RT 1-2
- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-3
- EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or
an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.

RT 1-4

- EXPRESSLY PROHIBITED: Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Garden Centers; Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-5

- EXPRESSLY PROHIBITED: Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Animal Boarding (Commercial); Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT1-6

- EXPRESSLY PROHIBITED: Service Businesses; Shopping Center; Banks; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Restaurants; Fast
Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

**Amendment:** In Article 8, Shoreland Overlay District, amend the Commercial Use Subdistrict by amending the Commercial Use permitted use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

**Commercial Use Category (Mixed Use Shoreland)**

- **Service Businesses Serving Local Needs** such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses – Shoreland Permit from the CEO is required.
- **Small (under 2,500 square feet) Store for Retail Sale of Merchandise** provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises – Shoreland Permit from the CEO is required.
- **Large Store, or Mall (group of stores under single roof) with total floor space over 2,500 square feet for Retail Sale of Merchandise** provided all display, storage, and sales of materials are conducted within a building and provided there is no manufacturing or assembly on the premises – Shoreland Permit from the CEO is required.
- **Banks** (with or without drive-through window) – Shoreland Permit from the CEO is required.
- **Antique Shops** – Shoreland Permit from the CEO is required.
- **Laundries and Dry Cleaning Facilities** (on public sewer) – Shoreland Permit from the CEO is required.
- **Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards** wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Shoreland Permit from the CEO is required.
- **Plumbing, Electrical or Carpenter Shop or Other Similar Service or Repair Establishment** – Shoreland Permit from the CEO is required.
- **Medical Marijuana Production Manufacturing Facility**
• Medical Marijuana Registered Dispensary
• Motels/Hotels – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons. Also, Shoreland Permit from the CEO is required.
• Lodging and Tourist Homes/Inns – Shoreland Permit from the CEO is required.
• Restaurants – Shoreland Permit from the CEO is required.
• Ice Cream Stands – Shoreland Permit from the CEO is required.
• Marinas – Shoreland Permit from the CEO is required.
• Florists – Shoreland Permit from the CEO is required.
• Garden Centers – Shoreland Permit from the CEO is required.
• Pet Shops – Shoreland Permit from the CEO is required.
• Commercial Schools – Shoreland Permit from the CEO is required.
• Day Care Facilities – Shoreland Permit from the CEO is required.
• Fruit and Vegetable Produce Stores – Shoreland Permit from the CEO is required.
• Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet). Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
• EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops.

Amendment: In Article 8, Shoreland Overlay District, amend the Commercial Use Category for all shoreland subdistricts by adding “Medical Marijuana Registered Caregiver Retail Stores” and “Medical Marijuana Testing Facilities,” and amend the term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” within the existing list of expressly prohibited uses as follows:

8.2.1.A Mixed Use Subdistrict
• EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.

8.2.1.B Limited Residential Subdistrict
• EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Store

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for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpenter Shop or Other Similar Service or Repair Establishment; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

8.2.1.C Resource Protection Subdistrict

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpenter Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

Amendment: Amend Article 7, Special Provisions, by amending section 7.18 Medical Marijuana with the following:

7.18 Medical Marijuana

7.18.1 Purpose: The purpose of this Section and related provisions of this Ordinance is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

7.18.2 Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting. As part of a Medical Marijuana Home Production accessory use, qualifying patients or medical marijuana caregivers may be authorized to extract marijuana using inherently hazardous substances per
Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-F, subsection 3.

7.18.3 Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall require approval of the Planning Board, even if the Planning Board was not required to grant the original local approval. The Planning Board shall follow the application procedures established in Article 18-A. In addition to other public notification requirements, the Town shall notify the York Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

7.18.4 Performance Standards: In addition to other requirements of this and other codes, including but not limited to Article 6, the following shall apply to any application for a new or altered Medical Marijuana Registered Dispensary or a Medical Marijuana Production Manufacturing Facility:

A. Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of York.

B. Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Manufacturing Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Production Manufacturing Facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

C. Safe Zones. No Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall be permitted within any Safe Zones established by the Board of Selectmen. (Initially designated by the Board of Selectmen on April 9, 2007, and as amended.)

D. Security. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the York Police Department and the Police Department finds the security measures are consistent with State requirements.

E. Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Manufacturing Facility shall obtain and retain all required business licenses pursuant to the Town’s Business Licensing Ordinance. The land use approval shall be considered abandoned if no license-holder occupies the Facility for a period of 2 years of more.

F. A Medical Marijuana Manufacturing Facility may contain within the facility, as an accessory use, a Medical Marijuana Testing Facility.
Notice of Public Hearing
Board of Selectmen
Monday, July 22, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding a proposed ordinance amendment to be potentially considered at the November 5, 2019 General Referendum as follows:

1. Business Licensing Ordinance regarding Medical Marijuana

Printed copies of the proposed amendment (draft document dated June 25, 2019) are available with the Town Clerk at the Town Hall, and a digital copy is available on the Town’s Web page (www.yorkmaine.org).
Proposed Amendments

to be considered at the

November 2019 General Referendum

Amendment

1. Business Licensing Ordinance
Amendment #

Business Licensing Ordinance

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains amendment of the Business Licensing Ordinance to ensure that sections related to Medical Marijuana match Zoning Ordinance amendments and the recently amended State law, the “Maine Medical Use of Marijuana Act.”

Statement of Fact: The purpose of this amendment is to ensure the Business Licensing Ordinance section that refers to medical marijuana licensing requirements match recently enacted changes to the medical marijuana state law known as the “Maine Medical Use of Marijuana Act.”

Recommendations:
Recommended by the Board of Selectmen:

Amendment: Amend section 1.2- Licensed Activities, with the following:

Miscellaneous
• Transient Sellers (see §4.2.10)
• Flea Market (see §4.2.11)
• Junkyard, Automobile Graveyard, and Automobile Recycling Business (see §4.2.12)
• Medical Marijuana Grower License (see §4.2.13)

Amendment: Amend section 4.2- License-Specific Standards and Requirements, with the following:

4.2.13 Medical Marijuana Grower License
This license shall be required for a Medical Marijuana Registered Dispensary, or Medical Marijuana Production Manufacturing Facility or Medical Marijuana Testing Facility. The following shall apply:

A. Inspections Required:
   1. Police inspection – at initial licensing to ensure security meets State requirements.
B. Definitions.

1. **Medical Marijuana**: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition. *Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1, “Marijuana.”*

2. **Medical Marijuana Caregiver**: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. *A person or an assistant of that person that provides care for a qualifying patient in accordance with Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-A, subsection 2.*

3. **Medical Marijuana Registered Dispensary**: A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. *An entity registered under MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.*

4. **Medical Marijuana Production Manufacturing Facility**: A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. *the facility can also be used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by*
means of chemical synthesis. A Medical Marijuana Manufacturing Facility shall be either a registered tier 1 or tier 2 manufacturing facility that may contain a person(s) authorized to engage in marijuana extraction as specified under section 2423-F of Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act.

5. Medical Marijuana Product: A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Medical Marijuana Product" does not include Marijuana Concentrate.

6. Medical Marijuana Testing Facility: A public or private laboratory that:
   A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
   B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

C. State Authorization. Prior to issuance, renewal or amendment of a License, the applicant must demonstrate their State of Maine authorization to cultivate, process and store medical marijuana pursuant to the under the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.

D. Related Laws. See: Zoning Ordinance; Title 22 M.R.S. Chapter 558-C, Maine Medical Use of Marijuana Act; 10-144 C.M.R. Chapter 122, Rules Governing the Maine Medical Use of Marijuana Program.

E. Statutory Authority. Home rule authority.

F. Enforcement Authority. York Police Department.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019

☐ ACTION

DATE ACTION REQUESTED: July 22, 2019

☐ DISCUSSION ONLY

SUBJECT: New Business License Application

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All approvals are contingent on taxes being current and all appropriate departments (inspections) giving approval; See “Department Approvals” on page two. Signed business license applications and certificates will not be released to the applicant until all necessary department approvals have been received.

RECOMMENDATION: Approve the New Business License attached.

PROPOSED MOTION: I move to approve the following licenses:

- Dan Tuohig DBA: Shore Road Restaurant and Market (Food Service); located at 10 Shore Road

Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.

PREPARED BY: Melissa M. Avery REVIEWED BY: [Signature]
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: **SHORE ROAD RESTAURANT AND MARKET**

Street Address: **10 SHORE RD YORK ME 03909**

Business Owner: **DAN TUTHIL**  
Business Manager: **DAN TUTHIL**

Mailing Address: **PO Box 1602**  
Mailing Address: **YORK BEACH 03910**

Phone Number: **207-401-0823**  
Phone Number: ****

E-mail Address: **SHORE ROAD RESTAURANT Gmail**  
E-mail Address: ****

Please indicate who is to be the Primary Contact with the Town: ** Owners** or ** Manager**

Is the Business Owner same as the prior year? **YES** **NO** **NEW BUSINESS**

Please indicate which Licenses or Local Approvals you seek:

**Lodging:**
___ Bed and Breakfast License (C/F)
___ Innkeeper License (C/F)
Number of Rooms: __

**Food and Beverage:**
___ Food Service License (C/F)
___ Number of Seats: **25** (Existing / Proposed)
___ Liquor License (F/P)
___ Bottle Club License (F/P)

**Entertainment:**
___ Special Amusement License (F/P)
___ Dance Hall License (F/P)
___ Bowling Alley License (F)
___ Coin-Operated Amusement License (P)
___ Bingo, Beano and Games of Chance

**Miscellaneous:**
___ Transient Seller’s License
___ Flea Market License
___ Junkyard, Auto Graveyard/Recycling License
___ Other: __

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C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required

S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  
Village Fire Department: (207) 363-1015  
York Sewer District: (207) 363-4232  
Police Department: (207) 363-1031  
Beach Fire Department: (207) 363-1014  
York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

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CONTINUE TO BACK PAGE OF APPLICATION---
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 16, 2019

DATE ACTION REQUESTED: July 22, 2019

SUBJECT: Ordinance Amendments for November 2019

☐ ACTION
☐ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Conduct a public hearing on the proposed ordinance amendments then either vote to place them on the November 5, 2019 General Referendum Ballot or hold another hearing on the ordinance(s) at the August 12th mtg.

1. Zoning Definitions: The purpose of these amendments is to clarify the terms “Building Appurtenance” and the definition of “Driveway.”
2. As Built Plan Requirement for Non-conforming Structure Expansions: The purpose of this amendment is to ensure structures that are non-conforming as it relates to being located within a building setback, are actually being built to the specifications as approved by the code enforcement office, and as recorded at the registry of deeds, prior to occupancy.
3. Cul-de-sac Specifications: The purpose of this amendment is to ensure a cul-de-sac is constructed to town specifications for any lots that seek frontage exemptions. For emergency response and safety purposes, especially for subdivisions that are exempt from Planning Board subdivision review, it is important that cul-de-sacs are designed and built to town specifications.
4. Shoreland Overlay District: The purpose of this amendment is to ensure continued compliance with state minimum shoreland standards as it relates to the definition of “Structure, Expansion.” The amendments also seek to exempt float size requirements for municipal and commercial marina uses and expand the float size allowances for commercial fishing uses. Lastly, the amendments incorporate retaining wall provisions as located in the states minimum shoreland standards for construction of retaining walls that are at least 25’ from the normal high water line of a water body, tributary stream, or upland edge of a wetland.
5. Workforce Housing: The purposes of these amendments is to better achieve the minimum guidelines pertaining to Maine municipalities assuring that workforce affordable housing is attainable in a community, and that York continues to implement the Town’s Comprehensive Plan sections regarding affordable housing policies for all of York’s citizens.
6. Medical Marijuana: The purpose of this amendment is to integrate new use definitions and language in the zoning ordinance that was incorporated as part of the recently state adopted Maine Medical Use of Marijuana Act.
7. Business Licensing Ordinance: The purpose of this amendment is to ensure the Business Licensing Ordinance section that refers to “medical marijuana” requirements match recently enacted changes to the medical marijuana state law.
RECOMMENDATION: Because the change of date for the first public hearing raises questions about adequacy of public notice, a second public hearing is required for any amendment moving forward. The Board can make changes as it sees fit.

PROPOSED MOTION: I move to post all proposed amendments for a second public hearing on August 26 (with the following changes... if applicable).

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Dylan Smith, Planning Director   REVIEWED BY:
Notice of Public Hearing
Board of Selectmen
Monday, July 22, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding proposed zoning ordinance amendments to be potentially considered at the November 5, 2019 General Referendum as follows:

1. Zoning Definitions
2. As-built Plan Requirement for Non-conforming Structure Expansions
3. Cul-de-sac Specifications
4. Shoreland Overlay District
5. Workforce Housing
6. Medical Marijuana

Printed copies of the proposed amendments (draft document dated June 17, 2019) and associated maps are available with the Town Clerk at the Town Hall, and digital copies are available on the Town’s Web page (www.yorkmaine.org).
Proposed Ordinance Amendments

to be considered at a

November 2019 General Referendum

Amendment

1. Zoning Definitions
2. As-built Plan Requirement for Non-conforming Structure Expansions
3. Cul-de-sac Specifications
4. Shoreland Overlay District
5. Workforce Housing
6. Medical Marijuana
Amendment #
Zoning Definitions

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending the definition of "building appurtenance" and "driveway."

Statement of Fact: The purpose of these amendments is to clarify the definition of "building appurtenance" and the definition of "driveway" for code interpretation purposes.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 2, Definitions, by amending the following definitions:

APPURTENANCE, BUILDING: Any visible, functional, or ornamental objects accessory to and part of a building such as, but not limited to, heating, ventilation and air conditioning (HVAC) mechanicals, lightning rods, chimneys, cupolas, etc. solar panels, or ornamental objects such as weathervanes or cupolas.

DRIVEWAY: A route that provides vehicular access to a lot(s) or parking area from either a public or private right-of-way. For the purpose of this definition a driveway shall not consist of an access way around a building designed for emergency use, vehicular drive-through(s) as part of a particular development design, or parking area perimeter access ways used for on-site traffic circulation.
Amendment #
As-built Plan Requirement for Non-conforming Structure Expansions

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance by adding a section to Article 17- Non-conforming Situations, which specifies that after an approved non-conforming structure expansion has been constructed that the Code Enforcement Department is provided with an as-built plan to ensure compliance with the permit.

Statement of Fact: The purpose of this amendment is to ensure that an approved expansion of a non-conforming structure is built to the specifications as originally approved by the Code Enforcement Department.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 2, Definitions, by adding the following definition:

As-built plan: A construction or engineering plan prepared after the completion of construction, by a Maine-Licensed Professional Engineer or Land Surveyor, in such a manner as to accurately identify and depict the location of on-site improvements.

Amendment: Amend Article 17- Non-conforming situations, specifically section 17.2- Non-conforming structures by adding “j” to the following:

17.2 Non-Conforming Structures

17.2.1 Repair, Enlargement

17.2.1.1 Maintenance, Repair and Improvement Without Enlargement. A non-conforming structure may be maintained, repaired and improved, provided there is no enlargement of the structure with respect to its footprint and/or its volume. - AMENDED 04/10/1993, 11/07/2006

17.2.1.2 Enlargement. The standards applicable to Enlargement of Non-Conforming structures, as amended by the voters on November 4, 2008, shall retroactively apply to any application accepted by the Planning Board or Code Enforcement Officer on or after June 26, 2008, the date on which the first public hearing was posted for the amendments. The former Enlargement of Non-Conforming Structures provisions shall apply to applications accepted prior to this date. A non-conforming structure may be enlarged only in conformance with the provisions of this Section. A Code Enforcement Officer shall review the application to determine conformance with these standards, and may impose conditions on an approval to

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ensure conformance. Criteria for approval include each of the following: - AMENDED 11/04/2008, 11/03/2009

A. The expansion is not within the 100-year floodplain or on a Coastal Dune;

B. Expansion within the Shoreland Overlay District conforms to the requirements of §8.3.11.4;

C. The expansion satisfies all applicable non-dimensional requirements of the zoning district in which the structure is located;

D. The expansion results in neither expansion of other legal non-conformities nor the creation of any new non-conformities;

E. A one-time vertical expansion of a non-conforming principal structure shall be permitted, provided that:
   1. the expansion does not exceed the structure height limits specified in this Ordinance and,
   2. in no case may the rear and side yard setbacks be less than five feet, and
   3. in no case may the front yard setback be less than 15 feet.
   4. in no case may the vertical expansion result in a structure height greater than that of the average height of adjacent principal structures. Adjacency shall be considered the facing, rear, and side lots within a radius of 125’ from the lot boundary;

F. A one-time horizontal expansion shall be permitted, provided that:
   1. the expansion shall extend no farther into the setback than the existing non-conforming structure, and
   2. the area of the non-conforming structure shall not be more double the area of the original non-conforming structure;
   3. in no case may the lot exceed maximum lot coverage.

G. Expansion does not cause or worsen any safety problems, such as but not limited to reduction of sight distances from driveways or intersections; and

H. The purpose of the expansion cannot reasonably be accomplished by expansion which is conforming because of reasons such as the configuration of the structure, topography of the lot, and other such factors.

I. An approved plan for expansion of a non-conforming structure shall be recorded by the applicant with the York County Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

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J. In order to verify compliance with an approved plan for expansion of a non-conforming structure, an as-built plan shall be provided to the Code Enforcement Department prior to issuance of a final occupancy permit.
Amendment #
**Cul-de-sac Specifications**

**Ballot Language:** The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending footnote “e” in section 5.2- Schedule of Dimensional Regulations regarding street frontage exemptions for lots on cul-de-sacs.

**Statement of Fact:** The purpose of this amendment is to ensure a cul-de-sac is constructed to Town specifications for any lots that seek street frontage exemptions per footnote “e”- Street Frontage Exemptions within the schedule of dimensional regulations.

**Recommendations:**
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

**Amendment:** Amend Article 5- Dimensional Regulations, by amending the following definitions:

e. Street Frontage Exemptions - New building lots located at the end of a cul-de-sac may be designed to have less street frontage than is required in the underlying zoning district but shall comply with the following:

- Have no less than 50 feet of street frontage along the circumference of the cul-de-sac, provided lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in that zoning district;
- The cul-de-sac is constructed to Town road acceptance standards (See Public Road Acceptance Ordinance for cul-de-sac construction requirements); and
- All minimum lot line setbacks shall be met.
Amendment #
Shoreland Overlay District

**Ballot Language:** The following language would appear on the ballot:

**Article X**
The Town hereby ordains to amend the *Zoning Ordinance*, specifically amending Article 2 Definitions and Article 8 Shoreland Overlay District.

**Statement of Fact:** The purpose of this amendment is to continue to ensure compliance with State minimum shoreland overlay district regulation guidelines by defining "Structure Expansion," include a section regarding allowance of retaining walls within shoreland setbacks in certain circumstances, and amend the section of the shoreland overlay district pertaining to float sizes associated with piers for marinas and commercial fishing uses.

**Recommendations:**
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

**Amendment:** Amend Article 2, Definitions, by adding the following definitions to be consistent with state shoreland minimum requirements:

**Structure, Expansion (not withstanding other sections of the ordinance, this definition pertains to the Shoreland Overlay District only) - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.**

**Amendment:** Amend Article 8, Shoreland Overlay District, by amending section 8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or beyond the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization with the following:

8.3.6.9 A pier may be built only on a tract of land with river frontage on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Neddick River or shore frontage on Brave Boat Harbor existing as of May 20, 2017, provided that there is no pier presently on the land and that the following requirements are met:

a. The total area of all floats associated with any single pier shall not exceed 200 square feet, except that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as "Public, Semi Public, Institutional" per the use tables of Article 4 that is defined as a municipal or commercial marina use. Commercial fishing
uses, as defined in this ordinance, shall be allowed a total float size area not to exceed 400 square feet with any single pier.

b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.

c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.

**Amendment:** Amend Article 8, Shoreland Overlay District, by amending section 8.3- Structure by adding the following section pertaining to retaining walls:

8.3.11.8 Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

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ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

iii. Only native species may be used to establish the buffer area;

iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

v. A footpath not to exceed the standards in §8.3.3.2 (a), may traverse the buffer.
Amendment #
Workforce Housing

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending the Workforce Affordable Housing Overlay District boundary map and Workforce Affordable Housing Overlay District section of the ordinance and the Open Space Conservation Subdivision Ordinance by adding a section that requires the incorporation of workforce affordable housing in subdivisions of 5 units or greater.

Statement of Fact: The purpose of this amendment is to better achieve minimum guidelines pertaining to Maine municipalities assuring that workforce affordable housing is attainable in a community; that York continues to implement the Town’s Comprehensive Plan sections regarding affordable housing policies (State Goal 4, Town Goal 4.1 and Town Goal 4.2 in the Comprehensive Plan), and that the Town encourages and promotes affordable, decent housing opportunities for all of York’s citizens.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 3, Establishment of Zoning Districts, by amending section 3.16 Workforce Affordable Housing Overlay District with the following:

3.16 Workforce Affordable Housing Overlay District
The Workforce Affordable Housing Overlay District shall be limited to the Town’s Growth Area as defined in the Comprehensive Plan on November 2, 2008. This Growth Area contains most, but not all, of the area bounded by the Maine Turnpike to the west, the Atlantic Ocean to the east, the York River to the south, and the Cape Neddick River to the north.

The Workforce Affordable Housing Overlay District shall include the lots as shown on a map entitled, “York Zoning Ordinance: “Workforce Affordable Housing Overlay District” dated May 6, 2019.

Amendment: Amend Article 7, Special Provisions, by amending section 7.6.4 Development Standards for Open Space Conservation Subdivisions as follows:
C. Workforce Affordable Housing. A proposed subdivision development that consists of five (5) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded up to the nearest whole number.

Density Bonus: A density bonus incentive of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as “workforce affordable housing” as determined by the Planning Board. The following standards shall also apply:

Amendment: Amend Article 10-F, Workforce Affordable Housing Overlay District as follows:

ARTICLE TEN-F

WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT

10-F.1 Workforce Affordable Housing Overlay District
The provisions of this Article pertain to the Workforce Affordable Housing Overlay District as described in section 3.16.

10-F.2 Land Uses

10-F.2.1 This Workforce Affordable Housing Overlay District is established to permit residential zoning at higher density than what is presently allowed in the underlying base zoning district. The provisions of the overlay district apply specifically to Workforce Affordable Housing, as defined in this ordinance. Unless otherwise specified, all other uses shall comply with the standards of the underlying zoning district and any applicable overlay districts.

10-F.2.2 Use of this Workforce Affordable Housing Overlay District shall be limited to housing developed or managed by York Housing or another qualified non-profit housing corporation as defined by 30-A M.R.S.A., Section 5002(13).

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10-F.2.3 Maximum Number of Units: The maximum number of units allowed for Workforce Affordable Housing is 12 per year. Any unallocated units in any year may be accumulated (banked) for use in future years, provided not more than 36 units are carried forward at the end of any calendar year. All such units are available to eligible builders as defined in §10 F.2.2 on a first-come, first-served basis. *Reserved*

10-F.2.4 Supplemental Uses. For each 10 units of newly constructed Workforce Affordable Housing in a single project, a portion of the project may be developed for one or more uses which supplement the project. Only supplemental uses which the Planning Board finds will complement the livability of the project for its residents without unduly impacting the surrounding neighborhood shall be allowed. Such use may include, but is not limited to a place of worship, community center, neighborhood convenience store, and coffee shop, provided the use is permitted in the base zoning district in which it is located. The maximum floor area shall be limited to 200 square feet per unit of Workforce Affordable Housing. - *AMENDED 11/03/2009*

10-F.3 **Dimensional Regulations**

10-F.3.1 **Schedule of Dimensional Regulations for All Newly Constructed Workforce Affordable Housing**

Minimum land area (sq. ft.) per site: 3/4 acre or as specified in the underlying zone, regardless of the number of units, whichever is less restrictive.

Minimum street frontage (ft.): As specified in the underlying zone.

Minimum front yard setback (ft.): As specified in the underlying zone.

Minimum side and rear yard setback (ft): Buildings shall be set back a minimum of 50 35 feet. *Where this standard conflicts with §5.2 the less restrictive standard shall apply.*

Maximum coverage (percent): 50%, or that specified in the underlying base zoning district, whichever is less restrictive. - *AMENDED 11/03/2009*

Maximum building height: 35 feet

10-F.3.2 **Schedule of Dimensional Regulations for Conversion of Existing Buildings**

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Any existing building(s), whether conforming or non-conforming, may be converted to Workforce Affordable Housing within the footprint of the existing building or buildings.

10-F.3.3 **Floor Area**
Each dwelling unit in Workforce Affordable Housing shall have no less than 500 square feet and no more than 1,500 square feet of living space. Where this standard conflicts with §5.3, the less restrictive standard shall apply.

10-F.3.4 **Density**
A. The minimum land area for each newly constructed Workforce Affordable Housing dwelling unit for purchase, as defined in this Ordinance, shall be:
   1) 8,000 sq. ft. of suitable land, if the land is serviced by both public sewer and public water; or
   2) 20,000 sq. ft. of suitable land if the land is serviced by either public sewer or public water, but not by both; or
   3) 30,000 sq. ft. of suitable land if the land is not serviced by either public sewer or public water. Where this standard conflicts with §5.2 or §5.4, the less restrictive standard shall apply.

B. The minimum land area for each Workforce Affordable Housing dwelling unit for rent shall be 3,000 sq. ft. of suitable land, except that, if a building to be used for such housing is in existence at the time this ordinance is enacted, the minimum land area of 3,000 sq. ft per unit is not applicable and that building may be converted into Workforce Affordable Housing rental units within the footprint of the existing building.

C. In all cases, the maximum density for Workforce Affordable Housing which is not serviced by public sewer shall not exceed the standards of the State Minimum Lot Size Law (Title 12 M.R.S.A. §4807 et seq.).

"Suitable land" is land that does not include: any areas of wetland; land in the Resource Protection Subdistrict of the Shoreland Overlay District; or slopes in excess of 30%. The increased density standards described in this section do not apply to any portions of a proposed Workforce Affordable Housing site that lie in the Shoreland Overlay District. Such portions shall be governed by the density standards of the Shoreland Overlay District.

10-F.4 **Performance Standards**

10-F.4.1 **Sewer and Water Supply**
All Workforce Affordable Housing dwelling units shall be connected to public water and sewer services.
sewer when there is a public sewer line capable of servicing the development within 750 feet of the proposed development at its nearest point or to a public water supply if an existing public water system line with adequate supply is within 750 feet of the site, or both.

10-F.4.2 **Architectural Appearance**
For all new construction of Workforce Affordable Housing, the applicant shall demonstrate compliance with the following standards, and the permit-issuing authority shall not unreasonably withhold its approval based on these issues:

**A. Buildings Which Will Front on an Existing Street.** For all newly constructed buildings which will front on an existing street adjacent to the property, the following standards shall apply:

1. Rhythm of Building Spacing. The pattern of building facades and adjacent open spaces between buildings shall be compatible with those other structures which are visually related.

2. Relationship of Materials, Textures and Colors. The materials, textures and colors of the building’s exterior shall be compatible with those other structures which are visually related.

3. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of those other structures which are visually related.

4. Size and Massing of Buildings. The size of the proposed building, and its massing in relationship to adjacent open spaces, shall be compatible with these patterns of those other structures which are visually related.

5. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discouraged.

As it pertains to §10-F.4.2.A, structures considered to be visually related to the newly proposed units shall be separately determined for each new building, and shall include only those principal structures visible in winter (minimum foliage) from a point directly in front of the center of the proposed new building at the road centerline and at a height of 5’ above the road surface.

**B. For All Other Buildings.** For all other newly constructed buildings within the project, the following standards shall apply:
1. Relationship of Materials, Textures and Colors. The materials, textures and colors of each building’s exterior shall be compatible with the majority of structures located within 250’ of the perimeter of the property being developed, and internally with each other.

2. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of the majority of structures located within 250’ of the perimeter of the property being developed, and internally with each other.

3. Size and Mass of Buildings. For any newly proposed building within 100’ of the perimeter property boundary, the size of the proposed building, and its mass in relationship to adjacent open spaces, shall be compatible with these patterns found among existing buildings within 250’ of the proposed building. - AMENDED 11/03/2009

4. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discouraged.

10-F.4.3 Buffers and Landscaping
Section 10-F.4.3.1 is applicable to all Workforce Affordable Housing and §10-F.4.3.3, §10-F.4.3.4, and §10-F.4.3.5, are applicable to all large projects as defined by §10-F.4.3.2.

10-F.4.3.1 Any Workforce Affordable Housing, regardless of size, shall submit a landscape plan prepared by a Maine-licensed landscape architect for the parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

10-F.4.3.2 In addition, any Workforce Affordable Housing with more than 15 dwelling units that abuts a lot in a residential district, or in residential use shall comply with the standards in §10-F.4.3.3 through §10-F.4.3.5.

10-F.4.3.3 The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the Workforce Affordable Housing site. Any site where a building in excess of twenty-five (25) feet in height is adjacent to abutting property, the minimum required buffer width shall be increased to 45 feet.

10-F.4.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen, or, in the sole judgment of the Permit Authority is not sufficient to achieve Draft Amendment to be voted in November 2019
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an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen (or where a building with a building height in excess of 25’ is adjacent to abutting property, the minimum buffer width shall be increased to 45 feet), in accordance with the following procedure and standards:

a. For the purpose of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2-inch caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1/2-inch caliper six inches above the ground and a minimum height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height and at planting shall be at least 18 inches in height.

b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen tree shall be equal to 5 "plant units", one under-story tree shall be equal to 5 "plant units", and one shrub shall be equal to 1 "plant unit”.

c. In each rear or side yard abutting a lot in a residential district or residential use, the required buffer shall include sufficient trees and shrubs to total a minimum of 120 "plant units" per 100 feet of length of yard area, and at least 60 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this section. New plantings required by this section that die shall be replaced within one growing season.

d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the buffer yards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abuting lot and the applicant's development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Permit Authority may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of

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plans is appropriate for the site shall be the Permit Authority’s.

10-F.4.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots in residential districts or a residential use, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, public areas and site entrances, in accordance with §7.17 of the Town of York Site Plan and Subdivision Regulations.

10-F.4.4 Energy Efficiency

Controlling the ongoing utility costs for home occupants is an important component of maintaining affordability. All newly constructed Workforce Affordable Housing units shall be required to obtain an Energy Star certification prior to issuance of an occupancy permit. This certification must be obtained from a Certified Rater who is a member of RESNET (Residential Energy Services Network), or as required under the Energy Star Program as specified in the application requirements (see www.energystar.gov).

For additional information, see the following web pages:
Energy Star: www.energystar.gov

10-F.4.5 Village Green Design.

For a new application for 10 or more units of single-family detached and/or duplex units, but not counting multi-family units, of Workforce Affordable Housing, a village green design shall be the preferred option. The village green design shall be required for these units, provided the Planning Board determines such design is feasible given the configuration of the property. The Board may also permit conventional patterns of housing along existing street frontage. A village green design means each of the units shall front on a central, shared common space. Each building shall face this common space, shall have pedestrian access through this space, and shall have shared rights to use this space. The central, shared common space shall be comprised of at least 10% of the required land area for the units, and shall be designated for active use of the residents. It may include a central lawn or green, garden plots, walkways, a playground, and other such active uses. It shall not be used for parking, roads, or driveways, but may have septic leach beds located underneath provided the septic design and proposed use above are compatible with each other. Vehicular access shall be via one or more shared driveways located to the back side of the homes. If one or more garages will be incorporated into the principal structure, the garage doors shall face away from the central, shared common space, and the design of the garage doors shall be such that the architectural treatment makes the doors aesthetically compatible with the building designs. - AMENDED 11/03/2009
10-F.5 Permit Authority
Authority to review and decide on an application for Workforce Affordable Housing shall rest with the Code Enforcement Officer, except the Planning Board shall have such authority if the number of units being created constitutes a subdivision.

10-F.6 Governance
Regardless of the entity that builds Workforce Affordable Housing Units under this ordinance, a qualified non-profit housing corporation shall qualify all applicants for Work Force Affordable Housing as to the income, employment, and residence preferences as prescribed herein, and will adhere to established legal covenants for occupancy and resale, each of which shall be set forth as covenants in all deeds to buyers and to run with the properties in perpetuity, as stated below:

A. Residents of Workforce Affordable Housing will not be required to leave their residences even if their income(s) rise or their employment changes, provided that this residence remains their primary year-round residence;

B. A qualified non-profit housing corporation shall follow the Resale Price Calculation and procedures to allow homeowners to possibly accrue limited equity, while preserving the long-term affordability of units within the established Workforce Affordable Housing income limits;

C. When owners of Workforce Affordable Housing units choose to sell their homes, the qualified non-profit housing corporation that developed the units shall be given the first option to repurchase the homes. In the event the qualified non-profit housing corporation declines its option to purchase a unit, the owner may sell it to a household that meets the income limits and fits one of the location preferences set forth in this ordinance, as determined by the qualified non-profit housing corporation. All sales shall be subject to the Resale Price Calculation.

D. Resale Price Calculation. Any unit of Workforce Affordable Housing that is offered for sale shall be limited in its maximum resale price. The total resale price must not exceed the percentage of the property’s fair market value (as determined by an independent real estate appraiser) that the seller paid for the property at the time of his or her purchase. For example, if the seller paid $200,000.00 for a Workforce Affordable Home whose fair market value was determined to be $250,000.00 (that is, 80% of the fair market value), then the

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maximum resale price of the property, if appraised at $300,000.00, would be 80% of that value, or $240,000.00. Notwithstanding the above calculation, the resale price must not exceed an amount that is affordable for households of moderate income as defined herein. - AMENDED 11/04/2008, 11/02/2010

10-F.7 Selection Priorities
Preferences will be granted in the following order to income-qualified applicants for Workforce Affordable Housing:

1) At least one member of a qualifying household living and working full-time (as defined by the person’s employer) in York;

2) At least one member of a qualifying household working full-time in York but living elsewhere; and

3) At least one member of a qualifying household living in York but working within a 10-mile radius of the boundaries of York; and

4) Families employed and working with structured services, as defined by the office of General Assistance and the Town of York.

Veterans’ preferences shall be consistent with H.U.D. Handbook 4350.3, Rev. 1, Change 2, and all applicable Fair Housing regulations as defined under U.S.C. 101(2).
Amendment #
Medical Marijuana

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending Article 2 Definitions, Article 4 Use Regulations, Article 8 Shoreland Overlay District, and Article 7 Special Provisions by incorporating new use definitions and requirements regarding Medical Marijuana.

Statement of Fact: The purpose of this amendment is to integrate new use definitions and standards in the zoning ordinance regarding medical marijuana only. The definitions and standards attempt to correlate to the recently amended Maine Medical Use of Marijuana Act.

Recommendations:
Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment: Amend Article 2, Definitions, by amending the following definitions regarding Medical Marijuana:

MARIJUANA: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, “Marijuana.”

MARIJUANA CONCENTRATE: The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

MARIJUANA EXTRACTION: The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

MEDICAL MARIJUANA PRODUCT: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition. A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Medical Marijuana Product" does not include Marijuana Concentrate.
MEDICAL MARIJUANA CAREGIVER: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. A person or an assistant of that person that provides care for a qualifying patient in accordance with Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-A, subsection 2.

MEDICAL MARIJUANA LAND USES: Any of 3-5 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana. - AMENDED 11/04/2014

- **MEDICAL MARIJUANA HOME PRODUCTION:** Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

- **MEDICAL MARIJUANA PRODUCTION MANUFACTURING FACILITY:** A facility used for cultivating, processing and/or storing medical marijuana by a medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence; the facility can also be used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. A Medical Marijuana Manufacturing Facility shall be either a registered tier 1 or tier 2 manufacturing facility that may contain a person(s) authorized to engage in marijuana extraction as specified under section 2423-F of Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act. This shall be considered a commercial use.

- **MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORE:** A retail store operating pursuant to MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2423-A, subsection 2, paragraph P.

- **MEDICAL MARIJUANA REGISTERED DISPENSARY:** A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial

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**An entity registered under MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.**

- **MEDICAL MARIJUANA TESTING FACILITY:** A public or private laboratory that:
  
  A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
  
  B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

**Amendment:** In Article 4, Use Regulations, amend the Commercial Use Category for the Route 1-3 (RT 1-3) zoning district by amending the permitted use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

**Commercial Use Category (RT 1-3)**

- **Service Businesses** – Route One Use Permit from Planning Board required.
- **Store for Retail Sale of Merchandise** – With Less than 20,000 square feet of floor space. Store with less than 5,000 square feet of floor space may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- **Shopping Center** – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- **Banks** With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- **Grocery Store** – Route One Use Permit from Planning Board required.
- **Laundries and Dry Cleaning Facilities** (on Public Sewer) – Serviced by Public Sewer. Route One Use Permit from Planning Board required.
- **Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards** wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Route One Use Permit from Planning Board required.
- **Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment** – Route One Use Permit from Planning Board required.
- **Medical Marijuana Production Manufacturing Facility**
Medical Marijuana Registered Dispensary
Motels/Hotels – Route One Use Permit from Planning Board required.
Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
Restaurants – Route One Use Permit from Planning Board required.
Ice Cream Stands – Route One Use Permit from Planning Board required.
Garden Centers – Route One Use Permit from Planning Board required.
Animal Boarding (Commercial) – Permitted only as an accessory use to an approved veterinarian use. Route One Use Permit from Planning Board required.
Animal Grooming – Route One Use Permit from Planning Board required.
Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
Animal Retail Sales – Route One Use Permit from Planning Board required.
Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
Day Care Center – As an accessory use to a permitted use only. Route One Use Permit from Planning Board required.
Fruit and Vegetable Produce Stores – Route One Use Permit from Planning Board required.
Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage – Route One Use Permit from Planning Board required.
Artisanal Food and/or Beverage Facility – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area. Route One Use Permit from the Planning Board is required.
EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas

Amendment: In Article 4, Use Regulations, amend the Commercial Use Category for all zoning districts by adding “Medical Marijuana Registered Caregiver Retail Stores” and “Medical Marijuana Testing Facilities” to the existing list of “expressly prohibited” uses; and amend the use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

RES 1-A and RES 1-B

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• EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-2
• EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-3
• EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers;
Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-4

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-5

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-6

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber
Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RES-7

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

BUS-1

- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Motels/Hotels; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

BUS-2

- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

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YBVC

- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Commercial Schools; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

YVC-1 and YVC-2

- EXPRESSLY PROHIBITED Motel/Hotel; Fast Food Restaurant, whether the use is a principal use or an accessory use; Formula Restaurant, whether the use is a principal use or an accessory use; Truck Stop; Marina; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Dry Cleaning Facility.

GEN-1

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

GEN-2

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

GEN-3

- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Store for Retail Sale of Merchandise such as but not limited to Lumber
Yards and Building Supply Yards wherein merchandise is stored in the open; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-1

- EXPRESSLY PROHIBITED: Service Businesses; Store for Retail Sale of Merchandise; Shopping Center; Banks; Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Small Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Animal Boarding (Commercial); Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Commercial Schools; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

RT 1-2

- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-3

- EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or...
an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.

RT 1-4

- EXPRESSLY PROHIBITED: Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Garden Centers; Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-5

- EXPRESSLY PROHIBITED: Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Animal Boarding (Commercial); Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

RT 1-6

- EXPRESSLY PROHIBITED: Service Businesses; Shopping Center; Banks; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Restaurants; Fast
Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

**Amendment:** In Article 8, Shoreland Overlay District, amend the Mixed Use Subdistrict by amending the Commercial Use permitted use term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” as follows:

**Commercial Use Category (Mixed Use Shoreland)**

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses – Shoreland Permit from the CEO is required.
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises – Shoreland Permit from the CEO is required.
- Large Store, or Mall (group of stores under single roof) with total floor space over 2,500 square feet for Retail Sale of Merchandise provided all display, storage, and sales of materials are conducted within a building and provided there is no manufacturing or assembly on the premises – Shoreland Permit from the CEO is required.
- Banks (with or without drive-through window) – Shoreland Permit from the CEO is required.
- Antique Shops – Shoreland Permit from the CEO is required.
- Laundries and Dry Cleaning Facilities (on public sewer) – Shoreland Permit from the CEO is required.
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Shoreland Permit from the CEO is required.
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – Shoreland Permit from the CEO is required.
- Medical Marijuana Production Manufacturing Facility
• **Medical Marijuana Registered Dispensary**
• **Motels/Hotels** – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons. Also, Shoreland Permit from the CEO is required.
• **Lodging and Tourist Homes/Inns** – Shoreland Permit from the CEO is required.
• **Restaurants** – Shoreland Permit from the CEO is required.
• **Ice Cream Stands** – Shoreland Permit from the CEO is required.
• **Marinas** – Shoreland Permit from the CEO is required.
• **Florists** – Shoreland Permit from the CEO is required.
• **Garden Centers** – Shoreland Permit from the CEO is required.
• **Pet Shops** – Shoreland Permit from the CEO is required.
• **Commercial Schools** – Shoreland Permit from the CEO is required.
• **Day Care Facilities** – Shoreland Permit from the CEO is required.
• **Fruit and Vegetable Produce Stores** – Shoreland Permit from the CEO is required.
• **Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet)**. Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
• **EXRESSLY PROHIBITED**: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops.

**Amendment:** In Article 8, Shoreland Overlay District, amend the Commercial Use Category for all shoreland subdistricts by adding “Medical Marijuana Registered Caregiver Retail Stores” and “Medical Marijuana Testing Facilities,” and amend the term “Medical Marijuana Production Facility” to “Medical Marijuana Manufacturing Facility” within the existing list of expressly prohibited uses as follows:

8.2.1.A **Mixed Use Subdistrict**
• EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; **Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.**

8.2.1.B **Limited Residential Subdistrict**
• EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Store

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for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

8.2.1.C Resource Protection Subdistrict

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Production Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

**Amendment:** Amend Article 7, Special Provisions, by amending section 7.18 Medical Marijuana with the following:

7.18 Medical Marijuana

7.18.1 Purpose: The purpose of this Section and related provisions of this Ordinance is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

7.18.2 Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting. As part of a Medical Marijuana Home Production accessory use, qualifying patients or medical marijuana caregivers may be authorized to extract marijuana using inherently hazardous substances per
Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-F, subsection 3.

7.18.3 Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall require approval of the Planning Board, even if the Planning Board was not required to grant the original local approval. The Planning Board shall follow the application procedures established in Article 18-A. In addition to other public notification requirements, the Town shall notify the York Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

7.18.4 Performance Standards: In addition to other requirements of this and other codes, including but not limited to Article 6, the following shall apply to any application for a new or altered Medical Marijuana Registered Dispensary or a Medical Marijuana Production Manufacturing Facility:

A. Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of York.

B. Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Manufacturing Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Production Manufacturing Facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

C. Safe Zones. No Medical Marijuana Registered Dispensary or Medical Marijuana Production Manufacturing Facility shall be permitted within any Safe Zones established by the Board of Selectmen. (Initially designated by the Board of Selectmen on April 9, 2007, and as amended.)

D. Security. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the York Police Department and the Police Department finds the security measures are consistent with State requirements.

E. Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Manufacturing Facility shall obtain and retain all required business licenses pursuant to the Town’s Business Licensing Ordinance. The land use approval shall be considered abandoned if no license-holder occupies the Facility for a period of 2 years of more.

F. A Medical Marijuana Manufacturing Facility may contain within the facility, as an accessory use, a Medical Marijuana Testing Facility.
Notice of Public Hearing
Board of Selectmen
Monday, July 22, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding a proposed ordinance amendment to be potentially considered at the November 5, 2019 General Referendum as follows:

1. Business Licensing Ordinance regarding Medical Marijuana

Printed copies of the proposed amendment (draft document dated June 25, 2019) are available with the Town Clerk at the Town Hall, and a digital copy is available on the Town’s Web page (www.yorkmaine.org).
Proposed Amendments

to be considered at the

November 2019 General Referendum

Amendment

1. Business Licensing Ordinance
Amendment #
Business Licensing Ordinance

Ballot Language: The following language would appear on the ballot:

Article X
The Town hereby ordains amendment of the Business Licensing Ordinance to ensure that sections related to Medical Marijuana match Zoning Ordinance amendments and the recently amended State law, the “Maine Medical Use of Marijuana Act.”

Statement of Fact: The purpose of this amendment is to ensure the Business Licensing Ordinance section that refers to medical marijuana licensing requirements match recently enacted changes to the medical marijuana state law known as the “Maine Medical Use of Marijuana Act.”

Recommendations:
Recommended by the Board of Selectmen:

Amendment: Amend section 1.2- Licensed Activities, with the following:

Miscellaneous
• Transient Sellers (see §4.2.10)
• Flea Market (see §4.2.11)
• Junkyard, Automobile Graveyard, and Automobile Recycling Business (see §4.2.12)
• Medical Marijuana Grower License (see §4.2.13)

Amendment: Amend section 4.2- License-Specific Standards and Requirements, with the following:

4.2.13 Medical Marijuana Grower License
This license shall be required for a Medical Marijuana Registered Dispensary, or Medical Marijuana Production Manufacturing Facility or Medical Marijuana Testing Facility. The following shall apply:

A. Inspections Required:

1. Police Inspection – at initial licensing to ensure security meets State requirements.

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B. Definitions.

1. **Medical Marijuana**: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition. *Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1, “Marijuana.”*

2. **Medical Marijuana Caregiver**: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. *A person or an assistant of that person that provides care for a qualifying patient in accordance with Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-A, subsection 2.*

3. **Medical Marijuana Registered Dispensary**: A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. *An entity registered under MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.*

4. **Medical Marijuana Production Manufacturing Facility**: A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence; *the facility can also be used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by*

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means of chemical synthesis. A Medical Marijuana Manufacturing Facility shall be either a registered tier 1 or tier 2 manufacturing facility that may contain a person(s) authorized to engage in marijuana extraction as specified under section 2423-F of Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act.

5. **Medical Marijuana Product:** A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Medical Marijuana Product" does not include Marijuana Concentrate.

6. **Medical Marijuana Testing Facility:** A public or private laboratory that:
   A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
   B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

C. **State Authorization.** Prior to issuance, renewal or amendment of a License, the applicant must demonstrate their State of Maine authorization to cultivate, process and store medical marijuana pursuant to the under the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.

D. **Related Laws.** See: Zoning Ordinance; Title 22 M.R.S. Chapter 558-C, Maine Medical Use of Marijuana Act; 10-144 C.M.R. Chapter 122, Rules Governing the Maine Medical Use of Marijuana Program.

E. **Statutory Authority.** Home rule authority.

F. **Enforcement Authority.** York Police Department.
STATE GOAL 1: To encourage orderly growth and development in appropriate areas of each community, while protecting the State’s rural character, making efficient use of public services and preventing development sprawl.

The Town of York has regularly strengthened its Zoning Ordinances and Subdivision Regulations since the early 1980's to address ongoing development pressures. Major enhancements have included but are not limited to the following:

- Increasing the minimum lot size from 20,000 sf to 2 or 3 acres in areas west of I-95, south of the York River and north of the Cape Neddick River; York’s “rural” areas.
- Adopting ordinances specific to the Route One area that allow reasonable types of nonresidential development, provided the project satisfies performance standards that manage project impacts.
- Establishing a Watershed Protection Overlay District that strictly regulates uses that could affect the public water supplies for York and Kittery.
- Adopting Shoreland Zoning Ordinances stricter than those required by the State to help protect these critical natural resources.
- Allowing open space (cluster) as an alternative form of subdivision lay-out to help protect open space and reduce service delivery costs.

Current regulations clearly are not perfect, but development that has occurred in York over the last 15-20 years has been subject to thoughtful public review and has had to satisfy standards that people never even dreamed of as recently as the 1960’s and 1970’s.

The course recommended in this Comprehensive Plan is to build on existing regulations and provide more definitive standards to best direct future development and help protect York’s many remaining rural areas and natural resources. The approaches recommended are often quite aggressive, and it is assumed these will not always be greeted with open arms by all residents or sectors of the community. Implementing many of these tools will also require greater public expenditures, particularly for the Code and Planning Department. The Town should not increase the complexity of current regulations unless it has adequate staff and financial resources to enable the timely and fair application of the standards.

TOWN OF YORK GOAL 1.1: Direct growth and development to those areas of York that will allow the economical provision of public services.

1.1.1. By statute, this Plan must establish a growth area, distinct from the remaining rural areas. The growth area is depicted on a map entitled, “Growth Area, York Comprehensive Plan, Policy Chapter, July 11, 2006.” This map is hereby incorporated into this Plan by reference. The Town should establish policies and incentives to direct the majority of development and re-development within the designated growth area.

It is not intended that the growth area be directly adopted into the Zoning Ordinance or other Town ordinance. Instead, this Plan recommends four categories of zoning districts be established: village center zones (primarily within the growth area); residential zones (all within the growth area); Route One zones (some within the growth area); and Rural zones (all outside the growth area). While the remaining text of this Plan includes recommendations for each of these zones, it is expressly intended that the details associated with each zone must be decided at the time the amendment language is drafted. It is anticipated that the number of zones could change, that their names may be altered, and so forth.

The net effect of this approach is to retain the diversity of York’s existing development
patterns, and encourage the desirable elements of such development in managing new
growth. It recognizes York’s traditional village centers, the more densely settled residential
areas located east of Route One, the more open patterns of living west of Route One
and the more heavily developed commercial areas along Route One. These zoning
districts should help create a sharp contrast between the type of development located
in the residential zone, and the rural character of development mostly located west of
the Route One Zone. This approach should discourage homogenous suburban sprawl.

**ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

*1.1.2 The availability of public water supply and sewage disposal are key determinants of the
canial and intensity of growth in York. They are also important public services to
existing development. This Plan hereby establishes policy regarding each of these public
utilities.*

**A. Public Water Supply System.** This section sets forth the Town’s policies regarding
the areas served by public water supplies. The policies written in this section
should be reflected in the Zoning Ordinance. The policies are as follows:

1. **Growth Area.** The Growth Area is the priority area for provision of year-
round public water. In the long term, public water should be provided
throughout this area.

2. **Residential Density.** Inside the Growth Area, the maximum permitted
residential density should be increased where public water service is
provided. Outside the Growth Area, the maximum permitted residential
density should not be related in any manner to the provision of public
water service.

3. **Well Ordinance.** Consider expanding the jurisdictional area of the
Town’s Well Ordinance to cover the Growth Area as a means of
providing an incentive to extend the water lines throughout. Policies in
the Well Ordinance will need to be evaluated to ensure they are
appropriate if the area of jurisdiction is expanded.

**B. Public Sewer System.** This section sets forth the Town’s policies regarding the
areas served by public sewer. A map entitled, "Public Sewer Policy Map, York
Comprehensive Plan, Policy Chapter, April 27, 2015" is hereby adopted by
reference. The policies reflected in this section and on this map should be reflected
in the Zoning Ordinance. The policies are as follows:

1. **There are 3 distinct classifications of areas with regard to public sewer
service policy, as follows.**

   **A. Priority Service Area.** Within the Priority Service Area, provision
   of public sewer throughout is a high priority. Within this area, the
   priority for expansion of sewer service is first to areas of marine
   clays (see the Surficial Geology map of the Natural Resources
   Chapter of the Comprehensive Plan Inventory & Analysis) and to
   areas in which there are concentrations of septic systems that
   are failing, and secondarily to other areas. Public sewer service in
   this area shall be from the York Sewer District.
B. **Shore Road Service Area.** This area, in the vicinity of Shore Road, Pine Hill Road South, and Pine Hill Road North, is a priority for extension of public sewer service to serve existing development with failing on-site septic disposal, or with licensed overboard discharge systems. Under no circumstances should main extensions be permitted to facilitate new development. Public sewer service in this area could be from either the York Sewer District or Ogunquit Sewer District.

C. **Prohibited Area.** It is inconsistent with this Plan to extend public sewer in the Prohibited Area. New service or main extensions shall be prohibited, except that the Board of Selectmen may permit sewer main extensions in this Area, provided such extensions are provided only to address properties with existing failed septic systems and not to accommodate new development. If such an exception to the rule is made by the Selectmen, public sewer service in this area could come from the York, Ogunquit or Kittery systems, and inter-municipal cooperation for such cases is encouraged.

D. **Southern Route 1 Service Area.** This area, encompassing the Route 1-1 and Route 1-2 zones between the southern boundary of the York River and the Town of Kittery border, allows sewer extension to serve existing development, or any proposed development defined as Workforce Housing or Affordable Housing by the Town of York Zoning Ordinances. Under no circumstances shall main extensions be permitted to facilitate any other new development not specified as allowed in the Southern Route 1 Service Area. Public sewer service in this area shall be from the Kittery Sewer Department.

2. **Residential Density.** Inside the Priority Service Area, the maximum permitted residential density should be increased where public sewer service is provided. Outside the Priority Service Area, the maximum permitted residential density should not be related in any manner to the provision of public sewer service.

**ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE**

1.1.3. The Town should consider imposing a limit on the amount of residential growth permitted in each zoning district. The limit could be imposed on groups of zoning districts, for instance by limiting the number of permits issued in the rural zones. It could also be applied zone by zone since the Rural-4 zone is quite different than the other rural zones. This sort of policy would directly affect the distribution of growth in York. Extensive public involvement will be required to determine whether or not there is public support for this concept, and to design an appropriate mechanism if support exists.

**MID-TERM PRIORITY - PLANNING BOARD TAKE LEAD ROLE**

**TOWN OF YORK GOAL 1.2:** Manage the character of future residential and nonresidential development to ensure it reflects existing and desired development patterns.
STATE GOAL 4: To encourage and promote affordable, decent housing opportunities for all Maine citizens.

Many of the growth-related issues are a result of the protracted amount of housing growth in York since the 1950s. The amount and patterns of residential growth are of paramount concern, but are addressed by policies elsewhere in the Comprehensive Plan. In general, the goals of the Town are to ensure that housing is decent and safe for its occupants, that the mix of unit types is suitable for residents' needs, and that the Town fulfills its responsibilities to help provide affordable housing.

Town Goal 4.1 - General Housing Policies

Housing in York is generally well built and well maintained. There are no concentrated areas of poverty and blight, and issues of unsafe housing are few and scattered. Except for affordability, housing issues are not severe in York.

4.1.1 Age-Restricted Housing. The Town has enacted three types of zoning provisions to allow for age-restricted housing: elderly housing, elderly congregate housing, and the York Village Elderly Affordable Housing Overlay District. The Overlay District is addressed separately under the heading of affordable housing policies. Both elderly and elderly congregate housing provisions are based on age, and income is not a relevant factor as far as the code requirements are concerned. Other housing relating primarily to age of residents, such as co-housing, hospice housing, and nursing homes, should be investigated and considered.

Elderly Housing. Occupancy of elderly housing is limited to people who are 62 years of age or older, or the spouse of someone of this age. There is also a provision that federally funded elderly housing must also permit people with handicaps to be eligible for the units. York permits elderly housing in locations with both public water and public sewer, which is a relatively small area of Town. The regulations provide for high density with some basic controls on site and building design to control neighborhood impacts. To date, Yorkshire Commons of the York Housing Authority is the only elderly housing property in York. A new provision should be added to the Zoning Ordinance to allow for small-scale elderly housing to be created without being located on public water and public sewer.

Elderly Congregate Housing. Occupancy of elderly congregate housing is limited to people who are 55 years of age or older, or the spouse of someone this age. This form of housing is permitted only east of Route One between the York and Cape Neddick rivers, with some densely developed areas excluded. In theory, this form of housing is based on the concept of the "continuum of care," which spans the range from independent living to assisted living to full-care living. A resident enters this housing at any level, and can then progress through to other more care-intensive levels as their needs change over time. As regulated in York, this is a form of elderly housing with a lower age limit and a minimal requirement for some type of shared community facilities. There are 3 elderly congregate care facilities in York at this time. The Sentry Hill facility has units which range from independent living cottages all the way to an Alzheimers care unit. Spring Pond Estates, and second facility, is comprised of a series of independent living units plus a rented community room with a minimal kitchen and a small room for a visiting nurse to hold hours for residents. Bayberry Ridge at Spring Pond is the third facility, and will also have a limited range of option for residents. The developer attempted to create a nursing home as part of the Spring Pond and Bayberry Ridge projects, but density conflicts with the Shoreland Overlay District prevented local permitting. At some point, the regulations associated with elderly congregate housing should be revised to require a stronger tie to the continuum of care concept.
Both the elderly and elderly congregate zoning provisions should be evaluated for possible improvements as outlined above.

York Village Elderly Affordable Housing Overlay District. See Section 4.2.2.

LOW PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.1.2 Seasonal Housing. As a summer destination, York has a large amount of seasonal housing, primarily concentrated near the beaches. It is important for the Town to retain a significant portion of this housing stock for seasonal use because it provides significant tax revenues without placing major demands on public services, especially schools. It is also important to ensure that code-deficient buildings are updated and made safe as they are expanded, improved, or converted to year-round use. Although some people still build new residences for seasonal use, the building codes do not permit any new buildings to be built to a lesser standard, so over time the building stock will become more homogenous. Much of the reason for on-going distinctions is based on the lack of year-round water supply. For those units on seasonal water, public water service needs to be discontinued at least 90 consecutive days, and this standard should be carried forward into the Zoning Ordinance. The definition of seasonal housing in the Zoning Ordinance is also inadequate and should be amended to be consistent with Town policy.

ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.1.3 Apartments. Apartments are an important component of the Town’s housing stock. Most young households are not in a position financially to afford to purchase a home, so apartments are the most likely housing option. York’s housing stock has a lower percentage of duplex and multi-family units than the surrounding areas, the county or the state. Not surprisingly, the number of residents in their late teens through mid-30s is far lower than expected for a population of York’s size. Virtually no apartments have been constructed in York since 2000, and the impact on the age distribution will probably worsen if this pattern continues. Apartments are permitted in one residential zone (RES-7), in 2 commercial/village zones (BUS-1 & YBVC), one general zone (GEN-3), and 5 Route One zones (all except Route One-1). In addition, historic buildings in the former York Harbor and York Beach village corporation areas can be converted into apartments as an incentive to conserve significant older buildings. The Residential Growth Ordinance has the effect of prohibiting apartments by virtue of limiting the number of units one applicant can have on the waiting lists at any one time. The Town should pursue policy amendments which encourage the development of some additional apartment units. Among other approaches, apartments should be permitted on upper floors above commercial spaces throughout Town, with minimal density limits where public sewer is available. The Residential Growth Ordinance should be amended to realistically allow applications for new apartment construction. The Town should also evaluate its ability to control condominium conversion of apartments because many rental units have been lost by conversion to ownership units. Other code amendments should be considered.

HIGH PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.1.4 Accessory Residential Units. To help families care for their extended family, the Planning Board proposed to allow homeowners to create a temporary in-law type of apartment attached to their home. Voters enacted this policy in November 2004. The units are permitted by Special Exception, and are subject to a number of limitations. Most significant is the requirement that the separate unit be eliminated when no longer used by the family member in need. Since its establishment, only 1 or 2 accessory residential units have been created. Accessory residential units are different than accessory dwelling units, and the Town should continue to permit both types of units.
4.1.5 Building Codes. The Town should continue to administer and enforce building and other related codes to ensure construction of safe dwellings and other structures. The national trend is leading towards adoption of uniform codes, and Maine is taking an increasingly assertive role in mandating certain codes. It is anticipated that a new statewide building code based on the International Building Code will be imposed on all communities on July 1, 2010. In the transition to the new statewide code, it is necessary to maintain the Town’s fee system, currently enacted within the Town of York Building Code, because these fees fund a significant portion of the code enforcement and GIS functions, unless the Town transitions to funding these functions with general revenues. During the transition, it will also be important to look for conflicts between the new statewide building code and other Town-adopted codes, such as the Life Safety 101 code, and to repeal or modify the local codes to eliminate any conflicting provisions and ensure overall consistency. Finally, the Town needs to watch for situations where modifications of the statewide code requirements are warranted, and should adopt or lobby for such modifications as necessary.

4.1.6 Code Enforcement Staffing. The Community Development Department currently has 3 staff with full state certification as code enforcement officers. The Department’s Administrative Assistant is certified as a Local Plumbing Inspector to help facilitate issuance of State plumbing permits. The Department Head is certified as a code enforcement officer in the areas of land use and shoreland zoning. The code enforcement workload on the Department has proven difficult to manage with just 3 code enforcement officers, so the additional staff with overlapping responsibilities has proven helpful. The Town needs to ensure that it has adequate staff to perform required code enforcement functions, and that the staff is adequately trained for the demands of the work. Two of the full-time code enforcement officer positions are funded entirely with permit fees. Use of fees to pay a portion of code enforcement expenses has proven effective and should be continued, but poses a risk for loss of services as the economy lags and building activity and permit revenues wane. Alternatively, the Town could fully fund the Department with general revenues and remove the Community Development Department from its reliance on permit fee revenues. Maintenance of Department staffing levels during such a transition will be critical.

Ongoing Priority - Community Development Department Takes the Lead Role

Town Goal 4.2 – Affordable Housing Policies

Despite the recent weakening of the real estate market, housing remains unaffordable in York, and in the seacoast region in general. Based on responses to recent surveys of voters and businesses in York, there appears to be solid support for the Town to begin to address its affordable housing deficit. The State requires that each community in Maine seek to address the problem of housing affordability. Specifically, Title 30-A MRSA §4326(3-A)(G) requires that municipalities must enact "land use policies and ordinances [that] encourage the siting and construction of affordable housing within the community." This statute goes on to add detail, "The municipality… shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality… that meets the definition of affordable housing." Simply put, York and all other municipalities throughout Maine need to do their share to resolve this statewide problem.

To determine the actual number of affordable housing units required, historical information is required. This number must be calculated annually, and will fluctuate based on the five-year
average specified in the statute. For 2009, 10 affordable housing units is the target to be achieved. This is calculated as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Net Increase in # of Year-Round Housing Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>69</td>
</tr>
<tr>
<td>2007</td>
<td>101</td>
</tr>
<tr>
<td>2006</td>
<td>71</td>
</tr>
<tr>
<td>2005</td>
<td>104</td>
</tr>
<tr>
<td>2004</td>
<td>136</td>
</tr>
<tr>
<td>Total New Units</td>
<td>481</td>
</tr>
<tr>
<td>Average New Units Annually</td>
<td>96.2</td>
</tr>
<tr>
<td>10% of Average</td>
<td>10</td>
</tr>
</tbody>
</table>

In making this calculation, the language of the statute must be interpreted. The statute refers specifically to "new residential development." This is interpreted to mean the net increase in the number of year-round residential units. Annually it is the sum of newly constructed residential units, conversions of units from seasonal to year-round, accessory residential units, and accessory dwelling units. It does not include tear-downs/replacements, nor does it include homes moved from one lot to another.

So what does affordable mean? Affordable housing is defined by statute as, "a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area," per Title 30-A MRSA § 4301(1). The area is defined by the U.S. Department of Housing and Urban Development and includes the 5 communities of York, Kittery, Eliot, South Berwick and Berwick. In addition to the income limit for the household occupying the unit, total housing costs cannot exceed 30% of the combined gross income of all members of the household if the housing is to be considered affordable. For renters, total housing costs include both rent and utilities. For home owners, total housing costs include mortgage costs, taxes, insurance and condominium fees.

In late 2008 and early 2009, the Community Development Department conducted a series of 3 surveys relating to affordable housing. First was the survey of voters, which received a very high rate of response and was found to be statistically defensible. This survey demonstrated a solid base of support for the Town to take action. Taken as a whole, the survey results point to a willingness to consider policies which would increase the supply of affordable housing, whether by new construction of apartments or conversion of existing buildings into apartments. The survey results were also very clear that affordable housing must not come at the expense of destruction of character of the surrounding neighborhood. Scale and design will be important components of any solution. The survey results also were clear in showing strong opposition to funding affordable housing – by waiving impact fees or offering any sort of monetary subsidies.

In addition to the voter survey, the Department surveyed businesses and people who commute into York. Neither of these surveys received a strong response, and neither is considered statistically valid. Two of the resident survey questions, dealing with the issues of housing being a priority, were repeated in the business survey, and the responses received were very similar. One new issue was identified by these surveys – the business community strongly indicated there is not enough housing for seasonal workers. Details of both surveys are included in the Inventory & Analysis Section's Housing Chapter.

4.2.1 General Affordability Policy. The Town shall continue to attempt to comply with State mandates about the creation of new affordable housing units. Code revisions for measures such as higher housing density and energy efficiency should be pursued to help achieve this goal by creating incentives for the private and non-profit sectors to create new affordable units in the amounts necessary to meet statutory goals.
ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.2.2 York Village Affordable Elderly Housing Overlay District. In May 2003 the Town created the York Village Affordable Elderly Housing Overlay District to accommodate the development of 104 units of affordable elderly housing by the York Housing Authority. This overlay district encompasses less than 20 acres of land. The District was created primarily to overcome density limitations of the Shoreland Overlay District in the area to be developed. The State permitted this override because the shoreland resource in question was a wooded wetland which the State did not require to be included in the Shoreland Overlay District. The affordability standard is not contained in the Zoning language, but needs to be inserted. The Town should retain this Overlay District, and should be open to opportunities to amend this District to increase the number of affordable housing units.

ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.2.3 Accessory Dwelling Units. In response to concerns about both housing affordability in general, as well as the ability of owners of larger homes to be able to afford to pay rising property tax bills, two members of the Board of Selectmen introduced the General Accessory Dwelling Unit Ordinance. It was enacted by the voters in November 2004. This Ordinance permits a small apartment to be added to an owner-occupied single-family home without considering this to be an increase in residential density. The ordinance establishes a number of controls to manage impacts and prevent abuse. A total of 24 1-bedroom units and 8 2-bedroom accessory dwelling units have been permitted as of December 31, 2008. All 1-bedroom units and up to 10 2-bedroom units annually are exempt from the requirement to obtain a Residential Growth Permit. Because there is no restriction on the income of people occupying either unit, these units are not necessarily helping the Town to comply with State affordable housing mandates, but this policy is certainly helping to increase the diversity of unit types available, presumably at relatively low rent costs. Continuing adjustments to maintain and improve the functionality of this Ordinance may be required.

ONGOING PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.2.4 Workforce Affordable Housing Overlay District. After a decade of discussion in York on the issue of affordable housing for working families, two members of the Board of Selectmen introduced the Workforce Affordable Housing Overlay District. It was enacted by the voters in November 2008. This District is closely modeled on the existing zoning provisions for elderly housing and elderly congregate housing provisions, but targeted at working households rather than the elderly. Rental or ownership units are both accommodated, and the key provision provides for higher density to increase affordability. There are basic design controls, and a requirement that new construction must meet energy efficiency standards to help control energy costs for occupants. Based on results of the resident survey on affordable housing, it is clearly important to ensure good design to integrate affordable housing into a neighborhood. The design standards of this Overlay District should be amended to better address this public concern.

HIGH PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE

4.2.5 Affordable Rental Units. Perhaps the most important conclusion to come from the affordable housing surveys is that conversion of existing buildings to affordable apartments is the affordable housing strategy most likely to win voter support. A direct question about this received 5:1 support, and it is consistent with the finding that residents are extremely concerned about protecting the character of their neighborhoods. As a result, a policy needs to be enacted which will facilitate the
conversion of existing buildings into affordable rental units. This will most likely be conversion of existing single-family homes into 2 or more affordable apartments, although non-residential buildings could also be converted. There was 2:1 support for disbursement of the units throughout Town, so wide geographic distribution should be allowed if possible. Ability to treat septic wastes will be the primary constraint for areas not served by public sewer. If scale of construction and building massing can be adequately addressed, it may make sense to permit new construction of affordable duplex or multi-family units as well. In all cases, affordable units must be controlled or managed to ensure they are rented year-round, at an affordable rate, to households whose incomes qualify under the State mandate limits. Because these will be rental units targeted at that portion of the population least able to purchase housing, condominium conversions must be prevented.

**IMMEDIATE PRIORITY - PLANNING BOARD TAKES THE LEAD ROLE**

4.2.6 Economies of Scale. Staff at the York Housing Authority have expressed a concern that economies of scale is a likely show-stopping issue for small-scale creation of affordable rental units in particular, and for affordable housing in general. Without some subsidizing mechanism, they do not believe it will prove economically feasible for any affordable units to be created in small numbers. If this is the case, small-scale conversion of existing buildings to affordable units will probably require that a portion of the units be market-rate units in order to subsidize the affordable units. As larger projects are contemplated, the economic realities may run directly counter to the public sentiment about controlling scale of projects and disbursing the affordable housing throughout Town. To deal with the project scale issues, an in-depth process of facilitated public engagement should be undertaken to help build a common understanding of the issues and determine if there is public support for larger-scale projects. A charrette with design professionals such as architects and landscape architects, with demonstrated successful experience in similar larger-scale projects, should be included as part of this process.

**MID-TERM PRIORITY - YORK HOUSING AUTHORITY TAKES THE LEAD ROLE**

4.2.7 Housing for Seasonal Workers. Tourism-related business in York peaks during the summer months, and businesses hire many seasonal workers. Some of the seasonal workers are students on vacation from high school or college, either from York or commuting to York from surrounding communities. There is also an influx of foreign workers. Housing for these workers is a big question. A few employers provide safe housing for these people, such as the dormitory at the Cliff House, but it is not clear where many of the other foreign workers live. There exists ample anecdotal information to suggest that people are living in cellars, sheds, and a variety of other unsafe and illegal accommodations. In the affordable housing surveys referenced above, the single strongest response to any question in any of the surveys was that York does not have enough safe, affordable housing options available for seasonal employees of York’s organizations and businesses. This finding comes from the survey of businesses, the results of which are not statistically valid because of the low response. However, the strength of response indicates this may be a significant problem and is worthy of investigation. It is important for the Town to investigate this issue in order to develop factual information on which to base its seasonal worker housing policies, and to enact policies that ensure seasonal workers are not relegated to living in unsafe, overcrowded, unpermitted housing. The Town should support employers who provide safe and decent housing for seasonal workers. Allowance for dormitory-style housing should be considered. An effort should also be made to identify any unsafe, illegal dwellings and to take enforcement action to bring these into full compliance with all relevant codes. Practical, workable solutions are needed.

**MID-TERM PRIORITY - COMMUNITY DEVELOPMENT DEPARTMENT TAKES THE LEAD ROLE**
4.2.8 Donation of Properties. The Town of York has donated two properties to Habitat for Humanity. The first was donated in the late 1990s, and the second was donated in 2008. Habitat for Humanity constructed an affordable single-family home on the first property, and will soon be constructing an affordable single-family home on the second property. As a policy, the Town should continue the practices of donating suitable vacant properties, particularly those acquired by tax foreclosure, to organizations such as Habitat for Humanity to accommodate the construction of new affordable housing.

ONGOING PRIORITY - BOARD OF SELECTMEN TAKES THE LEAD ROLE

4.2.9 Manufactured Housing and Mobile Home Parks. In 2002, the Planning & Ordinance Committee determined that the policies in the Zoning Ordinance relating to manufactured housing and mobile home parks (Zoning Article 13) did not conform to State law. The Town's requirements are more restrictive than the State requirements, and the State requirements of MRSA Title 30-A §4358 expressly prohibit this. These provisions of the Zoning Ordinance should be reviewed, and amended as needed to ensure compliance with State law.

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

4.2.10 General Assistance. The Town should recognize that some individuals periodically experience problems in affording the cost of housing in York. The Town should be prepared to offer general assistance to those who truly experience need in meeting housing costs. This is a safety-net for those who have the lowest incomes.

ONGOING PRIORITY - BOARD OF SELECTMEN TAKES LEAD ROLE
GREEN ENTERPRISE RECREATION OVERLAY DISTRICT
LAND USE AREA #22 on the FUTURE LAND USE MAP

DESCRIPTION OF PAST AND EXISTING LAND USE

The Green Enterprise Recreation Overlay District is an area in excess of 300 acres. It spans Route 1 to the West, Main Street to the north and east, Horn and Rogers Roads to the South, and Railroad Avenue in York Beach to the east. Currently held by multiple property owners, much of the land is undeveloped, with the largest exception being the inclusion of the entirety of York's Wild Kingdom Zoo and Amusement Park. The land includes a large wetland complex, much of which is included in the Shoreland Zone. This wetland, several streams, and smaller wetlands all coalesce into a single outlet which transits through natural and artificial water channels to exit from a penstock on the popular tourist beach of Short Sands in York Beach Village. Thus, the quality and volume of the water discharge from this brook is both crucial to the tourist economy of York Beach and completely dependent on the hydrological conditions in the project area. The Town of York has recently purchased over 50 acres for municipal use, including plans for a public access road from Route 1 to York Beach, and a new police station. Currently, the property, located in the Town's Growth Area, is one of the largest undeveloped land areas in York east of US Route 1.

DESCRIPTION OF EXISTING ZONING

This area consists of the following six base zones: Route1-4, Route 1-5, RES-6, RES-7, GEN-3, YBVC. The zones that constitute the largest portion of land are Route 1-4 and GEN-3, together comprising approximately 2/3 of the land area. The Route One district is designated for small commercial activities and limited outdoor recreation, GEN-3 and YBVC offer extremely large ranges of use possibilities, with the Residential zones being comparatively restrictive. Similarly, the dimensional standards for each zone vary considerably, from 25% to 100% lot coverage, for instance, and associated differences in setbacks and density standards.

In addition to the above base zones, this area is also partially in the Mixed-Use Shoreland Overlay District, the Wetlands Protection Overlay District, and in a floodplain.

ISSUES TO ADDRESS IN LOOKING TO THE FUTURE

This Land Use Area has been identified as a result of a thorough planning process over a two year period, after the Planning Board was given a charge in 2009, through the Board of Selectmen, to develop a vision for the land between Route 1 and the York Beach Fire Station for the maintenance and development of an attractive, economically viable, safe, pedestrian and family-oriented environment, with a vibrant mix of business uses. Towards that goal, the Planning Board identified issues through researching the history of the area, gathering vast data on existing environmental conditions, inviting in various Town Staff to share their perspectives at workshops, as well as meeting with environmental and economic development professionals for input. All of these meetings were open to the public for viewing and participation. Direct public input was solicited on various occasions through multiple public input meetings, a paper and online questionnaire, and in-person interviews conducted by the Planning Board in York Beach over the summer of 2010. In addition, the Planning Board performed a series of site visits. Below is a list of issues identified over the course of the planning process.

As the title Green Enterprise Recreation Overlay District suggests, any development of this land is to be done with the utmost consideration for the amount, type and intensity of development it can support while still meeting the goals of sustainability.

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1. **Infrastructure.** This area will require costly water and sewer infrastructure, which will need to be strongly considered when considering any significant development of the property.

2. **Transportation and Parking.** The transportation and parking needs of York Beach should be strongly considered in the course of any improvements; this includes the likelihood of a new road between Route 1 and York Beach, shuttle service from parking areas, or other means of reducing the need of cars to enter downtown York Beach.

3. **Water Quality.** The existing condition of the land, with its large, healthy wetland complex, determines the quality of water entering Short Sands Beach, as well as to the ability of the area to infiltrate water. The goal of sustainability includes not impairing and protecting water quality, and not contributing to the flood risk of an already floodprone area — critical concerns that need to figure prominently in any discussion of development or change here.

4. **Character of Development.** A goal for this area is ensuring that any commercial development that occurs be varied and vibrant mixed use and of a scale complementary with that of York Beach. Both single family housing and large, monolithic retail box stores were identified as development definitively not desired.

5. **High Value Plant and Animal Habitat.** This property has high plant and animal habitat value, as well as stormwater and flood retention value. This is evident from the research and data collected by the Planning Board on the existing conditions of this land, and reinforced by Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Maps which identify this land as important by several standards:
   a. regionally important for its place in a network of rare plant and wildlife communities, and its high wetland functions such as control of runoff and flood flow;
   b. important for its natural stormwater control, water filtration, and erosion and sedimentation retention;
   c. important to fish habitat by virtue of the proximity of this undeveloped land to the Atlantic Ocean; its role as an undeveloped habitat block that provides support for plant and animal life has been noted;
   d. and important as the location of rare plants and rare, threatened or endangered wildlife.

Due to the high habitat values of this property, and its proximity to the ocean and other forms of outdoor activities, much of this land is most appropriate for conservation or low impact recreation and entertainment.

6. **Consistency with Historic, Pedestrian Oriented Character of York Beach.** Any development in the area should be consistent with the historic character of the area, particularly that of the distinct, walkable center of York Beach, born of its history as a seaside destination.

7. **Family Friendly Destination.** It has been repeatedly, and from many quarters, mentioned that it is important that this area remain a family-friendly destination, with food, entertainment, and amenities that continue to cater to family visits and vacations.

8. **Public/Private Partnerships and Funding.** The current ownership of this property — both municipal and private - the infrastructure needs, as well as the suitability of much of this land for preservation and recreation, lends itself to public/private partnerships and potential support in the form of grants.

9. **Growth to Support Existing Businesses.** Whatever growth may occur in this area, efforts should be made to ensure that it supports existing businesses, rather than detract from them. To this end, efforts need to be made to have growth be contiguous with existing downtown York Beach, to not mimic the sprawling patterns emerging on
US Route 1 that so sharply contrast with that of the downtown, and foster connections with York Beach in terms of the physical and architectural character of the area as well as the range of family-friendly businesses and attractions. Thus, ideally development would occur from the York Beach end of the property, outward towards US Route 1, rather than the reverse.

10. **Housing.** If housing is developed in this area, it should be housing that is integral to mixed-use development, as in apartments above ground floor commercial development, and/or of the kind that adds housing stock long identified as needed in York, such as that for seasonal workers or workforce affordable housing. It’s imperative that any housing created be consistent with the village scale and character intended for development in this area.

11. **Tourism.** Tourism is integral to York, York Beach, and the existing businesses on Route 1, and any new proposals that deal comprehensively with this area, whether development applications or Zoning amendments, should support tourism as a crucial and sustainable industry of York.

12. **Pedestrian and Non-vehicular Needs.** Comprehensive Planning for this area provides an opportunity to give pedestrian and non-vehicular needs plenty of forethought. This includes prioritizing the ample opportunities for trail development, building pedestrian and bicycle access into any new roadway(s) built in this area, making sure there is connectivity between roads and trails in the area, and pursuing shuttle or trolley service plans that will contribute to a pedestrian-friendly environment and provide alternatives to car-only access to York Beach. This property could and should serve as an excellent connector between the trails and recreational opportunities of Mt. Agamenticus and the Atlantic Ocean, and provide the potential for increased parking for York Beach center.

**PLAN RECOMMENDATIONS**

Specific Recommendations include the following:

1. A Green Enterprise Recreation overlay district should be created that employs tools that acknowledges the unique attributes of this land. To that end, the overlay should consist of four subdistricts, outlined below. Each of the recommendations below is made with the assumption that they will take place within the context of a new Green Enterprise Recreation District.

   a. **Route 1 Mixed Use Area.** This area should extend approximately 400 feet back from Route 1. This subdistrict would serve as one of the entrances to this property, and eventually to York Beach. Though it should be zoned for a different scale and range of uses than York Beach, all effort should be placed to ensure that this area does not develop in a single-use strip development pattern, and that it be required to develop a traditional pattern that is an organic extension of the York Beach village area, and its recently adopted Design Standards, rather than an abrupt break from it. This area has great possibility as a transportation hub, allowing for a dense, viable mix of uses consistent with a downtown development pattern.

   b. **York Beach Mixed Use Area.** East of the Route 1 Mixed Use Area, and south of the Shoreland Zone that is dominates the center of this overlay. This area should be most consistent with the existing York Beach area, in appearance, scale, and range of businesses.

   c. **Recreation Area.** The land east of Route 1 and north of the areas Shoreland zone is best suited for a dedicated recreation area, providing low impact outdoor recreation areas, outdoor education opportunities, some outdoor entertainment, and with some small footprint, accessory commercial structures allowed.
begin an economic development effort to encourage the particular types of businesses seen to be most appropriate or needed here. A community economic development corporation is one option worth exploring as a means to consistently court businesses that might be a good fit with this property.

**MID-TERM PRIORITY – SELECTMEN TAKE LEAD ROLE**

10. Expanded development in this area cannot be allowed to negatively impact the health of the beaches. To that end, all development should have Low Impact Development standards in place that ensure that the quantity of additional stormwater runoff is kept to a minimum and that stormwater quality is not impaired.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

11. New construction in this area should utilize renewable energy sources and green building technologies.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

12. The creation of the Green Enterprise Recreation District provides an opportunity to define and promote green recreation, eco-tourism, and a vision of sustainable tourism based around the natural beauty of York. Promoting green recreation should be prominent in all Zoning changes and land management plans for this area.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

13. New development proposals, public and private, should be reviewed keeping in mind the feedback received from the public of the need for more amenities to families vacationing in York Beach, providing seating, shade, bathrooms, and other facilities to make trips to York Beach more convenient and welcoming for visitors.

**ON-GOING PRIORITY – PLANNING BOARD & SELECTMEN TAKE LEAD ROLE**

14. The specifics of the Green Enterprise Recreation Overlay District should make clear that new residential development not be stand-alone single family housing, but rather take the form of apartments over businesses, as well as housing that addresses the need for either workforce affordable or seasonal worker housing. The District should be implemented in such a way as to grant the Town oversight as to the site layout, pattern, scale, and design of new residential development so as to be consistent with the existing built environment and optimize the protection of natural resources.

**IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

15. A combination of existing site conditions and the many unique goals for this area demand that innovative zoning tools be implemented to produce a combination of conservation, recreation, and sustainable development not possible using conventional zoning. Below are applicable tools recommended for inclusion in the creation of the Green Enterprise Recreation District:

   a) Transfer of Development Rights. TDR encourages transfer of growth from sensitive areas or areas desired for recreational space, to places that have been agreed to as desirable for more intense development or with the capacity to carry more
Workforce Affordable Housing Income Limits Provided by York Housing

**Workforce Housing**

**Income Limit:**
120% of AMI, *adjusted by family size*
2018 MFI, Town of York: $91,400

<table>
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<th>2 Person</th>
<th>3 Person</th>
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For example:

A 4-person household with $91,400 income at 100% of median, can afford a home priced at approximately $292,206.

*When calculating we used after-tax income and assumed $500 in monthly bills with a $20,000 down payment.*
# Title 22: HEALTH AND WELFARE

Chapter 558-C: MAINE MEDICAL USE OF MARIJUANA ACT

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§2421. SHORT TITLE

This chapter may be known and cited as "the Maine Medical Use of Marijuana Act." [2009, c. 631, §7 (AMD); 2009, c. 631, §51 (APF).]

SECTION HISTORY

§2422. DEFINITIONS

(CONFLICT)

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 1, §5 (NEW).]

1. Cardholder. "Cardholder" means a person who has been issued and possesses a valid registry identification card.

[2017, c. 452, §3 (AMD).]

1-A. Collective. "Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of marijuana for medical use for the benefit of the members of the collective.

[2017, c. 452, §3 (AMD).]

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[2013, c. 516, §1 (NEW).]

1-C. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[2017, c. 409, Pt. E, §2 (NEW).]

1-D. Assistant. "Assistant" means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or marijuana testing facility in accordance with this chapter, whether as an employee or independent contractor.

[2017, c. 452, §3 (NEW).]

1-E. Child-resistant. "Child-resistant" means, with respect to packaging or a container:
A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [2017, c. 452, §3 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [2017, c. 452, §3 (NEW).]

[ 2017, c. 452, §3 (NEW).]

2. Debilitating medical condition.

[ 2009, c. 631, §9 (AMD); 2009, c. 631, §51 (AFF); 2011, c. 407, Pt. B, §2 (AMD); 2017, c. 452, §3 (RP).]

2-A. Department. "Department" means the Department of Administrative and Financial Services.

[ 2017, c. 409, Pt. E, §2 (NEW).]

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

[ 2017, c. 452, §3 (AMD).]

3-A. Extended inventory supply interruption.

[ 2017, c. 452, §3 (RP).]

3-B. Edible marijuana product. "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana.

[ 2017, c. 452, §3 (RP).]

3-C. Harvested marijuana. "Harvested marijuana" means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

[ 2017, c. 452, §3 (NEW).]

4. 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. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or [2009, c. 1, §5 (NEW).]

B. An offense that consisted of conduct that would have been permitted under this chapter. [2009, c. 1, §5 (NEW).]

[ 2009, c. 631, §10 (AMD); 2009, c. 631, §51 (AFF).]

4-A. Incidental amount of marijuana.

[ 2017, c. 452, §3 (RP).]

[ 2017, c. 452, §3 (AMD) . ]

4-C. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[ 2017, c. 452, §3 (AMD) . ]

4-D. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[ 2017, c. 447, §1 (NEW) . ]

4-D. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Immature marijuana plant. "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

[ 2017, c. 452, §3 (NEW) . ]

4-E. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

[ 2017, c. 447, §1 (NEW) . ]

4-E. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[ 2017, c. 452, §3 (NEW) . ]

4-F. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under section 2423-F.

[ 2017, c. 447, §1 (NEW) . ]

4-F. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

[ 2017, c. 452, §3 (NEW) . ]
4-G. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) **Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

[ 2017, c. 447, §1 (NEW) .]

4-G. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) **Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

[ 2017, c. 452, §3 (NEW) .]

4-H. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) **Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

[ 2017, c. 447, §1 (NEW) .]

4-H. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) **Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

[ 2017, c. 452, §3 (NEW) .]

4-I. (CONFLICT: Text as enacted by PL 2017, c. 447, §1) **Marijuana product.** "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 ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

[ 2017, c. 447, §1 (NEW) .]

4-I. (CONFLICT: Text as enacted by PL 2017, c. 452, §3) **Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

[ 2017, c. 452, §3 (NEW) .]

4-J. **Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

[ 2017, c. 452, §3 (NEW) .]

4-K. **Marijuana plant.** "Marijuana plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants.

[ 2017, c. 452, §3 (NEW) .]
4-L. Marijuana product. "Marijuana product" means a product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

[2017, c. 452, §3 (NEW).]

4-M. Nonflowering marijuana plant. "Nonflowering marijuana plant" means a marijuana plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant.

[2017, c. 452, §3 (NEW).]

5. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

[2017, c. 452, §3 (AMD).]

5-A. Member of the family. "Member of the family" means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.

[2017, c. 452, §3 (AMD).]

5-B. Members of the same household. "Members of the same household" means 2 or more people who are residents of the State and who reside in a shared dwelling unit.

[2017, c. 452, §3 (AMD).]

5-C. Marijuana testing facility. "Marijuana testing facility" means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [2017, c. 447, §2 (AMD); 2017, c. 452, §3 (AMD).]

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department. [2015, c. 475, §3 (NEW).]

[2017, c. 447, §2 (AMD); 2017, c. 452, §3 (AMD).]

6. Registered dispensary. "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

[2017, c. 452, §3 (AMD).]

6-A. Onsite assessment.

6-B. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization.

[ 2017, c. 452, §3 (NEW) .]

7. Physician. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[ 2009, c. 631, §14 (AMD); 2009, c. 631, §51 (AFF) .]

7-A. Physician assistant. "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[ 2017, c. 452, §3 (NEW) .]

8. Primary caregiver.

[ 2009, c. 631, §51 (AFF); 2009, c. 631, §15 (RP) .]

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

[ 2017, c. 452, §3 (AMD) .]

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

[ 2017, c. 452, §3 (AMD) .]

9-A. Registration certificate. "Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.

[ 2017, c. 452, §3 (NEW) .]

9-B. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana is transferred or furnished by that person to another person.

[ 2017, c. 452, §3 (NEW) .]

10. Registered nonprofit dispensary.

[ 2017, c. 452, §3 (RP) .]

11. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.

[ 2017, c. 452, §3 (AMD) .]
12. Registered patient. "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.

[2017, c. 452, §3 (AMD).]

13. Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a person who has registered with the department in accordance with this chapter.

[2017, c. 452, §3 (AMD).]

13-A. Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.


13-B. Resident of the State. "Resident of the State" means a person who is domiciled in the State.

[2017, c. 452, §3 (NEW).]

13-C. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

[2017, c. 452, §3 (NEW).]


[2017, c. 452, §3 (RP).]

14-A. (CONFLICT: Text as amended by PL 2017, c. 447, §3) Sample. "Sample" means any marijuana or product containing marijuana regulated under this chapter that is provided for testing or research purposes to a marijuana testing facility by a qualifying patient, designated primary caregiver, dispensary or manufacturing facility.

[2017, c. 447, §3 (AMD).]

14-A. (CONFLICT: Text as amended by PL 2017, c. 452, §3) Sample. "Sample" means a marijuana plant or harvested marijuana that is provided for testing or research purposes to a marijuana testing facility.

[2017, c. 452, §3 (AMD).]

14-B. Seedling. "Seedling" means a nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

[2017, c. 452, §3 (NEW).]

15. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of marijuana in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.

[2017, c. 452, §3 (AMD).]
16. Written certification. "Written certification" means a document on tamper-resistant paper signed by a medical provider that is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one year, and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

[ 2017, c. 452, §3 (AMD). ]

SECTION HISTORY

§2422-A. ADMINISTRATION AND ENFORCEMENT; RULEMAKING

1. Administration and enforcement. The department shall administer and enforce this chapter and the rules adopted pursuant to this chapter, except that the administration and enforcement by the department of this chapter and the rules adopted pursuant to this chapter may not be assigned to any bureau or division within the department responsible for the administration and enforcement of the laws governing the manufacture, sale and distribution of liquor.

[ 2017, c. 409, Pt. E, §3 (NEW). ]

2. Rulemaking. The department, after consultation with the Department of Health and Human Services, may adopt rules as necessary to administer and enforce this chapter or amend rules previously adopted pursuant to this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 409, Pt. E, §3 (NEW). ]

SECTION HISTORY
2017, c. 409, Pt. E, §3 (NEW).

§2423. PROTECTIONS FOR THE MEDICAL USE OF MARIJUANA (REPEALED)

SECTION HISTORY

§2423-A. AUTHORIZED CONDUCT FOR THE MEDICAL USE OF MARIJUANA (CONFLICT) (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Qualifying patient. Except as provided in section 2426, a qualifying patient may:

A. Possess up to 8 pounds of harvested marijuana; [2017, c. 452, §4 (AMD). ]

B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature marijuana plants, 12 immature marijuana plants and unlimited seedlings for that qualifying patient. The total number of mature marijuana plants
per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature marijuana plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own marijuana plants may share one cultivation area; [2017, c. 452, §4 (AMD).]

C. Possess marijuana paraphernalia; [2009, c. 631, §21 (NEW); 2009, c. 631, §51 (AFF).]

D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of marijuana up to 2 1/2 ounces of harvested marijuana for no remuneration; [2017, c. 452, §4 (AMD).]

E. [2017, c. 452, §4 (RP).]

F. [2017, c. 452, §4 (RP).]

F-1. Obtain or receive harvested marijuana for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:

1. A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate marijuana plants for the patient;

2. A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested marijuana. A long-term care facility that is designated by a patient may not be designated to cultivate marijuana plants for the patient;

3. A person in order to have that person obtain harvested marijuana on behalf of the qualifying patient or transport the harvested marijuana to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and

4. A caregiver in order to have that caregiver possess and administer harvested marijuana for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.

A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature marijuana plants and immature marijuana plants the caregiver is cultivating for the patient; [2017, c. 452, §4 (NEW).]

F-2. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient; [2017, c. 452, §4 (NEW).]

G. Be in the presence or vicinity of the medical use of marijuana and assist any qualifying patient with using or administering marijuana; [2015, c. 475, §6 (AMD).]

H. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Accept marijuana plants or harvested marijuana from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary; [2017, c. 452, §4 (AMD).]

H. (CONFLICT: Text as amended by PL 2017, c. 447, §4) Accept excess prepared marijuana from a primary caregiver in accordance with subsection 2, paragraph H if nothing of value is provided to the primary caregiver; [2017, c. 447, §4 (AMD).]
I. Provide samples to a marijuana testing facility for testing and research purposes; [2017, c. 447, §5 (AMD); 2017, c. 452, §4 (AMD)].

J. (CONFLICT: Text as enacted by PL 2017, c. 447, §6) Manufacture marijuana products and marijuana concentrate for medical use, except that a qualifying patient may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and [2017, c. 447, §6 (NEW)].

J. (CONFLICT: Text as enacted by PL 2017, c. 452, §4) Manufacture marijuana products and marijuana concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [2017, c. 452, §4 (NEW)].

K. (CONFLICT: Text as enacted by PL 2017, c. 447, §6) Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility. [2017, c. 447, §6 (NEW)].

K. (CONFLICT: Text as enacted by PL 2017, c. 452, §4) Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility; [2017, c. 452, §4 (NEW)].

L. Transport marijuana plants or harvested marijuana for a qualifying patient's medical use of marijuana in accordance with this chapter; and [2017, c. 452, §4 (NEW)].

M. Use harvested marijuana in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested marijuana. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer. [2017, c. 452, §4 (NEW)].

[ 2013, c. 396, §§2-4 (AMD); 2015, c. 475, §§6-8 (AMD); 2017, c. 447, §§4-6 (AMD); 2017, c. 452, §4 (AMD).]

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of marijuana, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested marijuana produced by the caregiver's cultivation of marijuana plants under paragraph B; [2017, c. 452, §4 (AMD)].

A-1. Transfer up to 2 1/2 ounces of harvested marijuana to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period; [2017, c. 452, §4 (NEW)].

B. Cultivate up to 30 mature marijuana plants, 60 immature marijuana plants and unlimited seedlings; [2017, c. 452, §4 (AMD)].

C. [2017, c. 452, §4 (RP).]

C-1. Assist a qualifying patient with the patient's medical use of marijuana; [2017, c. 452, §4 (NEW)].

D. [2017, c. 452, §4 (RP).]

E. Receive reasonable monetary compensation for costs associated with cultivating marijuana plants or assisting a qualifying patient with that patient's medical use of marijuana; [2017, c. 452, §4 (AMD)].

§2423-A. Authorized conduct for the medical use of marijuana
F. Be in the presence or vicinity of the medical use of marijuana and assist any patient with the medical use, administration or preparation of marijuana;  [2011, c. 407, P.t. B, §16 (AMD).] 

G. (CONFLICT: Text as repealed and replaced by PL 2017, c. 447, §7) Manufacture marijuana products and marijuana concentrate for medical use, except that a primary caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [2017, c. 447, §7 (RPR).]

G. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Manufacture marijuana products and marijuana concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [2017, c. 452, §4 (AMD).]

H. [2017, c. 452, §4 (RP).]

I. Hire any number of assistants to assist in performing the duties of the caregiver; [2017, c. 452, §4 (AMD).]

(Paragraph 1 as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J) (Paragraph 1 as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)

J. (REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Use a pesticide in the cultivation of marijuana plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of marijuana plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230; [2017, c. 452, §4 (AMD).]

K. (REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶II) Transfer marijuana plants and harvested marijuana to a qualifying patient, another caregiver or a registered dispensary for no remuneration; [2017, c. 452, §4 (AMD).]

K-1. Transfer to and accept from another registered caregiver or a dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 30% of the mature marijuana plants grown by the caregiver over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 30% of the mature marijuana plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A registered caregiver that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this paragraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient; [2017, c. 452, §4 (NEW).]

L. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Provide samples to a marijuana testing facility for testing and research purposes; [2017, c. 452, §4 (AMD).]

L. (CONFLICT: Text as amended by PL 2017, c. 447, §8) If the primary caregiver is a registered primary caregiver, provide samples to a marijuana testing facility for testing and research purposes; [2017, c. 447, §8 (AMD).]
M. (CONFLICT: Text as amended by PL 2017, c. 447, §8) If the primary caregiver is a registered primary caregiver, conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only; [2017, c. 447, §8 (AMD).]

M. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only; [2017, c. 452, §4 (AMD).]

N. (CONFLICT: Text as enacted by PL 2017, c. 452, §4) Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the primary caregiver provided to the manufacturing facility. [2017, c. 452, §4 (NEW).]

N. (CONFLICT: Text as enacted by PL 2017, c. 447, §9) Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the primary caregiver provided to the manufacturing facility. [2017, c. 447, §9 (NEW).]

O. Transport marijuana plants or harvested marijuana for authorized conduct in accordance with this chapter; [2017, c. 452, §4 (NEW).]

P. Operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and [2017, c. 452, §4 (NEW).]

Q. Be organized as any type of legal business entity recognized under the laws of the State. [2017, c. 452, §4 (NEW).]

[2013, c. 371, §§1-3 (AMD); 2013, c. 393, §§1-3 (AMD); 2013, c. 396, §§5-7 (AMD); 2013, c. 588, Pt. D, §3 (AMD); 2015, c. 475, §§9-11 (AMD); 2017, c. 447, §§7-9 (AMD); 2017, c. 452, §4 (AMD).]

3. Cultivation of marijuana. The following provisions apply to the cultivation of marijuana plants by a qualifying patient under subsection 1 and a caregiver under subsection 2.

A. A patient who elects to cultivate marijuana plants must keep the plants in a cultivation area unless the plants are being transported pursuant to subsection 1, paragraph L. Access to a cultivation area is limited to the patient, except that emergency services personnel, an assistant of a marijuana testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the patient. [2017, c. 452, §4 (AMD).]

B. A caregiver cultivating marijuana plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O. Access to a cultivation area is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a marijuana testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver. [2017, c. 452, §4 (AMD).]

B-1. Except as provided in paragraph C, a caregiver is required to register with the department. [2017, c. 452, §4 (NEW).]

C. The following caregivers are not required to register with the department:

(1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver;

(2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and
(3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. [2017, c. 452, §4 (AMD).]

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

(1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
(2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
(3) Possess more than 8 pounds of harvested marijuana;
(4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;
(5) Use a pesticide under subsection 2, paragraph J;
(6) Operate a retail store under subsection 2, paragraph P; or
(7) Organize as a business entity under subsection 2, paragraph Q. [2017, c. 452, §4 (NEW).]

D. Two caregivers who are members of the same family or household may share the same cultivation area. [2017, c. 452, §4 (AMD).]

E. A person who is authorized to cultivate marijuana plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own marijuana plants in the cultivation area by the caregiver who employs that person. [2017, c. 452, §4 (AMD).]

[2013, c. 374, §1 (AMD); 2013, c. 424, Pt. G, §1 (AMD); 2013, c. 424, Pt. G, §2 (AFP); 2013, c. 501, §1 (AMD); 2017, c. 452, §4 (AMD).]

4. Long-term care facility. A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of marijuana if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph 2. If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of marijuana in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate marijuana plants for the patient.

[2017, c. 452, §4 (AMD).]

4-A. Use and storage in inpatient long-term care facility permitted. A qualifying patient who is a resident of a long-term care facility while in the facility may use forms of harvested marijuana consistent with the facility's policy. A qualifying patient who uses a form of harvested marijuana pursuant to this subsection may store the harvested marijuana in the qualifying patient's room and is not required to obtain a registry identification card or to designate the long-term care facility under subsection 1, paragraph F-1, subparagraph (2). A long-term care facility is not required to be designated by a qualifying patient who uses harvested marijuana pursuant to this subsection. This subsection does not limit the ability of a long-term care facility to prohibit or restrict the use or storage of harvested marijuana by a qualifying patient.

[2017, c. 452, §4 (AMD).]

5. Incidental amount of marijuana.

[2017, c. 452, §4 (RP).]
6. Onsite assessments by the department.


7. Excess marijuana; forfeiture.

[ 2017, c. 452, §4 (RP). ]

8. Repeat forfeiture.

[ 2017, c. 452, §4 (RP). ]

9. Collectives prohibited.

[ 2017, c. 452, §4 (RP). ]

10. Marijuana testing facility. The following provisions apply to a marijuana testing facility.

A. (CONFLICT: Text as amended by PL 2017, c. 447, §10) A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, designated primary caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26. [ 2017, c. 447, §10 (AMD). ]

A. (CONFLICT: Text as amended by PL 2017, c. 452, §4) A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26. [ 2017, c. 452, §4 (AMD). ]

B. An assistant of a marijuana testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. [ 2017, c. 452, §4 (AMD). ]

C. (CONFLICT: Text as amended by PL 2017, c. 447, §10) A marijuana testing facility shall:

(1) Dispose of marijuana residue in a manner that prevents diversion of marijuana to persons not authorized to possess marijuana tested by the facility;

(2) House and store marijuana in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;

(3) Label marijuana being transported to and from the facility with the following statement: "For Testing Purposes Only";

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with any rules adopted by the department. [ 2017, c. 447, §10 (AMD). ]

C. (CONFLICT: Text as amended by PL 2017, c. 452, §4) A marijuana testing facility shall:

(1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;

(2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;
(3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only"

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with any rules adopted by the department. [2017, c. 452, §4 (AMD).]

D. (CONFLICT: Text as amended by PL 2017, c. 447, §10) The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this subsection. [2017, c. 447, §10 (AMD).]

D. (CONFLICT: Text as amended by PL 2017, c. 452, §4) The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility officer or director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this chapter. [2017, c. 452, §4 (AMD).]

E. (CONFLICT: Text as enacted by PL 2017, c. 447, §10) A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this Act. [2017, c. 447, §10 (NEW).]

E. (CONFLICT: Text as enacted by PL 2017, c. 452, §4) A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this chapter. [2017, c. 452, §4 (NEW).]

[2017, c. 447, §10 (AMD); 2017, c. 452, §4 (AMD).]

11. Immunity.

A. [2017, c. 452, §4 (RP).]

B. (CONFLICT: Text as amended by PL 2017, c. 447, §11) A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a marijuana testing facility to test marijuana provided by a qualifying patient, registered primary caregiver, dispensary or manufacturing facility. [2017, c. 447, §11 (AMD).]
B. (CONFLICT: Text as repealed by PL 2017, c. 452, §4) [2017, c. 452, §4 (RP).]

[ 2015, c. 452, §4 (RP); 2015, c. 475, §14 (AMD); 2017, c. 447, §11 (AMD); 2017, c. 452, §4 (RP).]

12. (CONFLICT: Text as amended by PL 2017, c. 447, §12) Interest. A principal officer, board member or employee of a registered dispensary, primary caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary, primary caregiver or manufacturing facility.

[ 2017, c. 447, §12 (AMD).]

12. (CONFLICT: Text as amended by PL 2017, c. 452, §4) Interest. A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.

[ 2017, c. 452, §4 (AMD).]


[ 2017, c. 447, §13 (RP); 2017, c. 452, §4 (RP); T. 22, §2423-A, sub- §13 (RP).]

14. Municipal regulation. Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities, except that municipalities may not prohibit or limit the number of registered primary caregivers.

[ 2017, c. 447, §14 (NEW).]

SECTION HISTORY

§2423-B. AUTHORIZED CONDUCT BY A MEDICAL PROVIDER

A medical provider may provide a written certification in accordance with this section for the medical use of marijuana under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis. [2017, c. 452, §5 (AMD).]
1. **Adult qualifying patient.** Prior to providing written certification for the medical use of marijuana under this section, a medical provider shall inform an adult qualifying patient or the patient's legal guardian or representative of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana.

[2017, c. 452, §5 (AMD).]

2. **Minor qualifying patient.**

[2017, c. 452, §5 (RP).]

2-A. **Minor qualifying patient.** A medical provider who provides a written certification to a patient who has not attained 18 years of age:

A. Shall inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana; [2017, c. 452, §5 (NEW).]

B. May provide a written certification to a qualifying patient if the patient is eligible for hospice services and has a medical diagnosis that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana; [2017, c. 452, §5 (NEW).]

C. May provide a written certification to a qualifying patient if the patient has a medical diagnosis of epilepsy, cancer, a developmental disability or an intellectual disability that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana; and [2017, c. 452, §5 (NEW).]

D. If a patient does not satisfy the requirements of paragraphs B and C, may provide a written certification to a qualifying patient after consulting with a physician from a list of physicians who may be willing to consult with a medical provider maintained by the department that is compiled by the department after consultation with the Department of Health and Human Services and statewide associations representing licensed medical professionals. The consultation between the medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the medical provider and the parent, legal guardian or person having legal custody of the qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or relieve the patient's medical diagnosis. If the department or the consulting physician does not respond to a request by the medical provider within 10 days of receipt of the request, the medical provider may provide a written certification without consultation with a physician.

The parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age may submit a request to the department for reimbursement of the costs associated with obtaining a 2nd opinion required by this paragraph. Requests must be submitted on a form developed by the department. The department shall review the family's annual income and expenses in determining whether to reimburse the family from the Medical Use of Marijuana Fund under section 2430 for the cost of the required 2nd consultation.

The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement the reimbursement request under this paragraph. [2017, c. 452, §5 (NEW).]

[2017, c. 452, §5 (NEW).]

2-B. **Adult and minor patients with substance use disorder.** Prior to providing written certification for the medical use of marijuana under this section for a medical diagnosis of substance use disorder that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical
use of marijuana, the medical provider shall develop a recovery plan with the patient. For purposes of this 
subsection, "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by Title 5, 
chapter 521.

[ 2017, c. 452, §5 (NEW) .]

2-C. Bona fide provider-patient relationship. A written certification may be made only in the 
course of a bona fide medical provider-patient relationship after the medical provider has completed a full 
assessment of the patient's medical history. If a patient has not provided a medical provider who is not the 
patient's primary care provider with the name and contact information of the patient's primary care provider, 
a medical provider shall conduct an in-person consultation with the patient prior to providing a written 
certification.

[ 2017, c. 452, §5 (NEW) .]

3. Expiration. A written certification form for the medical use of marijuana under this section is valid 
for the term provided by the qualifying patient's medical provider.

[ 2017, c. 452, §5 (AMD) .]

4. Form; content. A written certification under this section must be in the form required by rule 
adopted by the department and may not require a qualifying patient's medical provider to state the patient's 
specific medical diagnosis.

[ 2017, c. 452, §5 (AMD) .]

5. Possible sanctions. Nothing in this chapter prevents a professional licensing board from sanctioning 
a medical provider for failing to properly evaluate or treat a patient's medical diagnosis or otherwise violating 
the applicable standard of care for evaluating or treating medical diagnoses.

[ 2017, c. 452, §5 (AMD) .]

6. Certification issued based on medical diagnosis. A medical provider may not condition the 
issuance of a written certification for the medical use of marijuana on any requirements other than that the 
patient's medical diagnosis may be alleviated by the therapeutic or palliative medical use of marijuana. 
Nothing in this section may be construed to prevent a medical provider from exercising professional judgment 
in declining to issue a certification for the medical use of marijuana.

[ 2017, c. 452, §5 (AMD) .]

7. Patient referral disclosure of interest. Prior to providing a referral to a qualifying patient for goods 
and services associated with a certification for the medical use of marijuana to an entity in which the medical 
provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the 
qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in 
the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.

[ 2015, c. 475, §15 (NEW) .]
8. Continuing medical education. A medical provider who has not previously provided a written certification to a qualifying patient for the medical use of marijuana shall, prior to providing a written certification to a qualifying patient, submit evidence, satisfactory to the department, of successful completion of a one-hour course of continuing medical education relating to medical marijuana within the preceding 24 months.

[ 2017, c. 452, §5 (NEW). ]

SECTION HISTORY

§2423-C. AUTHORIZED CONDUCT

A person may provide a qualifying patient or a caregiver with marijuana paraphernalia for purposes of the qualifying patient's medical use of marijuana in accordance with this chapter and be in the presence or vicinity of the medical use of marijuana as allowed under this chapter. [2017, c. 452, §6 (AMD).]

SECTION HISTORY

§2423-D. AUTHORIZED CONDUCT BY A VISITING QUALIFYING PATIENT

A visiting qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a valid written certification as described in section 2423-B from the visiting qualifying patient's medical provider and a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not: [2017, c. 452, §7 (AMD).]

1. Cultivate. Cultivate marijuana plants;

[ 2017, c. 452, §7 (NEW). ]

2. Possess. Possess more than 2 1/2 ounces of harvested marijuana in a 15-day period;

[ 2017, c. 452, §7 (NEW). ]

3. Transfer or furnish. Transfer or furnish harvested marijuana to another person;

[ 2017, c. 452, §7 (NEW). ]

4. Obtain. Obtain harvested marijuana from a registered caregiver or dispensary unless the visiting qualifying patient has designated the registered caregiver or dispensary in order to have that caregiver or dispensary provide harvested marijuana to the visiting qualifying patient. A designation pursuant to this subsection must be in a standardized written document, developed by the department, and signed and dated by the visiting qualifying patient. The designation is valid for the term provided by the visiting qualifying patient's medical provider pursuant to section 2423-B. The document must include the signed
acknowledgment of the registered caregiver or dispensary that the caregiver or dispensary may be contacted to confirm the designation of the caregiver or dispensary to provide harvested marijuana to the visiting qualifying patient.

[ 2017, c. 452, §7 (NEW). ]

SECTION HISTORY

§2423-E. REQUIREMENTS
(REPEALED)

SECTION HISTORY

§2423-F. MARIJUANA MANUFACTURING FACILITIES
(CONFLICT)
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)
(WHOLE SECTION CONFLICT: Text as enacted by PL 2017, c. 447, §15)

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter. [2017, c. 447, §15 (NEW).]

1. Tier 1 manufacturing facility. A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

[ 2017, c. 447, §15 (NEW). ]

2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

[ 2017, c. 447, §15 (NEW). ]

3. Authorization for extraction using inherently hazardous substances. This subsection governs the authority of a person or entity to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, primary caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person or entity can produce, upon demand of the department:

(1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;
(2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;

(3) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person or entity; and

(4) Evidence that the person or entity has provided notice to the department of the person's or entity's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances.

A person or entity that intends to engage in marijuana extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in marijuana extraction using inherently hazardous substances. The department may deny an application of a person or entity authorized under this subsection to register pursuant to rules adopted under subsection 10 if the person or entity did not notify the department in accordance with this subsection. [2017, c. 447, §15 (NEW).]

B. A person or entity that is not a qualifying patient, primary caregiver or registered dispensary and that meets the requirements of a person or entity authorized under paragraph A, pays the fee required by section 2425, subsection 12 and meets the requirements of rules adopted under subsection 10 is authorized to engage in marijuana extraction using inherently hazardous substances and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time. [2017, c. 447, §15 (NEW).]

[2017, c. 447, §15 (NEW).]

4. Authorized conduct; manufacturing facilities. A registered manufacturing facility:

A. May manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture marijuana concentrate using inherently hazardous substances if authorized under subsection 3; [2017, c. 447, §15 (NEW).]

B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the person or entity that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate; [2017, c. 447, §15 (NEW).]

C. May transfer marijuana products or marijuana concentrate to a marijuana testing facility for testing; [2017, c. 447, §15 (NEW).]

D. May conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes; [2017, c. 447, §15 (NEW).]

E. May receive reasonable compensation for manufacturing marijuana products or marijuana concentrate; [2017, c. 447, §15 (NEW).]

F. Shall dispose of marijuana used in the manufacturing process in a manner that prevents diversion of marijuana to persons not authorized to possess marijuana or marijuana products possessed by the facility and in accordance with rules adopted by the department; and [2017, c. 447, §15 (NEW).]

G. May employ staff. [2017, c. 447, §15 (NEW).]

[2017, c. 447, §15 (NEW).]
5. Authorized conduct; extraction using inherently hazardous substances. A person or entity that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in marijuana extraction to produce marijuana concentrate for medical use; [2017, c. 447, §15 (NEW).]

B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or a registered dispensary and may transfer marijuana concentrate to the person or entity that provided the harvested marijuana used to produce the marijuana concentrate; [2017, c. 447, §15 (NEW).]

C. May transfer marijuana concentrate to a marijuana testing facility for testing; [2017, c. 447, §15 (NEW).]

D. May conduct testing of marijuana concentrate produced by the person or entity for research and development purposes; [2017, c. 447, §15 (NEW).]

E. May receive reasonable compensation for producing marijuana concentrate; [2017, c. 447, §15 (NEW).]

F. Shall dispose of marijuana used in the extraction process in a manner that prevents diversion of marijuana to persons not authorized to possess marijuana or marijuana products possessed by the person or entity in accordance with rules adopted by the department; and [2017, c. 447, §15 (NEW).]

G. May employ staff, except that a qualifying patient authorized under subsection 3 may not employ staff and a primary caregiver shall comply with the employment limit established in section 2423-A, subsection 2, paragraph I. [2017, c. 447, §15 (NEW).]

Notwithstanding the authorizations established in this subsection, a person, entity or facility that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

[2017, c. 447, §15 (NEW).]

6. Retail sale prohibited. A registered manufacturing facility or a person or entity authorized to engage in marijuana extraction under subsection 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the person or entity is authorized to engage in retail sales under this chapter.

[2017, c. 447, §15 (NEW).]

7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person or entity authorized to manufacture marijuana concentrate using inherently hazardous substances may not manufacture edible marijuana products or marijuana tinctures unless licensed pursuant to section 2167.

[2017, c. 447, §15 (NEW).]

8. Registration requirements. This section governs registration requirements of a manufacturing facility or a person or entity authorized to engage in marijuana extraction under subsection 3 using inherently hazardous substances and the principal officers, board members and employees of the facility, person or entity.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person or entity authorized to engage in marijuana extraction within 30 days to the facility, person or entity if the facility, person or entity provides:

   (1) The annual fee required pursuant to section 2425, subsection 12;

   (2) The legal name of the facility, person or entity and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;
(3) The physical address of the facility or entity, or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or entity changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility, entity or person shall notify the department of the new location; and

(4) The name, address and date of birth of each principal officer, board member and employee of the facility or entity. [2017, c. 447, §15 (NEW).]

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the principal officers, board members and employees of a registered manufacturing facility or entity authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this section. A registry identification card is required to be issued to a principal officer, board member or employee of a registered manufacturing facility or entity authorized to engage in marijuana extraction using inherently hazardous substances. Registry identification cards expire one year after the date of issuance. A registry identification card issued under this paragraph must contain:

(1) The name of the cardholder;

(2) The date of issuance and expiration date of the registry identification card; and

(3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to any principal officer, board member or employee of a registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, principal officer, board member or employee subject to this subsection on an annual basis in order to ensure that each person, principal officer, board member or employee has not been convicted of a disqualifying drug offense. If the department determines not to issue a registry identification card for a person, principal officer, board member or employee, the department shall notify the registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances in writing of the reason for denying the registry identification card. [2017, c. 447, §15 (NEW).]

[ 2017, c. 447, §15 (NEW) ]

9. Packaging and labeling requirements. A manufacturing facility shall package and label its marijuana products and marijuana concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility; [2017, c. 447, §15 (NEW).]

B. Information that allows the provider of the marijuana to the manufacturing facility to confirm that the marijuana provided was used to manufacture the marijuana product or marijuana concentrate transferred back to that provider; [2017, c. 447, §15 (NEW).]

C. Ingredients other than marijuana contained in the marijuana product or marijuana concentrate; and [2017, c. 447, §15 (NEW).]

D. Any chemicals, solvents or other substances used to manufacture the marijuana product or marijuana concentrate. [2017, c. 447, §15 (NEW).]

[ 2017, c. 447, §15 (NEW) ]

10. Rulemaking. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not limited to:
A. Requirements for the registration of a manufacturing facility and the principal officers, board members and employees of a registered manufacturing facility; [2017, c. 447, §15 (NEW).]

B. Requirements for engaging in marijuana extraction using inherently hazardous substances; [2017, c. 447, §15 (NEW).]

C. Manufacturing facility director or principal officer qualification requirements; [2017, c. 447, §15 (NEW).]

D. Required security for manufacturing facilities; [2017, c. 447, §15 (NEW).]

E. Requirements of a disposal plan for marijuana used in the manufacturing process; [2017, c. 447, §15 (NEW).]

F. Minimum record-keeping requirements, including an annual audit requirement; and [2017, c. 447, §15 (NEW).]

G. Minimum content of educational materials provided to the recipient of the marijuana products or marijuana concentrate. [2017, c. 447, §15 (NEW).]

The failure of the department to adopt rules under this subsection does not prevent a person or entity authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

[ 2017, c. 447, §15 (NEW) .]

11. Multiple authorizations. A person or entity registered pursuant to subsection 8 may also be a qualifying patient or a primary caregiver, and an entity registered pursuant to subsection 8 may also be a registered dispensary. A person or entity authorized to possess marijuana under this Act may possess the amount allowed for that person or entity in addition to the possession amount allowed under this section if registered pursuant to this section. The marijuana possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

[ 2017, c. 447, §15 (NEW) .]

12. Record keeping. A registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions for a minimum of one year after the date of the transaction.

[ 2017, c. 447, §15 (NEW) .]

13. Compliance. The department may inspect a manufacturing facility during regular business hours and hours of apparent activity for compliance with this chapter.

[ 2017, c. 447, §15 (NEW) .]


A. A manufacturing facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of marijuana in accordance with this chapter. [2017, c. 447, §15 (NEW).]

B. A principal officer, board member, agent or employee of a manufacturing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a manufacturing facility to provide
prepared marijuana to qualifying patients, primary caregivers, registered dispensaries or marijuana testing facilities or to otherwise assist with the medical use of marijuana in accordance with this chapter. [2017, c. 447, §15 (NEW).]

[ 2017, c. 447, §15 (NEW). ]

SECTION HISTORY

§2423-F. MARIJUANA MANUFACTURING FACILITIES

(CONFLICT)

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION CONFLICT: Text as enacted by PL 2017, c. 452, §9)

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter. [2017, c. 452, §9 (NEW).]

1. Tier 1 manufacturing facility. A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana. [ 2017, c. 452, §9 (NEW). ]

2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana. [ 2017, c. 452, §9 (NEW). ]

3. Authorization for extraction using inherently hazardous substances. This subsection governs the authority of a person to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person can produce, upon demand of the department:

   (1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;
   (2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;
   (3) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and
   (4) Evidence that the person has provided notice to the department of the person's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances.
A person who intends to engage in marijuana extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in marijuana extraction using inherently hazardous substances. The department may deny an application of a person authorized under this paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph. [2017, c. 452, §9 (NEW).]

B. A person who is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in marijuana extraction using inherently hazardous substances and may possess up to 40 pounds of harvested marijuana in accordance with subsection 5. [2017, c. 452, §9 (NEW).]

[ 2017, c. 452, §9 (NEW). ]

4. Authorized conduct; manufacturing facilities. A registered manufacturing facility:
   A. May manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture marijuana concentrate using inherently hazardous substances if authorized under subsection 3; [2017, c. 452, §9 (NEW).]
   B. May obtain harvested marijuana from a qualifying patient, a caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the person that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate; [2017, c. 452, §9 (NEW).]
   C. May transfer samples to a marijuana testing facility for testing; [2017, c. 452, §9 (NEW).]
   D. May conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes; [2017, c. 452, §9 (NEW).]
   E. May receive reasonable compensation for manufacturing marijuana products or marijuana concentrate; [2017, c. 452, §9 (NEW).]
   F. Shall dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the facility and in accordance with rules adopted by the department; and [2017, c. 452, §9 (NEW).]
   G. May hire any number of assistants to assist in performing the duties of the manufacturing facility. [2017, c. 452, §9 (NEW).]

[ 2017, c. 452, §9 (NEW). ]

5. Authorized conduct; extraction using inherently hazardous substances. A person that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3:
   A. May engage in marijuana extraction to produce marijuana concentrate for medical use; [2017, c. 452, §9 (NEW).]
   B. May obtain harvested marijuana from a qualifying patient, a caregiver or a dispensary and may transfer marijuana concentrate to the person that provided the harvested marijuana used to produce the marijuana concentrate; [2017, c. 452, §9 (NEW).]
   C. May transfer samples to a marijuana testing facility for testing; [2017, c. 452, §9 (NEW).]
   D. May conduct testing of marijuana concentrate produced by the person for research and development purposes; [2017, c. 452, §9 (NEW).]
   E. May receive reasonable compensation for producing marijuana concentrate; [2017, c. 452, §9 (NEW).]
F. Shall dispose of harvested marijuana used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the person and in accordance with rules adopted by the department; and [2017, c. 452, §9 (NEW).]

G. May hire any number of assistants to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant. [2017, c. 452, §9 (NEW).]

Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10. [2017, c. 452, §9 (NEW).]

6. Retail sale prohibited. A registered manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the person is authorized to engage in retail sales under this chapter. [2017, c. 452, §9 (NEW).]

7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person authorized to produce marijuana concentrate using inherently hazardous substances may not manufacture edible marijuana products or marijuana tinctures unless licensed pursuant to section 2167. [2017, c. 452, §9 (NEW).]

8. Registration requirements. This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in marijuana extraction within 30 days to the facility or person if the facility or person provides:

(1) The annual fee required pursuant to section 2425-A, subsection 10;

(2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and

(4) The name, address and date of birth of each officer or director of the facility or person. [2017, c. 452, §9 (NEW).]

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:
(1) The name of the cardholder;

(2) The date of issuance and expiration date of the registry identification card; and

(3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances in writing of the reason for denying the registry identification card. [2017, c. 452, §9 (NEW).]

[ 2017, c. 452, §9 (NEW) .]

9. Packaging and labeling requirements. A manufacturing facility shall package and label its marijuana products and marijuana concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility; [2017, c. 452, §9 (NEW).]

B. Information that allows the provider of the marijuana to the manufacturing facility to confirm that the marijuana provided was used to manufacture the marijuana product or marijuana concentrate transferred back to that provider; [2017, c. 452, §9 (NEW).]

C. Ingredients other than material derived from marijuana plants contained in the marijuana product or marijuana concentrate; and [2017, c. 452, §9 (NEW).]

D. Any chemicals, solvents or other substances used to manufacture the marijuana product or marijuana concentrate. [2017, c. 452, §9 (NEW).]

[ 2017, c. 452, §9 (NEW) .]

10. Rulemaking. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not limited to:

A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility; [2017, c. 452, §9 (NEW).]

B. Requirements for engaging in marijuana extraction using inherently hazardous substances; [2017, c. 452, §9 (NEW).]

C. Manufacturing facility officer or director qualification requirements; [2017, c. 452, §9 (NEW).]

D. Required security for manufacturing facilities; [2017, c. 452, §9 (NEW).]

E. Requirements of a disposal plan for harvested marijuana used in the manufacturing process; and [2017, c. 452, §9 (NEW).]

F. Minimum record-keeping requirements, including an annual audit requirement. [2017, c. 452, §9 (NEW).]

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

[ 2017, c. 452, §9 (NEW) .]

§2423-F. Marijuana manufacturing facilities
11. **Multiple authorizations.** A facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A facility or person authorized to possess marijuana under this chapter may possess the amount allowed for that facility or person in addition to the possession amount allowed under this section if the facility or person is registered pursuant to this section. The marijuana possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

[2017, c. 452, §9 (NEW).]

12. **Record keeping.** A registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-G.

[2017, c. 452, §9 (NEW).]

13. **Colocation of facilities.** A manufacturing facility that is also licensed as a retail marijuana products manufacturing facility under Title 28-B, chapter 1 may manufacture marijuana products and marijuana concentrate within the same facility in which the licensee also manufactures marijuana products or marijuana concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:

A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1; [2017, c. 452, §9 (NEW).]

B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested marijuana and the storage areas for those supplies or products; and [2017, c. 452, §9 (NEW).]

C. General office space, bathrooms, entryways and walkways. [2017, c. 452, §9 (NEW).]

[2017, c. 452, §9 (NEW).]

**SECTION HISTORY**

**§2424. RULES**

1. **Rulemaking.**

[2017, c. 409, Pt. E, §5 (RP).]

1-A. **Rulemaking.** The department may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 452, §10 (NEW).]

2. **Adding debilitating medical conditions.**

[2017, c. 452, §10 (RP).]

3. **Registration.** The department shall adopt rules governing the manner in which it considers applications for and renewals of registry identification cards or registration certificates for a person required to obtain a registry identification card or registration certificate under this chapter. The department's rules must require the submission of an application, must require replacement of a registry identification card or registration certificate that has been lost, destroyed or stolen or that contains information that is no longer
accurate and must establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter and that are consistent with the provisions of section 2425-A, subsection 10. The department may establish a sliding scale of application and renewal fees based upon a registered patient's family income and status as a veteran of the Armed Forces of the United States. The department may accept donations from private sources in order to reduce the application and renewal fees.  

[ 2017, c. 452, §10 (AMD). ]

4. Enforcement and compliance. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A regarding enforcement and compliance of authorized conduct under this chapter, including rules governing:

A. Minimum oversight requirements for dispensaries and registered caregivers and the one permitted additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients; and [2017, c. 452, §10 (NEW). ]

B. Minimum security requirements for registered caregivers operating retail stores pursuant to section 242-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients. [2017, c. 452, §10 (NEW). ]

[ 2017, c. 452, §10 (NEW). ]

SECTION HISTORY

§2425. REGISTRY IDENTIFICATION CARDS
(CONFLICT)
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Application for patient registry identification card; qualifications.

[ 2017, c. 452, §11 (RP). ]

1-A. (CONFLICT: Text as amended by PL 2017, c. 447, §16) Criminal history record check. An applicant for a registry identification card who is a primary caregiver, an employee of a primary caregiver or a person authorized to engage in marijuana extraction under section 2423-F, subsection 3 or who is a principal officer, board member or employee of a registered dispensary, marijuana testing facility or manufacturing facility must undergo a criminal history record check annually.  

[ 2017, c. 447, §16 (AMD). ]


[ 2017, c. 452, §11 (RP). ]

2. Issuing patient registry identification card to minor child.

[ 2017, c. 452, §11 (RP). ]
3. Department approval or denial.
[2017, c. 452, §11 (RP).]

3-A. Department revocation.
[2017, c. 452, §11 (RP).]

4. Primary caregiver registry identification card.
[2017, c. 452, §11 (RP).]

4-A. (CONFLICT: Text as amended by PL 2017, c. 447, §17) Marijuana testing facility identification card. The department shall issue registry identification cards to principal officers, board members and employees of a marijuana testing facility within 5 business days of approving an application or renewal under this section. The department may not issue a registry identification card to a principal officer, board member or employee of a marijuana testing facility who has been convicted of a disqualifying drug offense. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain:

A. The name of the cardholder; [2015, c. 475, §20 (NEW).]

B. The date of issuance and expiration date of the registry identification card; and [2015, c. 475, §20 (NEW).]

C. A random identification number that is unique to the cardholder. [2015, c. 475, §20 (NEW).]

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 447, §17 (AMD).]


[2017, c. 452, §11 (RP).]

5. Registry identification card issuance.
[2017, c. 452, §11 (RP).]

6. Notification of changes in status or loss of card.
[2017, c. 452, §11 (RP).]

7. Possession of certain documents; application for registry identification card.
[2017, c. 452, §11 (RP).]

8. Confidentiality.
[2017, c. 452, §11 (RP).]

9. Revocation of registry identification card.
[2017, c. 452, §11 (RP).]
9-A. Registration requirement.

[ 2017, c. 452, §11 (RP) .]

10. Annual report.

[ 2013, c. 516, §14 (AMD); 2017, c. 452, §11 (RP) .]


[ 2017, c. 452, §11 (RP) .]

12. Registration and related fees.

A. [ 2017, c. 452, §11 (RP) .]

C. [ 2017, c. 452, §11 (RP) .]

D. [ 2017, c. 452, §11 (RP) .]

E. [ 2017, c. 452, §11 (RP) .]

F. [ 2017, c. 452, §11 (RP) .]

G. [ 2017, c. 452, §11 (RP) .]

H. (CONFLICT: Text as enacted by PL 2017, c. 447, §18) (CONFLICT: Subsection 12 was repealed by PL 2017, c. 452, §11) There is an annual fee to register a tier 1 manufacturing facility of not less than $50 and not more than $150. [ 2017, c. 447, §18 (NEW) .]

I. (CONFLICT: Text as enacted by PL 2017, c. 447, §18) (CONFLICT: Subsection 12 was repealed by PL 2017, c. 452, §11) There is an annual fee to register a tier 2 manufacturing facility of not less than $150 and not more than $250. [ 2017, c. 447, §18 (NEW) .]

J. (CONFLICT: Text as enacted by PL 2017, c. 447, §18) (CONFLICT: Subsection 12 was repealed by PL 2017, c. 452, §11) There is an annual fee to register to engage in marijuana extraction under section 2423-F, subsection 3 of not less than $250 and not more than $350. [ 2017, c. 447, §18 (NEW) .]

[ 2017, c. 447, §18 (AMD); 2017, c. 452, §11 (RP) .]

SECTION HISTORY


§2425-A. Registry identification cards and registration certificates

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in marijuana extraction is governed by section 2423-F and registration of marijuana testing facilities is governed by section 2423-A, subsection 10. [2017, c. 452, §12 (NEW) .]
1. **Voluntary registration.** Registration under this section is voluntary for a qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected.

[2017, c. 452, §12 (NEW).]

2. **Required registration.** A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

[2017, c. 452, §12 (NEW).]

3. **Application for registry identification card; qualifications.** The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection.

The department shall conduct a criminal history record check for any applicant for a registry identification card. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

A. The annual fee required pursuant to subsection 10; and [2017, c. 452, §12 (NEW).]

B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the patient consents in writing to:

   (1) The qualifying patient's medical use of marijuana;
   
   (2) Serving as one of the qualifying patient's caregivers; and
   
   (3) Controlling the acquisition of the marijuana plants or harvested marijuana and the dosage and the frequency of the medical use of marijuana by the qualifying patient. [2017, c. 452, §12 (NEW).]

[2017, c. 452, §12 (NEW).]

3-A. **Criminal history record check for caregivers administering medical marijuana on school grounds.** The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [2017, c. 452, §12 (NEW).]
B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [2017, c. 452, §12 (NEW).]

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [2017, c. 452, §12 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [2017, c. 452, §12 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter. [2017, c. 452, §12 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person or entity. [2017, c. 452, §12 (NEW).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [2017, c. 452, §12 (NEW).]

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 452, §12 (NEW).]

4. Issuance or denial of registry identification cards. The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny an application for a card or for renewal of a card in accordance with this subsection within 30 days of receiving it.

A. Within 5 business days of approving a completed application, the department shall issue a registry identification card to the applicant. [2017, c. 452, §12 (NEW).]

B. The department may deny an application for a card or for renewal of a card only if:

   (1) The applicant did not provide the information required pursuant to subsection 3;

   (2) The department determines that the applicant does not qualify; or

   (3) The department determines that the information provided by the applicant was falsified. [2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card. [2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.
If the department fails to issue or deny a valid registry identification card in response to a valid application for a card or for renewal of a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card or for renewal of the card is deemed a valid registry identification card.

[ 2017, c. 452, §12 (NEW) .]

5. Requirements for issuance of registry identification cards. The following provisions apply to the issuance of registry identification cards.

A. A registry identification card expires one year after the date of issuance. The card must contain:

1. The name of the cardholder;
2. The date of issuance and expiration date;
3. A random identification number that is unique to the cardholder; and
4. A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana plants. [2017, c. 452, §12 (NEW).]

B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [2017, c. 452, §12 (NEW).]

C. Registry identification cards issued to an officer or director or assistant of a registered dispensary must also contain:

1. The legal name of the registered dispensary with which the officer or director or assistant is affiliated;
2. The address and date of birth of the officer or director or assistant; and
3. A photograph of the officer or director or assistant, if required by the department. [2017, c. 452, §12 (NEW).]

D. The registry identification card of an officer or director or assistant of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary. [2017, c. 452, §12 (NEW).]

[ 2017, c. 452, §12 (NEW) .]

6. Application for registration certificate; qualifications. The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

A. The annual fee required pursuant to subsection 10; [2017, c. 452, §12 (NEW).]
B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and [2017, c. 452, §12 (NEW).]
C. The name, address and date of birth of each officer or director of the applicant. [2017, c. 452, §12 (NEW).]

[ 2017, c. 452, §12 (NEW) .]

7. Issuance or denial of registration certificate. The department shall verify the information contained in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny an application for a certificate or for renewal of a certificate in accordance with this subsection within 30 days of receiving it.
A. Within 10 days of approving a completed application, the department shall issue a registration certificate to the applicant. [2017, c. 452, §12 (NEW).]

B. The department may deny an application for a certificate or for renewal of a certificate only if:

(1) The applicant did not provide the information required pursuant to subsection 6;

(2) The department determines that the applicant does not qualify; or

(3) The department determines that the information provided by the applicant was falsified. [2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant in writing of the reason for denying the registration certificate. [2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

If the department fails to issue or deny a registration certificate in response to a valid application for a certificate or for renewal of a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate or for renewal of the certificate is deemed a valid registration certificate. [2017, c. 452, §12 (NEW).]

8. Requirements for issuance of registration certificates. A registration certificate expires one year after the date of issuance. The certificate must contain:

A. The name of the certificate holder; [2017, c. 452, §12 (NEW).]

B. The date of issuance and expiration date of the registration certificate; [2017, c. 452, §12 (NEW).]

C. A random identification number that is unique to the certificate holder; [2017, c. 452, §12 (NEW).]

D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana will be cultivated; and [2017, c. 452, §12 (NEW).]

E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants. [2017, c. 452, §12 (NEW).]

9. Drug testing. The department may not require an assistant of a caregiver, dispensary, manufacturing facility or marijuana testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identification card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or marijuana testing facility from requiring drug testing of its assistants as a condition of employment. [2017, c. 452, §12 (NEW).]

10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The fees must be credited to the Medical Use of Marijuana Fund pursuant to section 2430. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. There is no annual registration fee for a caregiver who does not cultivate marijuana plants for a qualifying patient. [2017, c. 452, §12 (NEW).]
B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B. The fee may not be less than $50 or more than $240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates. [2017, c. 452, §12 (NEW).]

C. There is an annual registration fee for a dispensary, which may not be less than $5,000 or more than $12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates marijuana plants, which may not be less than $3,000 or more than $4,000. [2017, c. 452, §12 (NEW).]

D. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than $50 or more than $150. [2017, c. 452, §12 (NEW).]

E. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than $150 or more than $250. [2017, c. 452, §12 (NEW).]

F. There is an annual registration fee to engage in marijuana extraction under section 2423-F, subsection 3, which may not be less than $250 or more than $350. [2017, c. 452, §12 (NEW).]

G. There is an annual registration fee for a marijuana testing facility, which may not be less than $250 or more than $1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1. [2017, c. 452, §12 (NEW).]

H. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than $20 or more than $50. [2017, c. 452, §12 (NEW).]

I. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a card that contains information that is no longer accurate, which may not be less than $10 or more than $20. Replacement of a registry identification card does not extend the expiration date. [2017, c. 452, §12 (NEW).]

J. There is an annual fee for a criminal history record check for a caregiver or an officer or director or assistant of a registered dispensary, marijuana testing facility or manufacturing facility, which may not be less than $31 or more than $60. The fee must be paid by the caregiver or by the registered dispensary, marijuana testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, marijuana testing facility or manufacturing facility. [2017, c. 452, §12 (NEW).]

[ 2017, c. 452, §12 (NEW). ]

11. Notification of change in status or loss of registry identification card or registration certificate.
This subsection governs notification of a change in status or the loss of a registry identification card or registration certificate.

A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. [2017, c. 452, §12 (NEW).]

B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than $150 may be adjudged. [2017, c. 452, §12 (NEW).]
C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or marijuana testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or marijuana testing facility. [2017, c. 452, §12 (NEW).]

D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates marijuana plants. [2017, c. 452, §12 (NEW).]

[2017, c. 452, §12 (NEW).]

12. Confidentiality. This subsection governs confidentiality.

A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information regarding their caregivers and medical providers, are confidential. [2017, c. 452, §12 (NEW).]

B. Applications and supporting information submitted by caregivers and medical providers operating in compliance with this chapter are confidential. [2017, c. 452, §12 (NEW).]

C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department. [2017, c. 452, §12 (NEW).]

D. The department shall verify to law enforcement personnel whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. [2017, c. 452, §12 (NEW).]

E. Upon request of a code enforcement officer or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized. [2017, c. 452, §12 (NEW).]

F. Applications, supporting information and other information regarding a registered dispensary are not confidential, except that information that is contained within dispensary information that identifies a qualifying patient, a registered patient, a registered patient's medical provider or a caregiver of a qualifying patient or registered patient is confidential. [2017, c. 452, §12 (NEW).]

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered caregivers and registered patients' medical providers are confidential and may not be disclosed, except as provided in this subsection and as follows:

(1) To department employees who are responsible for carrying out this chapter;

(2) Pursuant to court order or subpoena issued by a court;

(3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;

(4) As permitted or required for the disclosure of health care information pursuant to section 1711-C.
(5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and

(6) To a registered patient's treating medical provider and to a registered patient's registered caregiver for the purpose of carrying out this chapter. [2017, c. 452, §12 (NEW).]

H. This subsection does not prohibit a medical provider from notifying the department if the medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use marijuana for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the medical provider's certification of eligibility for use. [2017, c. 452, §12 (NEW).]

I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified. [2017, c. 452, §12 (NEW).]

J. A hearing concerning the suspension or revocation of a registry identification card under section 2430-E is confidential. [2017, c. 452, §12 (NEW).]

K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to $1,000 may be imposed. This paragraph does not apply to a medical provider or staff of a long-term care facility or any other person directly associated with a medical provider or long-term care facility that provides services to a registered patient. [2017, c. 452, §12 (NEW).]

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36. [2017, c. 452, §12 (NEW).]

[ 2017, c. 452, §12 (NEW).]

13. Reporting requirements. This subsection governs the reporting of patient access information by registered caregivers and dispensaries and the department's annual report to the Legislature.

A. A registered caregiver or a dispensary shall submit annually a report of the number of qualifying patients and visiting qualifying patients assisted by the caregiver or dispensary. A report may not directly or indirectly disclose patient identity. The department shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2017, c. 452, §12 (NEW).]

B. The department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters an annual report by April 1st each year that does not disclose any identifying information about cardholders or medical providers, but that does contain, at a minimum:

(1) The number of applications and renewals filed for registry identification cards and registration certificates;
(2) The number of qualifying patients and registered caregivers approved in each county;
(3) The number of registry identification cards suspended or revoked;
(4) The number of medical providers providing written certifications for qualifying patients;
(5) The number of registered dispensaries, manufacturing facilities and marijuana testing facilities approved in each county;
(6) The number of officers or directors or assistants of registered caregivers, registered dispensaries, manufacturing facilities and marijuana testing facilities; and
(7) The revenue and expenses of the Medical Use of Marijuana Fund established in section 2430. [2017, c. 452, §12 (NEW).]

[ 2017, c. 452, §12 (NEW) .]

SECTION HISTORY
2017, c. 452, §12 (NEW).

§2426. SCOPE

I. Limitations. This chapter does not permit any person to:

A. Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; [2009, c. 631, §37 (AMD); 2009, c. 631, §51 (AFF).]

B. Except as provided in subsection 1-A, possess marijuana or otherwise engage in the medical use of marijuana:

(1) In a school bus;

(2) On the grounds of any preschool or primary or secondary school; or

(3) In any correctional facility; [2015, c. 369, §2 (AMD).]

C. Smoke marijuana:

(1) On any form of public transportation; or

(2) In any public place; [2009, c. 1, §5 (NEW).]

D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of marijuana; or [2009, c. 631, §38 (AMD); 2009, c. 631, §51 (AFF).]

E. Use or possess marijuana if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess marijuana under this chapter. [2017, c. 452, §13 (AMD).]

[ 2017, c. 452, §13 (AMD) .]

1-A. School exceptions. Notwithstanding subsection 1, paragraph B, a caregiver designated pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient, possess and administer harvested marijuana in a school bus and on the grounds of the preschool or primary or secondary school in which the qualifying patient is enrolled only if:

A. A medical provider has provided the qualifying patient with a current written certification for the medical use of marijuana under this chapter; [2017, c. 452, §14 (AMD).]

B. Possession of harvested marijuana is for the purpose of administering marijuana to the qualifying patient; and [2017, c. 452, §14 (AMD).]

C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested marijuana to the qualifying patient. [2017, c. 452, §14 (NEW).]
Harvested marijuana possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.

[ 2017, c. 452, §14 (AMD). ]

2. Construction. This chapter may not be construed to require:

A. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana; or [2009, c. 1, §5 (NEW).]

B. An employer to accommodate the ingestion of marijuana in any workplace or any employee working while under the influence of marijuana. [2009, c. 1, §5 (NEW).]

[ 2009, c. 1, §5 (NEW). ]

3. Penalty for fraudulent representation.

[ 2009, c. 631, §51 (AFF); 2009, c. 631, §39 (RP). ]

3-A. Penalty for fraud.

[ 2017, c. 452, §15 (RP). ]

SECTION HISTORY

§2427. AFFIRMATIVE DEFENSE AND DISMISSAL FOR MEDICAL MARIJUANA (REPEALED)

SECTION HISTORY

§2428. REGISTERED DISPENSARIES (CONFLICT)

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Provisions pertaining to primary caregiver apply to nonprofit dispensary.

[ 2009, c. 631, §51 (AFF); 2009, c. 631, §42 (RP). ]

1-A. Provisions pertaining to registered dispensary. For the purpose of assisting a qualifying patient, a registered dispensary may in accordance with rules adopted by the department:

A. Dispense up to 2 1/2 ounces of harvested marijuana to the qualifying patient in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period; [2017, c. 452, §16 (AMD).]

B. Cultivate marijuana plants and possess all harvested marijuana from those marijuana plants; [2017, c. 452, §16 (AMD).]

C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating marijuana plants for the qualifying patient; [2017, c. 452, §16 (AMD).]
D. (CONFLICT: Text as amended by PL 2017, c. 447, §19) Assist any patient who designated the
dispensary to cultivate marijuana with the medical use or administration of marijuana; [2017, c.
447, §19 (AMD).]

D. (CONFLICT: Text as amended by PL 2017, c. 452, §16) Assist the qualifying patient with the
medical use or administration of marijuana; [2017, c. 452, §16 (AMD).]

E. (CONFLICT: Text as amended by PL 2017, c. 447, §20) Obtain prepared marijuana from a primary
caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for
the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G;
[2017, c. 447, §20 (AMD).]

E. (CONFLICT: Text as amended by PL 2017, c. 452, §16) Obtain harvested marijuana from a caregiver
under section 2423-A, subsection 2, paragraph K; [2017, c. 452, §16 (AMD).]

F. (CONFLICT: Text as enacted by PL 2017, c. 447, §21) Manufacture marijuana products and
marijuana concentrate for medical use, except that a registered dispensary may not produce marijuana
concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F,
subsection 3; and [2017, c. 447, §21 (NEW).]

F. (CONFLICT: Text as enacted by PL 2017, c. 452, §16) Except as provided in section 2426:

1. Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on
behalf of a qualifying patient in a retail sale for reasonable compensation;

2. Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or
dispensary for no remuneration;

3. Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;

4. Transfer to and accept from a registered caregiver or another dispensary marijuana plants and
harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary
may transfer in wholesale transactions for reasonable compensation or for no remuneration up to
30% of the mature marijuana plants grown by the dispensary over the course of a calendar year,
including any marijuana products or marijuana concentrate manufactured from that 30% of the
mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from
registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature
marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana
products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell
the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying
patient or to a caregiver or dispensary to assist a qualifying patient;

5. Transfer harvested marijuana to a manufacturing facility and accept marijuana products and
marijuana concentrate from the manufacturing facility that are produced from the harvested
marijuana that is dispensed to the manufacturing facility; and

6. Provide samples to a marijuana testing facility for testing and research purposes; [2017, c.
452, §16 (NEW).]

G. (CONFLICT: Text as enacted by PL 2017, c. 447, §21) Provide harvested marijuana to a
manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing
facility that is produced from the harvested marijuana the registered dispensary provided to the
manufacturing facility. [2017, c. 447, §21 (NEW).]

G. (CONFLICT: Text as enacted by PL 2017, c. 452, §16) Conduct marijuana testing at the request of
anyone authorized to possess marijuana under this chapter for research and development purposes only;
[2017, c. 452, §16 (NEW).]

H. Manufacture marijuana products for medical use, except that a dispensary may not prepare food, as
declared in section 2152, subsection 4, unless licensed pursuant to section 2167; [2017, c. 452,
§16 (NEW).]
I. Manufacture marijuana concentrate for medical use, except that a dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [2017, c. 452, §16 (NEW).]

J. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility; [2017, c. 452, §16 (NEW).]

K. Hire any number of assistants to assist in performing the duties of the dispensary; and [2017, c. 452, §16 (NEW).]

L. Transport marijuana plants and harvested marijuana as necessary to carry out the activities authorized under this section. [2017, c. 452, §16 (NEW).]

[2017, c. 452, §16 (AMD).]

2. Registration requirements.

[2017, c. 452, §16 (RP).]

3. Rules.

[2017, c. 452, §16 (RP).]

4. Expiration.

[2017, c. 452, §16 (RP).]

5. Inspection.

[2017, c. 452, §16 (RP).]

6. Registered dispensary requirements. This subsection governs the operations of registered dispensaries.

A. [2017, c. 452, §16 (RP).]

B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school. [2009, c. 631, §42 (AMD); 2009, c. 631, §51 (APP).]

C. [2017, c. 452, §16 (RP).]

D. [2017, c. 452, §16 (RP).]

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the dispensary and the one permitted additional location at which the dispensary cultivates marijuana plants for medical use by qualifying patients. [2017, c. 452, §16 (AMD).]

F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section 2430-G. [2017, c. 452, §16 (AMD).]

G. [2017, c. 452, §16 (RP).]

H. All officers or directors of a dispensary must be residents of this State. [2017, c. 452, §16 (AMD).]

I. All cultivation of marijuana plants must take place in a cultivation area unless the marijuana plants are being transported pursuant to subsection 1-A, paragraph L. Access to the cultivation area is limited to a cardholder who is an officer or director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer or director or assistant for the
purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a marijuana testing facility or a person who needs to gain access to the cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer or director or assistant of the dispensary. [2017, c. 452, §16 (AMD).]

J. [2017, c. 452, §16 (RP).]

K. A dispensary shall display the dispensary’s registration certificate issued under section 2425-A in a publicly visible location in the dispensary. [2017, c. 452, §16 (AMD).]

L. [2017, c. 452, §16 (RP).]

M. [2017, c. 452, §16 (RP).]

N. [2017, c. 452, §16 (RP).]

[ 2013, c. 374, §2 (AMD); 2013, c. 501, §2 (AMD); 2017, c. 452, §16 (AMD).]

7. Maximum amount of marijuana to be dispensed. A dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana in one transaction to a qualifying patient or to a caregiver on behalf of a qualifying patient, except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period.

[ 2017, c. 452, §16 (AMD).]

8. Immunity.

[ 2009, c. 631, §51 (AFF); 2009, c. 631, §42 (RP).]

8-A. Immunity.

[ 2017, c. 452, §16 (RP).]

9. Prohibitions. The prohibitions in this subsection apply to a registered dispensary.

A. [2017, c. 452, §16 (RP).]

B. A dispensary may not dispense, deliver or otherwise transfer marijuana except as provided in this chapter. [2017, c. 452, §16 (AMD).]

C. [2017, c. 452, §16 (RP).]

D. A person who has been convicted of a disqualifying drug offense may not be an officer or director or assistant of a dispensary.

   (1) A person who is an officer or director or assistant of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than $1,000 may be adjudged.

   (2) A person who is an officer or director or assistant of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph commits a Class D crime. [2017, c. 452, §16 (AMD).]

E. [2017, c. 452, §16 (RP).]

F. A dispensary may not contract for the cultivation of seeds of a marijuana plant, seedlings or immature marijuana plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4). [2017, c. 452, §16 (AMD).]
G. A registered dispensary may not use a pesticide on marijuana plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana plants use a pesticide unless at least one registered dispensary assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. A registered dispensary assistant who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230. [2017, c. 452, §16 (AMD).]

[2017, c. 452, §16 (AMD).]

10. Local regulation.

[2017, c. 447, §22 (RP); 2017, c. 452, §16 (RP).]

11. Limitation on number of dispensaries.

[2017, c. 452, §16 (RP).]

11-A. Limitation on number of dispensaries registered. This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary. [2017, c. 452, §16 (NEW).]

B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired. [2017, c. 452, §16 (NEW).]

[2017, c. 452, §16 (NEW).]

12. Labels.

[2017, c. 452, §16 (RP).]

SECTION HISTORY

§2429. ENFORCEMENT
(REPEALED)

SECTION HISTORY

§2429-A. PACKAGING AND LABELING REQUIREMENTS

1. Packaging requirements. As applicable based on the form of the item sold, harvested marijuana sold in a retail transaction under this chapter must be:
   
   A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested marijuana at the final point of sale to a qualifying patient; [2017, c. 452, §18 (NEW).]
   
   B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested marijuana at the final point of sale to a qualifying patient; [2017, c. 452, §18 (NEW).]
   
   C. Packaged in a container with an integral measurement component and child-resistant cap if the marijuana product is a multiserving liquid; and [2017, c. 452, §18 (NEW).]
   
   D. In conformity with all other applicable requirements and restrictions imposed by rule by the department. [2017, c. 452, §18 (NEW).]

   Any package required under this subsection that contains edible marijuana products must include a signifier that the package contains harvested marijuana.
   
   [ 2017, c. 452, §18 (NEW) .]

2. Packaging prohibitions. Harvested marijuana sold in a retail transaction under this chapter may not be:
   
   A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested marijuana was a trademarked product; [2017, c. 452, §18 (NEW).]
   
   B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age; [2017, c. 452, §18 (NEW).]
   
   C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; [2017, c. 452, §18 (NEW).]
   
   D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or [2017, c. 452, §18 (NEW).]
   
   E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department. [2017, c. 452, §18 (NEW).]
   
   [ 2017, c. 452, §18 (NEW) .]
3. **Labels.** If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested marijuana provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested marijuana, the label must be verified by a marijuana testing facility. This subsection does not apply if there is no marijuana testing facility operating in accordance with section 2423-A, subsection 10.

[ 2017, c. 452, §18 (NEW). ]

4. **Educational materials.** A person that provides harvested marijuana to a qualifying patient must make educational materials about medical marijuana available to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

[ 2017, c. 452, §18 (NEW). ]

**SECTION HISTORY**

2017, c. 452, §18 (NEW).

**§2429-B. SIGNS, ADVERTISING AND MARKETING**

1. **Prohibitions.** Signs, advertising and marketing used by or on behalf of a registered caregiver or dispensary may not:

   A. Be misleading, deceptive or false; [2017, c. 452, §18 (NEW). ]

   B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age; [2017, c. 452, §18 (NEW). ]

   C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or dispensary at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies; [2017, c. 452, §18 (NEW). ]

   D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or [2017, c. 452, §18 (NEW). ]

   E. Market to any person authorized to possess marijuana under this chapter and specifically to any adult use or recreational marijuana market within the same sign, advertisement or marketing material. [2017, c. 452, §18 (NEW). ]

[ 2017, c. 452, §18 (NEW). ]

2. **Rules on signs, advertising and marketing.** The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:

   A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested marijuana; [2017, c. 452, §18 (NEW). ]

   B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [2017, c. 452, §18 (NEW). ]

   C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [2017, c. 452, §18 (NEW). ]
D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature. [2017, c. 452, §18 (NEW).]

[2017, c. 452, §18 (NEW).]

SECTION HISTORY
2017, c. 452, §18 (NEW).

§2429-C. EDIBLE MARIJUANA PRODUCTS HEALTH AND SAFETY REQUIREMENTS AND RESTRICTIONS

In addition to all other applicable provisions of this chapter, edible marijuana products to be sold or offered for sale in a retail transaction in accordance with this chapter: [2017, c. 452, §18 (NEW).]

1. Cannabinoid content. Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content;

[2017, c. 452, §18 (NEW).]

2. Marijuana content. Must be manufactured in a manner that results in the amount of marijuana concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains marijuana concentrate;

[2017, c. 452, §18 (NEW).]

3. Shape. May not be manufactured in the distinct shape of a human, animal or fruit;

[2017, c. 452, §18 (NEW).]

4. Additives. May not contain additives that are:
   A. Toxic or harmful to human beings; or [2017, c. 452, §18 (NEW).]
   B. Specifically designed to make the product appeal particularly to a person under 21 years of age; and [2017, c. 452, §18 (NEW).]

[2017, c. 452, §18 (NEW).]

5. Addition to trademarked food or drink. May not involve the addition of marijuana to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible marijuana product and the edible marijuana product is not advertised or described for sale as containing the trademarked product.

[2017, c. 452, §18 (NEW).]

SECTION HISTORY
2017, c. 452, §18 (NEW).
§2429-D. LOCAL REGULATION

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, registered caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities. [2017, c. 452, §18 (NEW).]

A municipality may not: [2017, c. 452, §18 (NEW).]

1. Registered caregivers. Prohibit or limit the number of registered caregivers;
[ 2017, c. 452, §18 (NEW).]

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section; or
[ 2017, c. 452, §18 (NEW).]

3. Municipal authorization needed. Authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.
[ 2017, c. 452, §18 (NEW).]

SECTION HISTORY
2017, c. 452, §18 (NEW).

§2430. MEDICAL USE OF MARIJUANA FUND ESTABLISHED

1. Fund established. The Medical Use of Marijuana Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.
[ 2017, c. 409, P.t. E, §10 (AMD).]

2. Sources of fund. The State Controller shall credit to the fund:
A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, dispensary, manufacturing facility and marijuana testing facility; [2017, c. 452, §19 (AMD).]
B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers or directors or assistants of registered caregivers, dispensaries, manufacturing facilities and marijuana testing facilities; [2017, c. 452, §20 (AMD).]
C. All penalties and fines assessed for violations of this chapter; [2009, c. 631, §45 (NEW); 2009, c. 631, §51 (APF).]
D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and [2009, c. 631, §45 (NEW); 2009, c. 631, §51 (APF).]
E. Interest earned or other investment income on balances in the fund. [2009, c. 631, §45 (NEW); 2009, c. 631, §51 (AFF).]

[2017, c. 452, §§19, 20 (AMD).]

3. Uses of the fund. The fund may be used for expenses of the department to administer this chapter or for research in accordance with subsection 5, as allocated by the Legislature. To the extent that funds remain in the fund after the expenses of the department to administer this chapter and for research in accordance with subsection 5, any remaining funds must be used to fund:

A. The cost of the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and [2017, c. 452, §21 (NEW).]

B. The cost of the position in the Department of Administrative and Financial Services, Bureau of Revenue Services to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the Commissioner of Administrative and Financial Services shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund. [2017, c. 452, §21 (NEW).]

[2017, c. 452, §21 (AMD).]

4. Review of fund balance. Beginning January 2018 and every 2 years thereafter, the department shall review the balance in the fund. If the balance in the fund exceeds $400,000, the department shall reduce the fees established under section 2425-A, subsection 10 for a 2-year period beginning with the calendar year following the review.

[2017, c. 452, §22 (NEW).]

5. Medical marijuana research grant program established. The medical marijuana research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of marijuana as part of medical treatment and the health effects of marijuana used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 452, §22 (NEW).]

SECTION HISTORY

§2430-A. COMPLIANCE
(REPEALED)
§2430-B. ADMISSIBILITY OF RECORDS

A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records. [2011, c. 383, §5 (NEW); 2011, c. 407, Pt. B, §35 (NEW).]

§2430-C. PROTECTIONS FOR AUTHORIZED ACTIVITY

1. Rights of persons or entities acting pursuant to this chapter. A person whose conduct is authorized under this chapter may not be denied any right or privilege or be subjected to arrest, prosecution, penalty or disciplinary action, including but not limited to a civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for lawfully engaging in conduct involving the medical use of marijuana authorized under this chapter. [2017, c. 452, §24 (NEW).]

2. Legal protection for hospitals and long-term care facilities. The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and an officer or director, employee or agent of the hospital and a long-term care facility and an officer or director, employee or agent of the long-term care facility. Any immunity provision in this chapter in conflict with this subsection does not apply to a hospital or long-term care facility. The legal protection for hospitals and long-term care facilities applies in accordance with the following.

A. If the use of a form of harvested marijuana that is not smoked, including but not limited to edible marijuana products and tinctures and salves of marijuana, by an admitted patient who has been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter. [2017, c. 452, §24 (NEW).]

B. If the use of a form of harvested marijuana consistent with a long-term facility's policy by an admitted patient who has been certified under section 2423-B occurs in the long-term care facility, that long-term care facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter. [2017, c. 452, §24 (NEW).]
C. An officer or director, employee or agent of a hospital or long-term care facility where the use of a form of harvested marijuana that is not smoked or vaporized, including but not limited to edible marijuana products and tinctures and salves of marijuana, by an admitted patient who has been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter. [2017, c. 452, §24 (NEW).]

[2017, c. 452, §24 (NEW).]

3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of marijuana on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of marijuana for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.

[2017, c. 452, §24 (NEW).]

4. Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interests of the minor child as set out in Title 19-A, section 1653, subsection 3.

[2017, c. 452, §24 (NEW).]

5. Receiving an anatomical gift. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of marijuana as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of marijuana to the use of forms of harvested marijuana that are not smoked or vaporized, including but not limited to edible marijuana and tinctures and salves of marijuana. A transplant evaluator may require medical marijuana used by a qualifying patient to be tested for fungal contamination by a marijuana testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.

[2017, c. 452, §24 (NEW).]

6. Prohibition on seizure and retention. Except when necessary for an ongoing criminal or civil investigation, a law enforcement officer may not seize marijuana that is in the possession of a qualifying patient, caregiver, marijuana testing facility, manufacturing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of marijuana in violation of this subsection shall return the marijuana within 7 days after receiving a written request for return by the owner of the marijuana. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return marijuana possessed in violation of this subsection within 7 days of receiving a written request for return of the marijuana under this subsection, the owner of the marijuana may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.

[2017, c. 452, §24 (NEW).]
7. Requirements for protection. To receive protection under this section for conduct authorized under this chapter, a person must:

A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the original written certification for the patient and the patient's government-issued identification that includes a photo and proof of address; or [2017, c. 452, §24 (NEW).]

B. If the person is a caregiver, present upon request of a law enforcement officer the original written document designating the person as a caregiver by the qualifying patient under section 2423-A, subsection 1, paragraph F-1 and the caregiver's government-issued identification that includes a photo and proof of address. [2017, c. 452, §24 (NEW).]

[ 2017, c. 452, §24 (NEW). ]

8. Evidence of lawful conduct. A person who has been issued a registry identification card pursuant to section 2425-A must also possess a valid government-issued identification that includes a photo and proof of address in order to establish proof of authorized participation in the medical use of marijuana under this chapter. Possession of a registry identification card by a cardholder, the act of applying for such a registry identification card, possession of a written certification issued under section 2423-B or possession of a designation document executed under section 2423-A, subsection 1, paragraph F-1 is not evidence of unlawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.

[ 2017, c. 452, §24 (NEW). ]

9. Immunity. The immunity provisions in this subsection apply to caregivers, marijuana testing facilities, manufacturing facilities and dispensaries and the officers or directors or assistants of caregivers, marijuana testing facilities, manufacturing facilities and dispensaries.

A. A caregiver, marijuana testing facility, manufacturing facility or dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of marijuana in accordance with this chapter. [2017, c. 452, §24 (NEW).]

B. An officer or director or assistant of a caregiver, marijuana testing facility, manufacturing facility or dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a caregiver, marijuana testing facility, manufacturing facility or dispensary to provide marijuana plants and marijuana products to qualifying patients, caregivers, dispensaries, manufacturing facilities or marijuana testing facilities or to otherwise assist with the medical use of marijuana in accordance with this chapter. [2017, c. 452, §24 (NEW).]

[ 2017, c. 452, §24 (NEW). ]

SECTION HISTORY

2017, c. 452, §24 (NEW).

§2430-D. COLLECTIVES PROHIBITED

Collectives are prohibited under this chapter. A person may not form or participate in a collective. The following relationships are not collectives and are not prohibited: [2017, c. 452, §24 (NEW).]

1. Caregivers assisting for the benefit of a mutual qualifying patient. Two caregivers to the extent the relationship is to:
A. Consult with each other to assist the same qualifying patient; [2017, c. 452, §24 (NEW).]

B. Refer a qualifying patient to a caregiver to obtain specialized marijuana plants or harvested marijuana; [2017, c. 452, §24 (NEW).]

C. Obtain specialized marijuana plants or harvested marijuana from another caregiver to assist the same qualifying patient; or [2017, c. 452, §24 (NEW).]

D. Transfer harvested marijuana pursuant to section 2423-A, subsection 2, paragraph K; [2017, c. 452, §24 (NEW).]

[2017, c. 452, §24 (NEW).]

2. **Employer and assistant relationship.** Two caregivers to the extent the relationship is as employer and assistant; or

[2017, c. 452, §24 (NEW).]

3. **Caregivers sharing common areas.** Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized under section 2423-A, subsection 2, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share marijuana plants or harvested marijuana resulting from the cultivation of those plants.

[2017, c. 452, §24 (NEW).]

SECTION HISTORY

2017, c. 452, §24 (NEW).

§2430-E. POSSESSION PENALTIES; FRAUD PENALTY

1. **Excess marijuana; forfeiture.** A person who possesses marijuana plants or harvested marijuana in excess of the limits provided in this section shall forfeit the excess amounts to a law enforcement officer. The law enforcement officer is authorized to remove all excess marijuana plants or harvested marijuana possessed by that person in order to catalog the amount of excess marijuana. Possession of marijuana in excess of the limits provided in this section is a violation as follows:

A. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount up to 1 1/4 ounces commits a civil violation for which a fine of not less than $350 and not more than $600 must be adjudged, none of which may be suspended; [2017, c. 452, §24 (NEW).]

B. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount over 1 1/4 ounces and up to 2 1/2 ounces commits a civil violation for which a fine of not less than $700 and not more than $1,000 must be adjudged, none of which may be suspended; and [2017, c. 452, §24 (NEW).]

C. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount over 2 1/2 ounces is a violation of Title 17-A, chapter 45. [2017, c. 452, §24 (NEW).]

[2017, c. 452, §24 (NEW).]

2. **Repeat forfeiture.** If a cardholder has previously forfeited excess marijuana pursuant to subsection 1 and a subsequent forfeiture occurs, the department shall revoke the registry identification card of the cardholder and the entire amount of marijuana plants or harvested marijuana possessed by that cardholder
must be forfeited to a law enforcement officer. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 452, §24 (NEW) .]

3. Defense for possession of excess marijuana. Except as provided in section 2426, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving marijuana possession and may present evidence in court that the patient's necessary medical use or cultivation circumstances warranted exceeding the amount of marijuana allowed under section 2423-A and was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana.

[ 2017, c. 452, §24 (NEW) .]

4. Calculation of marijuana weight. The amount of marijuana possessed under this chapter must be calculated by the weight of dried harvested marijuana. A calculation of the weight of marijuana that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of marijuana in a marijuana product may not include ingredients in the product other than marijuana, except that the weight of marijuana concentrate must be included whether the marijuana concentrate is possessed by itself or within a marijuana product.

[ 2017, c. 452, §24 (NEW) .]

5. Penalty for fraud. Fraudulent misrepresentation regarding lawful possession or medical use of marijuana and fraudulent procurement under this chapter are governed by this subsection. A person who misrepresents to a law enforcement official any fact or circumstance relating to the possession or medical use of marijuana under this chapter to avoid arrest or prosecution commits a civil violation for which a fine of $200 must be adjudged.

[ 2017, c. 452, §24 (NEW) .]

SECTION HISTORY
2017, c. 452, §24 (NEW).

§2430-F. REGISTRATION SUSPENSION OR REVOCATION

1. Department suspension or revocation. The department may suspend or revoke a registry identification card for violation of this chapter and the rules adopted under this chapter. Revocation in accordance with section 2430-E, subsection 2 is considered a final agency action, subject to judicial review under Title 5, chapter 375, subchapter 7. Unless otherwise specified as final agency action, a person who has had authorization for conduct under this chapter revoked due to failure to comply with this chapter and rules adopted by the department may request an informal hearing. The department shall adopt rules to specify the period of time, which may not exceed one year, that the person whose registry identification card was revoked is ineligible for reauthorization under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The department shall immediately revoke the registry identification card of an officer or director or assistant of a dispensary who is found to have violated section 2428, subsection 9, paragraph B, and that person is disqualified from serving as an officer or director or assistant of a dispensary.

[ 2017, c. 452, §24 (NEW) .]
2. Suspension or revocation of registry identification card. The department shall revoke the registry identification card of a cardholder who sells, furnishes or gives marijuana to a person who is not authorized to possess marijuana for medical purposes under this chapter. A cardholder who sells, furnishes or gives marijuana to a person who is not authorized to possess marijuana for medical purposes under this chapter is liable for any other penalties for selling, furnishing or giving marijuana to a person. The department may suspend or revoke the registry identification card of any cardholder who violates this chapter, and the cardholder is liable for any other penalties for the violation.

[ 2017, c. 452, §24 (NEW) .]

SECTION HISTORY
2017, c. 452, §24 (NEW).

§2430-G. RECORD KEEPING; INSPECTIONS; REPORTING REQUIREMENTS

1. Tracking; record keeping. This subsection governs the tracking, record-keeping and disclosure requirements of registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A. A registered caregiver, a registered dispensary, a marijuana testing facility and a manufacturing facility shall:

(1) Keep a record of all transfers of marijuana plants and harvested marijuana;

(2) Keep the books and records maintained by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility for a period of 7 years;

(3) Complete an annual audit of business transactions of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility by an independent 3rd party; and

(4) Make the books and records maintained under this subsection available to inspection by the department upon the department's demand.

Records kept under this paragraph must avoid identifying qualifying patients. [2017, c. 452, §24 (NEW) .]

B. The department shall develop and implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit to the department the records required under paragraph A and in accordance with rules adopted by the department. The department shall adopt rules regarding the process and content of records to be submitted, the frequency with which the records must be submitted and any other requirements necessary to implement this paragraph. [2017, c. 452, §24 (NEW) .]

C. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall accompany all marijuana plants and harvested marijuana being transported pursuant to this chapter with a label that identifies:

(1) The person transferring the marijuana plants or harvested marijuana, including the person's registry identification number;

(2) The person receiving the marijuana plants or harvested marijuana, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;

(3) A description of the marijuana plants or harvested marijuana being transferred, including the amount and form;

(4) The time and date of the transfer; and

(5) The destination of the marijuana plants or harvested marijuana. [2017, c. 452, §24 (NEW) .]
The department may adopt rules to implement this subsection.  

[ 2017, c. 452, §24 (NEW) .]

2. Inspections. This subsection governs inspections of registered caregivers, registered dispensaries, including the additional location where cultivation of marijuana plants may occur, marijuana testing facilities and manufacturing facilities.

A. Notwithstanding section 2423-A, subsection 3, paragraph B and section 2428, subsection 6, paragraph I, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver conducts activity authorized under this chapter, a registered dispensary including the additional location where cultivation may occur, a marijuana testing facility and a manufacturing facility without notice during regular business hours or during hours of apparent activity, except that the department:

(1) May not enter the dwelling unit of a registered caregiver if the registered caregiver is not present; and

(2) May inspect only the area of a dwelling unit where activity authorized under this chapter occurs.

The department shall specify in writing to the registered caregiver or an officer or director or assistant of a registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility the grounds contained in the complaint when conducting an inspection in response to a complaint.  [2017, c. 452, §24 (NEW).]

B. The department shall adopt rules:

(1) Establishing standards for compliance with this chapter that are available publicly;

(2) Establishing inspection procedures that prevent contamination of any operations undertaken by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility in compliance with this chapter; and

(3) Requiring a registered caregiver to report on the location within the registered caregiver’s home where activity authorized under this chapter is occurring.

Rules adopted by the department pursuant to this paragraph may require that an annual compliance inspection is a condition of eligibility for renewal of a registration under this chapter.  [2017, c. 452, §24 (NEW).]

C. The department may suspend, revoke or refuse to renew the registration identification card or registration certificate of a registered caregiver, a registered dispensary, a marijuana testing facility or a manufacturing facility that refuses or willfully avoids 2 or more inspections under this subsection. A person whose registry identification card or registration certificate has been suspended, revoked or not renewed under this subsection may request a hearing in accordance with Title 5, chapter 375, subchapter 4.  [2017, c. 452, §24 (NEW).]

D. The department may not conduct inspections of a qualifying patient or caregiver operating under section 2423-A, subsection 2, paragraph C.  [2017, c. 452, §24 (NEW).]

[ 2017, c. 452, §24 (NEW) .]

3. Incident and illegal activity reporting. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall report:

A. Any violation of this chapter or rule adopted under this chapter governing the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department within one business day of discovering the violation; and [2017, c. 452, §24 (NEW).]
B. Any suspected illegal activity involving the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department and law enforcement within 24 hours of discovering the suspected illegal activity. [2017, c. 452, §24 (NEW).]

[2017, c. 452, §24 (NEW).]

4. Procedures for suspending or terminating registration. The department shall adopt rules establishing procedures for suspending or terminating the registration of a registered dispensary or a registered caregiver that violates the provisions of this section or the rules adopted pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 452, §24 (NEW).]

SECTION HISTORY
2017, c. 452, §24 (NEW).

§2430-H. FINES COLLECTED

Fines collected pursuant to this chapter and rules adopted by the department must be credited to the Medical Use of Marijuana Fund pursuant to section 2430. [2017, c. 452, §24 (NEW).]

SECTION HISTORY
2017, c. 452, §24 (NEW).
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 16, 2019  ☑ ACTION
DATE ACTION REQUESTED: July 22, 2019  □ DISCUSSION ONLY
SUBJECT: Long Sands Beach

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Take action pursuant to discussion in executive session regarding real estate

RECOMMENDATION: n.a.

PROPOSED MOTION: I move to direct the Town Manager to take action consistent with discussions in executive session.

Prepared by Stephen H. Burns, Town Manager:
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 17, 2019

DATE ACTION REQUESTED: July 22, 2019

SUBJECT: Underground Utilities in York Village

☐ ACTION
☒ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Attached is a memo from Chris Hartwell, Chair of the York Village Revitalization Steering Committee. The memo documents and explains the Committee’s position that underground utilities should not be pursued as part of the Village Improvements. The Committee felt it is important the public be aware of their position and the reasons for it.

I do not anticipate the Committee being present at the meeting – this is more of an FYI.

RECOMMENDATION: n.a.

PROPOSED MOTION: n.a.

Prepared by Stephen H. Burns, Town Manager:
Dear Steve,

I am sending the attached document for distribution to the Board of Selectmen when you see fit. Although Dean, as project manager, said he did not need anything formal from us on the topic, the Committee members felt it was important for us to put our positions down on paper.

Firstly, we want to make our recommendation to the Board clear on ending the quest for moving utilities underground. Secondly, we take our role of representing the citizens of York on this project seriously and feel they are owed a statement about where this aspect of the project stands.

Although we are recommending no further planning be done on underground utilities, we did discuss as a committee, ideas to improve the aesthetics of the Village related to utilities. There will be existing poles that need to be moved in order to implement the overall road and sidewalk work. We have recorded some suggestions we hope will be incorporated into project planning by the Town and the utility companies as the project moves along.

Dean will have all the estimated cost documentation in his files if any of the recipients of our memo wish to see them. I've incorporated a sheet of drawings for our Option 1 and the utilities section from our report to the Board last year as appendices to the memo for completeness.

Please call or email me if you need anything further.

Sincerely,

Christine Hartwell, Chair
York Village Revitalization Steering Committee
Stephen Carr
Toni DeSoto
Brent Drennan
Ron McAllister
Dan Poulin
Peter Smith
Scott Stevens
Memorandum

Update on Initiative to Move York Village Overhead Utility Lines Underground

To: Members of the Town of York Board of Selectmen, Stephen Burns, Dean Lessard
From: Village Revitalization Steering Committee
Date: June 18, 2019

Background

Relocating overhead utility lines below ground in all or part of the Village Revitalization project area would greatly enhance the scenic appearance of the Village. The relocation of utility lines and elimination of poles in the Village project area was a notable feature of the 2015 Village Master Plan. Unfortunately, the initial cost estimate of $8 million to move the overhead lines underground in the entire project area was quickly deemed impractical. The committee learned that, unlike the road work and sidewalk improvements proposed, underground utility project costs do not qualify for traditional Federal or State funding. Our research was unable to find any potential sources of outside funding. In addition, utility companies are not obligated to pay the cost of relocating existing utilities underground. Thus, moving existing overhead utilities underground falls to the municipality requesting the work.

While the original estimate for moving all Village utilities underground was cost prohibitive, the committee continued to pursue two alternatives over the last 18 months, briefly discussed below.

Options Considered for Scaling Back Underground Utilities

Option 1. Move current overhead utilities below ground in the right of way in a portion of the project area while retaining existing overhead utilities elsewhere.

In order to establish priority area(s), the committee performed a site walk in February 2018 and ranked all the poles in the project area. Poles were evaluated on their scenic impact on the Village and the complexity of the services attached to the poles. With our pole ranking in hand, we went to the BOS in October, 2018, to request a limited appropriation from existing design funds to have the various utilities provide a more detailed price for a significantly reduced scope — essentially the intersection at York Street and Long Sands Road. Our expectation, along with the views of the BOS, was that if the price for the work did not exceed $2 million, the Town might consider going to the voters for funding as part of an upcoming capital planning cycle. The utilities came back to the design team and DPW Director Lessard in March 2019 with surprising and disappointing results.

While the financial target under $2 million was achieved in the scaled down area, the results were not as expected. According to the drawings provided us by the design team (attached), taking away three undesirable existing poles, the utilities would be adding five in their place! This was shocking news for the committee members. DPW Director Lessard explained that in order to put lines underground, two new poles were needed at each end of the work area to run new lines below ground at one end and connect them back above ground at the other end. Each new pair of poles includes one for electric service and a second for cable and phone services. The fifth pole shown is necessary to support the special level of electric power on Hospital Drive. As a result, even though they can remove three existing poles in the center of the intersection, they must add five new poles in essentially the same area because of the small size of the priority target area. The drawings attached show the new poles drawn in red, side by side with existing poles. They also illustrate where extra equipment would be located at street level to support the underground lines. The extra equipment above ground would potentially interfere with the small space available in the project plan for the new monument plaza.

Because of the reduced area to be considered for underground utilities the additional poles wind up being more of a detriment to the final look of the Village rather than a gain. A broader area would have allowed those new
poles to be in less visible areas, but the committee acknowledged that the price would be so high that it did not seem feasible to enlarge the area. The group agreed that this situation is untenable and not anything we would recommend bringing to York voters.

Option 2. Install conduit throughout the project area while the Village streets are being reconstructed to create an option for the town to relocate utilities at a future date.

An idea initially considered feasible, was to install conduit for underground utilities in the project areas while major road reconstruction (i.e., deep digging) was taking place. The idea being it would save costs should the Town choose to invest in moving utilities underground at a later date. With further discussions about the likelihood of that happening and recognition that quick-changing technology may render the empty conduit obsolete such that it may never be utilized, we agreed this option should also be dismissed.

**Our Recommendation Regarding Underground Utilities**

With great regret, it is the recommendation of the Village Revitalization Steering Committee, that the Town not pursue underground utilities for the Village any further. In addition to the cost/benefit review of the reduced scope estimate, pursuing other options would potentially delay the start of the project. Consideration was given to moving above ground poles behind or between buildings in some locations to get lines out of sight or, at least, to be less obstructive to the heart of the Village. This would require time to obtain easements from private land owners which could delay the final design and start date for the project as well as add to project costs.

We also took into account the increasing likelihood that the Town may decide to go to the voters for additional appropriation for the project itself. This might be the case if the State and Federal transportation funds yet to be allocated to York fail to materialize in a reasonable timeframe. An explanation of how transportation funds get allocated in our region is contained in our report to the Board in October 2018 (available on yorkvillage.org). Similarly, the Board is no doubt aware of instances in York and beyond, where bids are exceeding original cost estimates. Given the lag time between initial design estimates (2015) and the present, there is increasing likelihood that bids on the final design will turn out to be higher for the Village project than originally estimated ($4 million). This could be cause for the town to consider additional appropriation from York voters.

**Where do we go from here?**

The Village road and sidewalk improvements will require some of the existing utility poles be moved. New street lighting and trees as well as bike racks and other amenities will mean placement of poles need to be coordinated with the design team and the utilities. We recommend the York DPW make every effort to assure the utility companies take into account potential visual improvements that may be possible to achieve on the Town’s behalf while working on the relocation of existing poles.

Ideas we hope the utility companies and Town can work together on include:

- Straighten existing poles that are leaning over York Street.
- Rework passage of lines currently over the Monument island so they are less intrusive on the new intersection and monument plaza.
- Review the locations and services of poles in front of First Parish Church and the Museum area to see if any line consolidations are possible or equipment alterations can be made.
- Consider increasing pole heights to reduce interference of utility lines within the visual line of sight from street level.

Respectfully Submitted by Christine Hartwell, Chair

**Attachments**

- Option 1 target area drawings provided by the project design team based on utility company inputs.
- Utilities Section from October 2018 VRSC Report #1 to BOS.
Option 1 – Move Above Ground Utilities Underground in Priority 1 Project Area

Drawings Provided by Project Design Team Based on Utility Company Information

Library Riser Poles

Hospital Switch Cabinet and Riser

York Street Riser Poles

Pad Mounts and Reversible Switch Gear

Red lines show proposed new poles and equipment locations needed to move utilities underground in intersection in Option 1 (greatly reduced scope).
Underground Utilities

Relocating utility lines underground in all or part of the project area would greatly enhance the appearance of the Village and has been recommended in multiple unfulfilled plans for York Village since the 1940’s. The relocation of utility lines and elimination of poles in the Village project area was a notable feature of the Master Plan. Regrettably, the initial cost estimate for doing that was two times ($7.9 m) the estimate for the rest of the project ($4 m) and, therefore, was deemed unachievable. Underground utility project costs do not qualify for traditional Federal or State funding. Research by the committee could not find any source of outside funding. In addition, the utilities are not obligated to pay the cost of relocating existing utilities underground. The cost, therefore, of moving existing overhead utilities underground falls to the municipality requesting the work.

Two Options Under Consideration

In spite of the original estimate for moving all Village utilities underground, there continued to be support for something to be done about utilities in the Village. The design team has been asked to continue to explore the idea and seek information from the utility companies needed to develop more detailed costs to do the following:

1. Move current overhead utilities below ground in the right of way in a portion of the project area yet to be determined and retain existing overhead utilities elsewhere; and,
2. Install conduit throughout the project area while the Village project streets are being reconstructed thus, creating the option for the town to relocate utilities at a future date.

While only one of these two options will be chosen, it is important to develop costs for both.

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**Fig. 3: Comparison of Village Intersection with and without Overhead Utilities**

*Before:* A preponderance of poles, wires and cables diminish the view at the York St/Long Sands Rd intersection.

*After:* Although facing a major redesign of the roadway, the photo above illustrates the potential for improvement in the scenic view as people approach the Village following removal of the overhead utilities in the intersection.

*Photo Credits: Marie Avoine*  
[More before/after photos on yorkvillage.org/ugu/]

Based on preliminary data the utilities provided the consulting team early in the design work, DPW Director Lessard estimated a materials cost for conduit only of $126,000 per 1,000 feet. However, there will be a lot of additional costs involved in completing any sized installation. In order to get detail on material and installation costs, further engineering is needed and the utilities charge for that level of detail.
Extract from BOS Report #1, June 2018 pp5-7

The consulting team will be contacting the utility companies to confirm whether the costs they provided many months ago for engineering level estimates are still valid. Once we have a cost estimate for the utility engineering services, an action item can be presented to the BOS. The town must set up accounts with each utility company for them to do engineering work based on conditions specific to the York Village project. The committee has been told that it should be possible to develop an estimate for any given length of underground utilities because the utility companies will estimate the entire area of the project as we originally define it and their design estimates will be provided per linear foot of conduit or wire, manhole unit, square footage, etc. With that information, the project team can scale their estimates to a defined utility project area with a realistic price that may be sent to voters for funding.

Village Utility Pole Survey

At our February 2018 meeting, Planning Director Smith proposed that we undertake a site walk of the entire project area to help us define the boundaries of the area(s) within the overall project that, if money were no object, would ideally have utilities relocated underground. The walk was undertaken on a rather cold February day. Supplied with a map of numbered utility poles in the project area, six VRC members, Planning Director Smith, Selectmen Palmer and Estes, and Bike & Pedestrian Committee member Leah Drennan, walked the area and individually recorded a rating for each pole. Each pole was rated for the importance of its location and the pole’s impact on scenic view and secondary ranking based on impact on plan design, signage, foliage, pedestrian flow, and cost. Two additional VRC members took the survey on their own prior to the next regular committee meeting.

At its March 15, 2018 meeting, the committee reviewed the results of the survey walk. The group had surveyed the area along Long Sands Road from Woodbridge Road to the Village center and along York Street from the First Parish cemetery entrance to Williams Avenue. The survey tally identified an area from the Town Hall entrance drive to the east side of the old church building and up Long Sands Road to the library driveway as having the highest priority for relocating utilities. (See Figure 4.)

To establish the priority areas, the committee assigned a letter to each power pole on the plan reflecting the priority for its removal based on our survey results and further discussion of each by the group. ‘A’ being the highest priority to ‘Y’ being the lowest priority. After completing that exercise, four groupings of poles were identified and prioritized. These have been sent to the consultants.

The group discussed various options and methods for removing or moving power poles along several segments of the roadway. The idea of moving power poles and lines behind buildings was discussed. That was ruled out.
Extract from BOS Report #1, June 2018 pp5-7

because of the complication of having to get easements from property owners and that doing so could require property owners to face associated costs and further delay the project.

If an underground utilities project is to be added to the revitalization project, the next available opportunity to obtain voter approval will be the May 2019 budget referendum. The project team needs to start working on capital planning issues and making progress soon to meet the lead-in timeline for that date.

Full BOS Report #1 is available on www.YorkVillage.org
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 17, 2019

DATE ACTION REQUESTED: July 22, 2019

SUBJECT: Proposed Settlement with First Parish Church

☐ ACTION
☐ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: A copy of a proposed settlement is attached. This was negotiated by two members of the Board, with assistance from staff. It has been reviewed by the Board in executive session, but to date no action has been taken by the Board. At this time I recommend the Board vote to either support or not support the proposal.

I believe it is important to take this action at this time because the full congregation of the First Parish Church will be voting on this matter in the coming weeks and it would be best if they know in advance that the Board of Selectmen are in support (or not, for that fact).

The settlement is conceptual in nature, leaving other matters such as preparation of a survey, drafting of deeds and easements, issuance of confirmatory deeds (if necessary), and so forth until after Church and Town Meeting ratification.

The Board can vote to support this proposal, which is my recommendation. It can reject this proposal, which would likely lead to litigation in an attempt to settle land ownership matters once and for all. The Board could take no action, which in the long term would preclude efforts to expand the Town Hall building at its current location because the questions of ownership would remain unclear at best.

RECOMMENDATION: There are 3 matters to be addressed:

1 - Members of the Board should disclose their membership in the First Parish Church, as applicable. This is disclosure only for the sake of transparency and does not require a vote of remaining Board members.

2 - The Board must address the matter of a potential conflict of interest of Todd, who works for the First Parish Cemetery. Todd abstains and the remainder of the Board votes as to whether or not it believes he has a conflict of interest in this matter.

3 - I recommend the Board vote to endorse the proposed settlement.
PROPOSED MOTION: I move to support the proposed Town of York and First Parish Church Land Settlement dated July 11, 2019.

Prepared by Stephen H. Burns, Town Manager:
TOWN OF YORK & FIRST PARISH CHURCH
LAND SETTLEMENT
July 11, 2019

First Parish Church will receive Fee Simple Deeds for the following land:

- Land under Church buildings, grounds and parking
- First Parish Cemetery
- First Parish Woodlands  *(land behind Church Cemetery)*
- The Ramsdell House property  *(across from Hospital entrance)*
- The Old Burial Yard
- The Emerson Wilcox House property

*First Parish Church deeds shall contain language conferring land to the Town if no longer needed by the church or successor congregation.*

The Town of York will receive Fee Simple Deeds for the following land:

- Land under the current Town Hall and land for the proposed expansion of Town Hall & Parking
- Land under the Old Gaol
- Land under the Remick Barn, Jefferds’ Tavern, the Old School House and adjacent parking area

*All Town of York deeds shall contain language conferring land to First Parish if no longer needed by the town.*

ADDITIONAL AGREEMENTS:

- Town agrees to survey all land in this settlement north and south of York Street and pay for the legal costs of producing the corresponding deeds.
- Church agrees that the First Parish Cemetery will be maintained as a town cemetery open to all town residents, taxpayers and their immediate families.
- Town & Church agree to execute a maintenance agreement for Town Hall / First Parish Church land.
- Town & Church will each maintain their land South of York Street.
- Town & Church will execute cross easements for utilities, parking & access
• The Church will work with the Town to provide year-round parking spaces on Apple Lane (in the Upper parking lot behind Fellowship Hall) for Town employees during the construction of the New Town Hall addition.

Supporting the revitalization of York is a shared commitment both of the Church and the Town. A new, expanded Town Hall with a planned outdoor stage and publicly accessible bathrooms will allow further utilization of the Town Green that is a vital part of York Village.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATESubmitted: July 18, 2019

☑ ACTION

DATE ACTION REQUESTED: July 22, 2019

☑ DISCUSSION ONLY

SUBJECT: Harbor Board Appointments

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board of Selectmen have interviewed the following candidates for the Harbor Board all of whom are interested in membership to the Board:

Timothy Greer
Dave Gittens
Michael Sinclair
Greg Brown
Amanda Bouchard
John Lund
Jeremy Reynolds
Kevin McKinney
Jeff White
Ed Mancini
Brad Hunter

This is the current membership on the board:
Regular – Timothy Greer 2019
Regular – Dave Gittens 2019
Regular – Michael Sinclair 2019
Regular – David Webber 2021
Regular – Matthew Donnell 2020
Alternate – Nicholas Stater 2020
Alternate – John Graning 2021

The terms of Timothy Greer, Dave Gittens, and Michael Sinclair (all Regular Member) expired on June 30, 2019 – the Board will need to choose to reappoint them or appoint someone else to the position.

RECOMMENDATION:
PROPOSED MOTION:
I move to appoint ____________ as a Regular Member to the Harbor Board, with a term expiring June 30, 2022.
I move to appoint ____________ as a Regular Member to the Harbor Board, with a term expiring June 30, 2022.
I move to appoint ____________ as a Regular Member to the Harbor Board, with a term expiring June 30, 2022.

PREPARED BY: ______________________  REVIEWED BY: ______________________
Melissa M. Avery, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019

DATE ACTION REQUESTED: July 22, 2019

☐ ACTION
☐ DISCUSSION ONLY

SUBJECT: Municipal Social Services Review Board Appointment

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board of Selectmen have interviewed the following candidate for the Municipal Social Services Review Board:

Katherine Dodge

This is the current membership on the board:
Regular – Robert Luttmann 2020
Regular – Connie Hanley 2020
Regular – Karen Gilroy 2020
Regular – Deanna Martin 2021
Regular – Roslyn Birger-Hershfield 2022
Regular – Pat Conner 2022
Regular – VACANT

The motion below is for a full three-year term.

RECOMMENDATION:

PROPOSED MOTION:
I move to appoint _____________ as a Regular Member to the Municipal Social Services Review Board, with a term expiring June 30, 2022.

PREPARED BY: _____________ REVIEWED BY: ____________________
Melissa M. Avery, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019

DATE ACTION REQUESTED: July 22, 2019

☑ ACTION

☐ DISCUSSION ONLY

SUBJECT: Village Revitalization Steering Committee Appointment

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board of Selectmen have interviewed the following candidate for the Village Revitalization Steering Committee:

Jody Merrill

This is the current membership on the Committee:
Regular - Ron McAllister
Regular - Scott Stevens
Regular - Antonia Desoto
Regular - Christine Hartwell
Regular - Dan Poulain
Regular - Peter Smith
Regular - Brent Drennan
Regular - Stephen Carr
Regular - VACANT

There are no term expiration dates for Ad-Hoc Committees, they will serve for the life of said committee.

RECOMMENDATION:

PROPOSED MOTION:
I move to appoint _______________ as a Member to the Village Revitalization Steering Committee.

PREPARED BY: ___________________________ REVIEWED BY: ___________________________
Melissa M. Avery, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019

DATE ACTION REQUESTED: July 22, 2019

☐ ACTION

□ DISCUSSION ONLY

SUBJECT: Senior Citizens Advisory Board Appointments

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board of Selectmen have interviewed the following candidates for the Senior Citizens Advisory Board all of whom are interested in membership to the Board:

James Plourde
Deborah Meyers
Sydney Wakefield
Elizabeth Maziarz
Lorraine Robbins Pardoe
Emily Cambray

This is the current membership on the board:
Regular - VACANT (Previously B. Rennie) 2020
Regular - Emily Cambray 2019
Regular - Jacqueline A. Valentino 2021
Regular - Jeanette McGrath 2021
Regular - Carolyn Anderson 2021
Alternate - Deborah J. Meyers 2019
Alternate - VACANT

Currently there is a vacancy to fill the remaining term (through June 30, 2020) of Bruce Rennie a Regular Member who resigned, and also a full-term Alternate position. Also note, the terms of Emily Cambray (Regular Member) and Deborah Meyers (Alternate Member) expired on June 30, 2019 – the Board will need to choose to reappoint them or not as well.

RECOMMENDATION:

PROPOSED MOTION:
I move to appoint _______________ as a Regular Member to the Senior Citizens Advisory Board, to fill
I move to appoint ______________ as an Alternate Member to the Senior Citizens Advisory Board, with a term expiring June 30, 2022.
I move to appoint ______________ as a Regular Member to the Senior Citizens Advisory Board, to fill a term expiring June 30, 2022. (Current membership for Emily Cambray)
I move to appoint ______________ as an Alternate Member to the Senior Citizens Advisory Board, to fill a term expiring June 30, 2022. (Current membership for Deborah J. Meyers)

PREPARED BY: ___________________________ REVIEWED BY: ___________________________
Melissa M. Avery, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019

DATE ACTION REQUESTED: July 22, 2019

SUBJECT: Board and Committee Reappointments

☑ ACTION
☐ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: I reached out to the Board and Committee members that have terms expiring June 30, 2019 to see if they wish to be considered for reappointment. Below are the members that I hadn’t heard from before your last meeting, but they have confirmed they would like to be considered for reappointment. The typical term length is three years - Recommended motions for full term reappointments for each member are below.

Dean Mello – York Harbor Site Design Review Board
Tony Knox – Sohier Park Committee
David White – Energy Steering Committee

RECOMMENDATION: Reappoint the members for full terms.

PROPOSED MOTION: I move to reappoint Dean Mello as a Regular Member to the York Harbor Site Design Review Board, with a term expiring June 30, 2022.
I move to reappoint Tony Knox as a Regular Member to the Sohier Park Committee, with a term expiring June 30, 2022.
I move to reappoint David White as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2022.

PREPARED BY: ___________________ REVIEWED BY: ___________________
Melissa M. Avery, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 19, 2019

DATE ACTION REQUESTED: July 22, 2019

☐ ACTION

□ DISCUSSION ONLY

SUBJECT: Agreement between the Town of York and the York Community Service Association for the administration of the Town's General Assistance and Property Tax Relief Ordinance

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
1. Renew the contract with York Community Service Association for the administration of Town’s General Assistance program. The proposed contract fee for FY20 will be $16,500, paid in monthly installments, as approved in the FY20 budget. The proposed agreement includes the administration of the Town’s Property Tax Relief Ordinance for an additional fee of $5,000.
2. Decline to renew the proposed agreement and revert back to the internal administration of general assistance and the property tax relief ordinance. The decision to administer these programs internally would necessitate the hiring of additional staff.

RECOMMENDATION: Renew the contract for the administration of the Town’s General Assistance program and Property Tax Relief Ordinance with the York Community Service Association.

PROPOSED MOTION: I move to approve the agreement with York Community Service Association, dated July 22, 2019, for the administration of the Town’s General Assistance program and Property Tax Relief ordinance, as set forth in the attached Agreement, for the period of July 1, 2019 through June 30, 2020.

FISCAL IMPACT: $21,500 ($16,500 for General Assistance Administration, $5,000 for Property Tax Relief Ordinance Administration)

DEPARTMENT LINE ITEM ACCOUNT: 100.0504.8001/100.0111.9231

BALANCE IN LINE ITEM IF APPROVED: $0

PREPARED BY: Kathryn Lagasse, HR Director

REVIEWED BY:
Agreement for Town of York
General Assistance Program
Administrative Services

This Agreement made this 22nd day of July, 2019, by and between the Town of York, a municipal corporation existing under the laws of the State of Maine (hereinafter Town), and York Community Service Association, a 501(c)(3) organization incorporated in the Town of York, (hereinafter YCSA), whose business address is 855 US Route 1, P.O. Box 180, York, Maine 03909.

1. **Scope of Services:** The Town hereby hires and engages YCSA to provide services related to the Town's General Assistance Program as described in Schedule A, attached to this Agreement and made a part hereof.

2. **Compensation:** YCSA shall be paid the sum of $16,500.00 annually for the services provided under this Agreement with the exception of Schedule A; 10. The payment for services will be made in equal monthly installments ($1,375.00/month) promptly upon presentation of an invoice.

   YCSA shall be paid $5,000.00 annually for the administration of the Municipal Property Tax Relief Ordinance (Schedule A; 10). The payment for program administration will be paid in a single lump sum on, or after, February 1, 2020.

3. **Term:** The term of this agreement shall be from July 1, 2019 to June 30, 2020.

4. **Conditions Precedent:** As a condition to the full and faithful performance by YCSA of the services described in Schedule A, the Town shall perform the following services:

   • The Town shall provide program information and assistance in a prompt and responsive manner, recognizing that time may be of the essence in connection with deadlines imposed under the General Assistance program.

   • The Town shall assist with meeting organization.

   • The Town shall assume responsibility for funds, disbursements and receipts.

   • The Town shall pay for the cost of publishing all public notices.

   • YCSA shall be responsible for the storage, security and integrity of client information be it in digital or paper form.

5. **Termination:** Either party may terminate this Agreement upon sixty (60) days’ notice in writing to the other party.

6. **YCSA staff shall be available to meet with the Town staff to report on the progress of the work hereunder as reasonably required by the Town.

7. **Assignment:** No party to this Agreement shall assign, delegate, subcontract, or otherwise transfer its rights to obligations hereunder without the prior consent of the other party, which consent shall not be unreasonably delayed or withheld and in all instances only upon a
determination that the assignment, delegation, transfer or subcontract is permissible pursuant to Section 9 of this Agreement and Title 22 M.R.S.A. § 4302.

8. **Disclaimer of Relationship:** Neither this Agreement nor any act of either the Town or YCSA shall be deemed or construed by any party to create any relationship of third-party beneficiary, or of principal or agent, or of limited or general partnership or of joint venture or of any other association or relationship except as hereinafter provided, it being recognized that YCSA is an independent contractor of the Town.

9. **Delegation of Authority:** The Town and YCSA acknowledge that the provision of services hereunder involves General Assistance as defined in Title 22 M.R.S.A. § 4301(5). Moreover, Title 22 M.R.S.A. § 4302 requires the Town to be bonded to administer the General Assistance program in York. The Town warrants and represents to YCSA that the Town may delegate the functions described in this Agreement to YCSA and that the Town's bond for the General Assistance program will cover and insure YCSA in its performance of this Agreement or its failure to perform under this Agreement to the same extent and as if the Town were performing such functions itself. YCSA shall cooperate with the Town for purposes of obtaining additional coverage or insurance to satisfy the bonding requirements, if applicable.

10. **Fair Hearings:** Notwithstanding any other term or condition of this Agreement, YCSA shall be responsible for scheduling and conducting fair hearings in accordance with Title 22 M.R.S.A. § 4321 and all other applicable law.

11. **Compliance with Laws and Regulations:** YCSA shall comply with all Federal and State laws and regulations including but not limited to Equal Employment Opportunity.

12. **Confidentiality:** YCSA shall not disclose any information pertaining to the services provided under this Agreement without express consent of the Town and notwithstanding such consent, will not disclose records determined by the relevant authority, upon the consultation with and advice of its counsel, to be confidential pursuant to Title 22 M.R.S.A. § 4306.

IN WITNESS WHEREOF, the parties hereunder duly authorized have executed and delivered this Agreement as of the date first above written.

__________________________________  ________________________________  ____________
Witness                                Town of York                     Date

__________________________________  ________________________________  ____________
Witness                                York Community Service Association  Date
Schedule A

PROGRAM OBJECTIVE:

YCSA shall perform case management and supervision of the Town of York’s General Assistance Program. The overall goal of this position is to assist York residents achieve self-sufficiency.

ESSENTIAL FUNCTIONS:

1. In order to fulfill the program objective, YCSA shall administer the local, State and federal requirements of the General Assistance program including, but not limited to, the following:
   • to perform client assessments and make determinations of the suitability of programs for clients,
   • to set-up and monitor the services provided through a system of case management with respect to each client entitled to General Assistance benefits,
   • to assess the sufficiency of client fees and the appropriateness of program waivers,
   • to issue assistance vouchers to eligible clients,
   • to input purchase orders into the Town's program,
   • to review program costs and provider invoices for cost containment purposes,
   • to fulfill all internal reporting, and other agency reporting as may be required,
   • to review, evaluate and recommend tax lien abatements to the Board of Selectmen.

2. YCSA shall provide case management services to General Assistance clients, as well as other participants that require Town of York provided services.

3. YCSA shall monitor program functions as documented in written care plans and agreements.

4. YCSA shall provide periodic reports as may be required under the General Assistance program.

5. As part of its case management function, YCSA shall do everything practicable to maintain positive working relationships between General Assistance clients, families, provider representatives, local agencies and organizations.

6. YSCA shall attend pertinent meetings, trainings and policy workshops.

7. YCSA shall assist the Board of Selectmen with state-mandated amendments to the General Assistance Ordinances.

8. Responsible to determine and report General Assistance funds to be distributed on behalf of the Town of York.

9. YCSA shall determine and report R.E.D. funds, to the degree funded, to be distributed on behalf of the Town of York for the purposes of remediation/reconstruction/repair, extermination and demolition of an eligible client’s primary dwelling.

10. YCSA shall oversee and administer the Town’s Property Tax Relief Ordinance

11. YCSA shall act as a liaison with Town of York and the State of Maine

12. YCSA shall monitor the GA clients that receive support services to ensure compliance with the Town Ordinance.
13. YCSA shall manage reimbursements from SSI/SSDI for York residents/clients to repay the town's contribution towards their welfare.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 18, 2019
☐ ACTION
DATE ACTION REQUESTED: July 22, 2019
□ DISCUSSION ONLY
SUBJECT: Property Redemption Request

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
Options for each property:
1. Approve the Property Redemption Request for the total taxes, interest and costs due
2. Deny the Property Redemption Request and keep the property under Town ownership

RECOMMENDATION:

PROPOSED MOTION: I move to approve the property redemption of Tax Map 0056-0013, located at 42 Lindsay Road, as requested, subject to the condition that all taxes, interest and administrative costs are paid in full by no later than September 20, 2019 with cash or certified bank check.

PREPARED BY: ________________________ REVIEWED BY: ________________________
Melissa M. Avery, Assistant to the Town Manager
June 29, 2019

Town of York  
186 York Street  
York, Maine 03909  
ATTN: Melissa M Avery  
Assistant to the Town Manager  

Karl Paterson  
POA for Sandra Paterson  
8 Alpine Drive  
Sanford, Maine 04073  

Dear Ms. Avery,

I am writing to you on behalf of Sandra Paterson regarding a property located at 42 Lindsay Road in the town of York. This property is currently in foreclosure by the Town of York and based on your letter dated January 23, 2019, Sandra is interested in and intends to redeem this property. Sandra is prepared to bring all past due taxes current as of the date of this letter and is requesting the Board of Selectmen grant her request to redeem the property.

Please respond at your earliest opportunity and provide direction on the redemption process. Thank you for your assistance and I look forward to hearing from you soon.

Karl J. Paterson  
POA for Sandra Paterson  
(207) 252-4413  
Email: karl.paterson@icloud.com
TO: Board of Selectmen
FROM: Melissa M. Avery, Assistant to the Town Manager
DATE: July 18, 2019
RE: Tax Foreclosure Redemption: Map 0056 Lot 0013; 42 Lindsay Road

Karl Paterson, POA for Sandra Paterson, former property owner of property identified as Tax Map 0056 Lot 0013, located at 42 Lindsay Road in York, Maine, request to redeem this property for which the Town has foreclosed after the maturing of tax lien for Fiscal Year 2017.

We are recommending to the Selectmen, that Karl Paterson, POA for Sandra Paterson be allowed to redeem this property providing the following condition(s) are met:

**Condition #1** – All past years and current years taxes, interest, administrative and lien costs, which total **$19,359.79** shall be paid in full, to the Town of York, by no later than **September 20, 2019**.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>FY2017 TAXES AND INTEREST</td>
<td>$4,982.97</td>
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<tr>
<td>FY2018 TAXES AND INTEREST</td>
<td>$4,597.15</td>
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<tr>
<td>FY2019 TAXES AND INTEREST</td>
<td>$4,826.42</td>
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<tr>
<td>FY2020 TAXES</td>
<td>$4,753.25</td>
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<td>ADMINISTRATIVE/LIEN COSTS</td>
<td>$200.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$19,359.79</strong></td>
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**Parcel Information**

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<thead>
<tr>
<th>Map-Lot</th>
<th>Size of Lot</th>
<th>Assessed Value</th>
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<tbody>
<tr>
<td>0056-0013</td>
<td>.88 Acres</td>
<td>$475,900</td>
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</tbody>
</table>
Town of York, ME

SUBJECT PARCEL:
42 LINDSAY ROAD

Ownership Information:
YORK TOWN OF
N/A
186 YORK STREET
YORK, ME 03909

Parcel Information:
PARCEL ID: 0056-0013
ASSESSING ID: 109-057
LAND AREA: 0.88
LAND USE: MUNICIPAL MDL-01
BUILDING STYLE: Conventional
LAND VALUE: $245,600
BLDG VALUE: $209,900
TOTAL VALUE: $455,500

Sales Information:
SALE DATE: Apr 01, 2019
PRICE: N/A
BOOK PG: 1/1
QUALIFIED: U

DISCLAIMER: The data contained on this web site is provided for public convenience. The Town of York, ME makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. Town of York, ME expressly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The Town of York, ME assumes no liability for its use, availability, or compatibility with user's software or computers.
<table>
<thead>
<tr>
<th>SCHEDULED TOPICS</th>
<th>Lead Staff</th>
<th>July 23rd</th>
<th>July 30th</th>
<th>August 13th</th>
<th>August 27th</th>
<th>September 10th</th>
<th>September 24th</th>
<th>October 1st</th>
<th>October 8th</th>
<th>November 1st</th>
<th>November 8th</th>
<th>December 2nd</th>
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<td>Committee Interviews and Appointments</td>
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<td>November General Referendum Prep</td>
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<td>PNC Policy</td>
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<td>Travel Reimbursement Policy</td>
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<td>York Village Improvements</td>
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<td>Long Sands Beach</td>
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<td>Economic Development Consultant to help with YB properties</td>
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<td>Preference Votes Policy</td>
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<td>Comprehensive Plan</td>
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<td>York-Attitboro</td>
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<td>GOAL: Evaluate &amp; Implement Recommendations of Staffing Study</td>
<td>Kathryn</td>
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<td>Town Hall Addition</td>
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<td>LED Streetlights</td>
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<td>Mount A: complete tower removal process</td>
<td>Robin C.</td>
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<td>Global Covenant of Mayors for Climate and Energy</td>
<td>Steve</td>
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<td>Dog Park</td>
<td>Doug/Robin C.</td>
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<td>York River Capacity Study</td>
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<td>Mount A: Parking, Toilets</td>
<td>Robin K.</td>
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<td>Set next 3 referenda timelines</td>
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<td>GOAL: Inventory of Town-owned Properties &amp; Facilities</td>
<td>Steve</td>
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<td>York Beach TIF</td>
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<td>Dock at Goodrich Park</td>
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<td>CAPITAL PROGRAM</td>
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<td>Revise Town Library MOU because of EV charging stations appl.</td>
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<td>November Special Budget Referendum Prep</td>
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<td>Evaluation of Town Attorney</td>
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<td>Selectee's Workshop Hour - topic(s) TBD</td>
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<td>OPERATING BUDGET</td>
<td>Steve</td>
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<td>Traffic Island Maintenance</td>
<td>Robin C.</td>
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**REPORTS & UPDATES**

On the Radar | Steve | X | X | X | X | X | X | 5.599

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