

Marijuana Manufacturing Ordinance

Town of Newfield, Maine

1. **Authority.** The Town of Newfield, Maine, adopts this Ordinance under the Marijuana Legalization Act, 28-B M.R.S.A. chap. 1 (adult use marijuana); the Medical Use of Marijuana Act, 22 M.R.S.A. chap. 558-C (medical marijuana); Maine Constitution art. VIII, pt. 2, § 1; and the Municipal Home Rule Authority, 30-A M.R.S.A. § 3001 *et seq.*
2. **Purpose.** The purpose of this Ordinance is to promote the health, safety, and welfare of the residents of Newfield by regulating marijuana manufacturing businesses, including adult use marijuana manufacturing businesses and medical marijuana manufacturing businesses. Marijuana manufacturing includes producing, blending, infusing, compounding, or otherwise preparing marijuana products for either medical marijuana use or adult use. These products include, but are not limited to, marijuana extractions, distillates, concentrates, and edibles. Marijuana manufacturing does not include growing marijuana.
3. **Allowed Districts.** A marijuana manufacturing business may operate only in the Rural District or the Farm and Forest District.
4. **Allowed Activities.** A licensed marijuana manufacturing business may produce adult use marijuana products and medical marijuana products as allowed by State law. No business may manufacture marijuana products without a valid license issued by the Town and the State.
5. **State License Required.** The applicant must have all legally required approvals and licenses from the State before the Town may act on its license application.
6. **Licensing Procedure.** The applicant must submit an application on a form provided by the Town. The Town must follow its normal and regular procedures in accepting, reviewing, and acting on a license application and in any appeal of a licensing decision. The Town may place reasonable conditions on the approval of an application in order to protect the health, safety, and welfare of its residents, including, but not limited to, odor mitigation and security requirements. Neither the Town Clerk, the Select Board, the Planning Board, nor the Code Enforcement Officer may use personal discretion in approving or denying the license application. The Planning Board alone may place conditions on the approval of an application.
9. **License Fees.** The Town may set reasonable fees for accepting a license application and for issuing and renewing a marijuana manufacturing license.
10. **Expiration of License.** A license is effective for one year from the date that it was issued by the Town. The licensee must renew the license annually. If there have been no changes since the issuance of the prior license, no valid complaints against the licensee, or no ordinance violation since the issuance of the prior license, the Town must renew the license without further requirements of the licensee. If there have been changes, valid complaints, or an ordinance violation since the prior license was issued, the Town may require the licensee to submit supplemental materials and appear before the Planning Board.
10. **Suspending or Revoking a License.** The Town may suspend or revoke a marijuana manufacturing license for any violation of a Town ordinance or if the State revokes or suspends the licensee's state license. The Town must provide notice to the licensee of the suspension revocation and must allow the licensee a hearing before any suspension or revocation.
11. **Compliance with Other Laws.** A licensee must comply with all State and local laws, regulations, rules, and ordinances at all times.
12. **Transfer of Ownership and Change of Location.** Licenses are not transferable to other businesses or owners. Licenses are limited to the location for which they are issued and may not be transferred to a different location.