

Town of Baileyville
Medical Marijuana Dispensaries, Medical Marijuana Retail Stores and
Cultivation Facilities Ordinance

A. Purpose and Authority

To regulate the location of Registered Medical Marijuana Dispensaries within the Town of Baileyville: Pursuant to Title 22 MRSA Chapter 558C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The Town of Baileyville also reserves the right to enact additional siting and licensing requirements and to regulate Registered Caregiver Medical Marijuana Retail Stores pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Whereas marijuana has been determined to have both limited legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to regulate legally the siting and permit requirements specific to the Town of Baileyville for the business of a Registered Medical Marijuana Dispensary or Registered Caregiver Medical Marijuana Retail Stores.

The regulations of this ordinance do not apply to properly licensed individuals who are certified under the Maine Medical Marijuana Act to Medical Marijuana Law to grow marijuana solely for their personal use, or as a registered primary caregiver pursuant to 22 M.R.S.A. §2423-A.

B. Regulations:

1. The siting of a Registered Medical Marijuana Dispensary or Registered Cultivation Facility must comply with the zoning law of Baileyville.
The siting under the structure plans for each marijuana related proposal must be reviewed by the Code Enforcement Officer and the Baileyville Planning Board in a meeting open to the public and must receive a vote of approval by the Planning Board.
2. There shall be no more than two Registered Medical Marijuana Dispensaries and Registered Cultivation Facility within the Town of Baileyville.
3. A Registered Medical Marijuana Dispensary may be allowed only in a Rural Zone. It may not be built or operated within 900 feet of an existing residential dwelling or within 900 feet of a Rural Zone Boundary Line.

4. A Registered Medical Marijuana Dispensary shall not be built or operated in a Zone designated as General, Industrial, Residential, Retail or Village.
5. No Certificate of Occupancy shall be granted for a Registered Medical Marijuana Dispensary if the site concerned is located within a Drug Free Safe Zone, or 1000 feet of a pre-existing Private or Public School, Day Care Facility, Town Park or House of Public Worship.
6. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located in or adjacent to, a Registered Medical Marijuana Dispensary.
7. No Certificate of Occupancy shall be granted for a Registered Medical Marijuana Dispensary unless the premise concerned is in complete compliance with all Municipal, State and Federal Codes and Regulations.
Security requirements for both the Registered Medical Marijuana Dispensary and associated Registered Cultivation Facility shall include as a minimum:
 - A. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Baileyville Police Department.
 - B. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.
 - C. Video surveillance capable of covering the entire outside of the facility, interior and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty four hours per day seven days a week and such records of surveillance shall be retained for a minimum duration of 90 days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
8. A Registered Medical Marijuana Dispensary and Registered Cultivation Facility may not employ a person who is convicted of any State or Federal controlled substance law, or is under indictment or charged with any State or Federal controlled substance law violations, while employed at the Registered Medical Marijuana Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any State or Federal controlled substance law while a principal officer or board member of a Registered Medical Marijuana Dispensary and Registered Cultivation Facility that Registered Medical Marijuana Dispensary and Registered Cultivation Facility shall immediately be considered in violation of this Ordinance.
9. No Registered Medical Marijuana Dispensary shall operate a drive through or drive up window service.

10. All signage shall meet the requirements of Rural Zoning Districts and may not use any pictorial representations of any portion of a marijuana plant, products, by-products or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.

11. No Registered Caregiver Medical Marijuana Retail Stores are permitted within the Town of Baileyville.

C. Licensing:

1. The license for the facility must be approved by the Town Council and is subject to a yearly fee set forth in the town's fee schedule.
2. The license must be renewed annually.
3. The license is non-transferable.

D. Penalty:

Violation of this ordinance or amendments thereof, shall be punishable by a fine of not less than twenty five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per day, per violation, as set by the court.

First Reading: Sep 16, 2018

Second Reading: Sep 24, 2018


Public Hearing: Oct 22, 2018

Acceptance: Oct 22, 2018


Publication: Oct 23, 2018

Effective Date: Dec 1, 2018

Councilor Signatures:



Tim Call

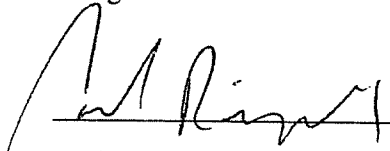


Acacia Emery



Steve Knowles

Craig Croman



Carl Ripley

Town of Baileyville
Ordinance Prohibiting Retail Marijuana Establishments and Retail
Marijuana Social Clubs

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001, and the Charter of the Town of Baileyville.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality, the Town of Baileyville.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

First Reading: Sep 10, 2018

Second Reading: Sep 24, 2018

Public Hearing: Oct 22, 2018

Acceptance: Oct 02, 2018

Publication: Oct 23, 2018

Effective Date: Dec 1, 2018

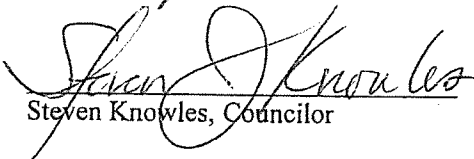
Councilor Signatures:



Tim Call, Council Chair

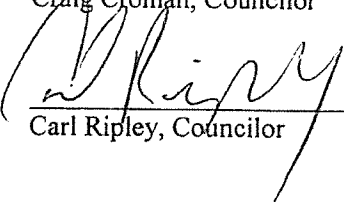


Acacia Emerx, Councilor




Steven Knowles, Councilor

Craig Croman, Councilor



Carl Ripley, Councilor

Attested: 

Town Clerk