

Town of Baldwin

PREAMBLE: These Amendments repeal the existing Moratorium Ordinance approved in December of 2023. Notwithstanding 1 M.R.S. § 302 they are intended to apply retroactively to any pending proceeding, replacing LUO § 10.11 with the following:

10.11 MEDICAL AND ADULT USE CANNABIS

- A. PURPOSE:** The purpose of this Ordinance and related guidelines is to promote the health, safety, and general welfare of the residents of Baldwin by prohibiting, limiting, or regulating all cannabis uses, activity, and business operations to the fullest extent permitted by law while ensuring compliance with controlling provisions of, *inter alia*, the Town of Baldwin Land Use Ordinance, the Maine Medical Use of Cannabis Act (M.R.S. Title 22, Chapter 558-C); the Maine Cannabis Legalization Act (M.R.S. Title 28-B, Chapter 1), and the Town of Baldwin Ordinance Prohibiting Marijuana Retail Marijuana Business Establishments and Retail Marijuana Social Clubs within all zoning districts.
- B. EFFECTIVE DATE AND CONFLICT OF LAWS:** This Ordinance shall take effect immediately upon enactment by the municipal legislative body, and shall repeal the existing MORATORIUM ORDINANCE APPROVED 12 DECEMBER 2023 Regarding Medical Cannabis Registered Dispensaries and Medical Cannabis Production Facilities. Upon enactment this Ordinance shall amend and replace Section 10.11 (MEDICAL CANNABIS) of this Land Use Ordinance and remain in effect until further amended or repealed. In the event that any provision in these amendments conflicts with any other provision of this Land Use Ordinance; conflicts with the Ordinance Prohibiting Marijuana Retail Marijuana Business Establishments and Retail Marijuana Social Clubs; or conflicts with any provision or regulation adopted pursuant to M.R.S. Title 22, Chapter 558-C, or M.R.S. Title 28-B, Chapter 1 the stricter or more prohibitory provision shall be given effect.
- c. DEFINITIONS:**

 - 1. Cannabis:** The leaves, stems, flowers and seeds of all species of the plant, *genus Cannabis*, whether growing or not. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.
 - 2. Cultivation:** The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of Cannabis for use or sale. "Cultivation" or "cultivate"

does not include manufacturing, testing, or Cannabis extraction.

3. **Home Cultivation:** The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of Cannabis for use or sale that occurs within a private residence by a resident for whom the dwelling unit is their primary residence.
4. **Adult Use Cannabis:** Cannabis that is cultivated, manufactured, distributed, or sold by a Cannabis Establishment for adults twenty-one (21) years of age or older as defined by Maine Title 28-B.
5. **Adult Use Cannabis Establishment:** A Cannabis cultivation facility, manufacturing facility, testing facility or retail store licensed by the State of Maine for adults twenty-one (21) years of age or older as defined by Maine Title 28-B. A term inclusive of all Cannabis-related facilities and stores, except Home Cultivation.
6. **Adult Use Cannabis Cultivation Facility:** A facility licensed under Maine Title 28-B to purchase Cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use Cannabis; to sell adult use Cannabis to products manufacturing facilities, to Cannabis stores and to other cultivation facilities; and to sell Cannabis plants and seeds to other cultivation facilities and immature Cannabis plants and seedlings to Cannabis stores.
7. **Adult Use Cannabis Manufacturing Facility:** A facility licensed under Maine Title 28-B for the production, blending, infusing, compounding or other preparation of Cannabis and Cannabis products, including, but not limited to, Cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.
8. **Adult Use Cannabis Testing Facility:** A facility licensed under Maine Title 28-B to research and test Cannabis, Cannabis products and other substances.
9. **Adult Use Cannabis Retail Store:** A facility licensed under Maine Title 28-B to purchase adult use Cannabis, immature Cannabis plants and seedlings from a cultivation facility, to purchase adult use Cannabis and adult use Cannabis products from a manufacturing facility and to sell adult use Cannabis, adult use Cannabis products, immature Cannabis plants and seedlings to consumers.
10. **Medical Cannabis:** Either edible Cannabis products, harvested Cannabis, Cannabis product, Cannabis concentrate, or Cannabis plants as those terms are defined in 22 M.R.S. 2422, as amended.
11. **Medical Cannabis Use:** The acquisition, possession, cultivation, manufacture, use delivery, transfer or transportation of Cannabis or paraphernalia relating to the administration of Cannabis 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 (22 M.R.S. § 2422(5)). "Medical Use Cannabis" shall have the same

meaning.

- 12. Medical Cannabis Establishment:** Either a Cultivation, Manufacturing, or Testing Facility, or a Registered Dispensary, a Medical Cannabis Retail Store, or a Medical Cannabis Counseling Office.
- 13. Registered Dispensary:** An entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses Medical Cannabis or related supplies and educational materials to Medical Cannabis Qualifying Patients and the Caregivers of those patients. A Registered Dispensary includes a location at which Cannabis is cultivated pursuant to 22 M.R.S. § 2248, as may be amended. A Registered Dispensary is not a medical office or a professional office.
- 14. Medical Cannabis Retail Store:** An entity that sells Cannabis or related supplies and educational materials to Qualifying Patients and/or Caregivers but does not engage in the cultivation or manufacture of Medical Cannabis on-site. A Medical Cannabis Retail Store is not a medical office or a professional office.
- 15. Medical Cannabis Counseling Office:** An office for consultation with medical Cannabis Qualifying Patients and operated by a single Caregiver to furnish or sell Medical Cannabis to Qualifying Patients, as those terms are defined in 22 M.R.S. § 2422. No Medical Cannabis will be left on site. Two (2) or more Caregivers are prohibited from forming, owning, or operating a Medical Cannabis Counseling Office, except as permitted under 22 M.R.S. 2430-D.
- 16. Caregiver:** A person or an assistant of that person who provides care for a Qualifying Patient in accordance with section 2423-A(2) and who may or may not be registered by the department pursuant to section 2425-A (22 M.R.S. § 2422(11)). Caregiver shall encompass “Registered Caregiver.”
- 17. Qualifying Patient:** A person who has been a resident of the State for at least thirty (30) days and who possesses a valid written certification regarding medical use of Cannabis in accordance with 22 M.R.S. § 2423-B (22 M.R.S. § 2422(9)).
- 18. Vegetative Footprint:** The square footage of the area used to cultivate Cannabis plants including mature and immature Cannabis plants, seedlings, and clone rooms.

D. MEDICAL USE CANNABIS PERMITTED WITHOUT MUNICIPAL APPROVAL:

Notwithstanding Article 6 of this Ordinance, Caregivers for Medical Cannabis Use shall be permitted to operate in all districts in which residential use is permitted under State law; namely, the Highland, Rural, and Village Commercial Districts. All Caregiver-related activity within the Town of Baldwin must be performed pursuant to, and in compliance with, Home Cultivation provisions outlined in Section J, *below*, and governing and

applicable law and regulations, including, but not limited to, all Town of Baldwin Ordinances and the MUCA, as may be amended.

E. ADULT USE CANNABIS PERMITTED WITHOUT MUNICIPAL APPROVAL:

Home Cultivation for Adult Use Cannabis shall be permitted in all districts to the extent permitted by State Law in which residential use is permitted; namely, the Highland, Rural, and Village Commercial Districts. Activity related to Home Cultivation of Adult Use Cannabis within the Town of Baldwin shall be performed pursuant to, and in compliance with, Section J, *below*, and governing and applicable law and regulations, including, but not limited to all Town of Baldwin Ordinances and the Maine Cannabis Legalization Act, as may be amended.

F. PROHIBITION ON MEDICAL USE CANNABIS ESTABLISHMENTS: Upon the adoptive date of this Ordinance, all non-existing Medical Use Cannabis Establishments, including retail stores, registered dispensaries, cultivation facilities, manufacturing facilities, testing facilities, and medical cannabis counseling offices are expressly prohibited in the Town of Baldwin. No individual, organization, or entity shall here from be permitted to register, develop, or begin operating a business or facility in this municipality which would engage in retail or wholesale sales, cultivation, manufacturing, or testing of Cannabis, Cannabis products, or any other non- Caregiver activity relating to Medical Use Cannabis. Medical Use Cannabis Establishments existing prior to the adoptive date of this Ordinance, including all registered dispensaries, Cannabis-related facilities, and/or cultivation, manufacturing, or Medical Use Cannabis production or operations of any type, must seek approval from the Planning Board to maintain operations as a conditional use (see Section H, *following*).

G. PROHIBITION ON ADULT USE CANNABIS ESTABLISHMENTS:

All Adult Use Cannabis Establishments of every kind and type, including retail stores, cultivation facilities, manufacturing facilities, and testing facilities are expressly prohibited in the Town of Baldwin. No individual, organization, or entity shall be permitted to develop or operate a business or facility in this municipality which would engage in retail or wholesale sales, cultivation, manufacturing, or testing of Cannabis, Cannabis products, or any other non-Home Cultivation activity relating to Adult Use Cannabis.

H. APPROVAL PROCESS FOR EXISTING MEDICAL USE CANNABIS ESTABLISHMENTS

Medical Use Cannabis Establishments existing prior to the enactment of this Ordinance,

including all registered dispensaries, retail stores, cultivation, manufacturing, production, or testing facilities and medical cannabis counseling offices, shall seek timely approval of the Planning Board to continue operations as a conditional use. The owner or operator of any existing Medical Use Cannabis Establishment must submit a conditional use application to the Planning Board within one hundred twenty (120) days from the enactment of this Ordinance. Conditional use applications submitted pursuant to this Ordinance shall follow the requirements and performance standards as set forth herein and controlling provisions of the Land Use Ordinance of the Town of Baldwin, including, but not limited to, the application, review, and approval processes pursuant to Article 8 (Conditional Use), Article 11 (Site Plan Review), the inherent authority of the Planning Board as defined in Article 4 (Administration and Enforcement), and all other governing State and local law.

I. PERFORMANCE STANDARDS FOR EXISTING MEDICAL USE CANNABIS ESTABLISHMENTS

In addition to other requirements set forth in this Ordinance and related provisions of the Town of Baldwin Land Use Ordinance, the following shall apply to any application relative to an existing Cannabis Establishment, including applications for conditional use as mandated pursuant to Section H, *above*, and subsequent applications seeking amendment(s) to conditional use approval previously obtained from the Town of Baldwin Planning Board:

1. Limitations on Density of Existing Medical Use Cannabis Establishments

To prevent a concentration of Cannabis Establishments in a single location, only one (1) Medical Use Cannabis Establishment operated for a commercial use is permitted per lot.

2. Limitations on Proximity to Other Specific Uses

No Cannabis Establishment shall be closer than one thousand (1,000) linear feet to any school, drug or alcohol treatment facility, licensed childcare center, or other Medical Use Cannabis Establishment, as measured in a straight line from nearest point of Cannabis- related operations to the nearest property line of the school, treatment facility, childcare center, or other Cannabis Establishment.

No Medical Use Cannabis Establishment shall be closer than one hundred (100) linear feet to any residence, as measured in a straight line from the nearest point of Cannabis-related operations to the property line where the relevant residence is

located – with the EXCEPTION of the primary residence of the Cannabis Establishment’s owner.

3. Limitations on Size of Existing Medical Use Cannabis Establishments

The total area of any Cannabis Establishment may not exceed five thousand (5,000) square feet. Where two (2) or more Caregivers are operating within the same cultivation or other Cannabis facility(ies), the total area of all Cannabis-related activity may not exceed five thousand (5,000) square feet.

4. Limitations on Signage and Advertising of Existing Medical Use Cannabis Establishments

No signs containing the word "cannabis", "marijuana", "420", "710" or any other term(s) indicating the presence of Cannabis or any graphics/images such as a green cross or any portion of a Cannabis plant, or otherwise identifying the presence of Cannabis shall be erected, posted, or in any way displayed on the outside of any Medical Use Cannabis Establishment, including a registered dispensary or a cultivation or manufacturing facility for Medical Use. Interior advertisements, displays of merchandise, or signs depicting the activities of a registered dispensary or a cultivation or manufacturing facility for Medical Use shall be screened such as to prevent viewing by the outside public. Signage may not exceed twenty (20) square feet in size (*e.g.*, 4 feet x 5 feet). Illumination of signage is prohibited.

5. Limitations on Outdoor Activity and Visibility of Existing Medical Use Cannabis Establishments

All Cannabis-related activity shall occur only within an indoor completely enclosed and secured structures and areas. All Cannabis and Cannabis-related operations must be safely secured on the premises both during and outside of operating hours. All Cannabis and Cannabis- related activity shall be fully screened to prevent viewing from outside the Cannabis Establishment or structures related thereto. The Planning Board shall impose necessary conditions to ensure appropriate security and screening measures are implemented.

6. Limitations on Hours of Operation of Existing Medical Use Cannabis Establishments

Cannabis Establishments may operate Monday through Saturday between the hours of 8:00am and 7:00pm. No Cannabis Establishment may operate on Sundays. The Planning Board shall impose further conditions or limitations on hours of operation

as appropriate pursuant to the conditional use application process.

7. Limitations on Excessive Odorous Air Contaminants

It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants resulting in detectable odors that leave the premises upon which they originate such as to interfere with the reasonable comfort, use, and enjoyment of another's property. The Planning Board shall impose necessary conditions and/or further limitations to ensure odors emitted from any Cannabis Establishment are not detectable beyond the property boundaries on which the Cannabis Establishment is situated.

8. Limitations on Excessive Electromagnetic Interference

It shall be an unlawful nuisance for any person to cause or permit electromagnetic emissions from lighting or other environmental controls to leave the premises upon which they originate which result in detectable electromagnetic interference to radio or like communications such as to interfere with the reasonable comfort, use, and enjoyment of another's property. The Planning Board shall impose necessary conditions and/or further limitations to ensure electromagnetic emissions from any Cannabis Establishment are not detectable beyond the property boundaries where the Cannabis Establishment is located.

9. Limitations on Waste Disposal

Any and all Cannabis waste and waste byproducts shall be properly disposed of in strict conformance with the MUCA as appropriate. Composting and fermenting on-site is only permitted if undertaken in accordance with controlling law and regulations. The Planning Board may impose conditions and/or limitations surrounding an appropriate waste management plan and criteria for ensuring compliance applicable law and regulations.

10. Conditional Use Application Requirements for Existing Medical Use Cannabis Establishments

All applications for a conditional use permit submitted to the Planning Board pursuant to this Ordinance shall be subject to applicable provisions of Article 8 (Conditional Use) and Article 11 (Site Plan Review) of Baldwin's Land Use Ordinance.

In addition, all applications for a conditional use permit must also include the

following:

- i. Operations Manual and Safety Plan** outlining security and oversight measures and detailing operations, proposed methods of distribution, hours, and including a rendering of any proposed signage, as applicable;
- ii. Notice to Sheriff Required.** The Cumberland County Sheriff or designee shall be given written notice of any Application for approval of any use subject to these provisions, and shall have standing to participate and appeal from any approval granted hereunder. The Applicant shall make reasonable efforts to obtain a written statement or affirmation that the Sheriff's Department has reviewed the applicant's Operations Manual and Safety Plan and proposed security and oversight measures, and that the Sheriff's Department is comfortable with the proposed Plan or which summarizes any concerns regarding the applicant's Plan and recommendations for modifications to adequately address same;
- iii. Odor Control Plan** to include (1) description of specific odor-emitting activities or processes that will take place at the Establishment (*e.g.*, cultivation), the source(s) of those odors (*e.g.*, budding plants), and the location(s) from which they are emitted (*e.g.*, flowering room), and (2) for each odor emitting source or process identified in Section (1) of the Odor Control Plan, specify the administrative and engineering controls the Establishment will implement to control and mitigate odors. This may include carbon filtration and negative pressure environment or sealed rooms, and the use of significant setbacks;
- iv. Waste Management Plan** that specifies how wastewater, waste Cannabis materials, and waste products will be managed in compliance with applicable law;
- v. Disclosure Statement** to include the following, as applicable:
 - (A) If the Applicant is an Individual, provide legal name and any aliases, and submit proof that Applicant is twenty-one (21) years of age or older;
 - (B) The Applicant shall provide and update from time to time contact information, including without limitation, physical address; e-mail address, and phone and text address.
 - (C) If the Applicant is a Partnership, provide complete name and the names of all partners, whether the partnership is general or limited. Submit a copy of the partnership agreement, if any. Submit proof that all partners are at least twenty- one (21) years of age;

- (D) If Applicant is a Corporation, provide complete name, date of incorporation, evidence that the corporation is in good standing under State law, and the names and capacity of all officers, directors, and principal stockholders (anyone owning greater than 19%). Provide name of the registered corporate agent and the address of the registered office for service of process. Submit proof that all officers, directors, and principal stockholders (anyone owning greater than 19%) are at least twenty-one (21) years of age;
 - (E) If Applicant is a Limited Liability Company (LLC), provide complete name of LLC, the date of its establishment, evidence that the LLC is in good standing under State law, and the names and capacity of all members. Submit a copy of the LLC operating agreement, if any. Provide the name of the registered agent and the address of its registered office for service of process. Submit proof that all members are at least twenty-one (21) years of age;
 - (F) If Applicant intends to operate a Cannabis Establishment under any name other than the Applicant's own legal name, the Applicant must provide said name and submit any registration documents as outlined above or upon request;
 - (G) If the Applicant has ever had a permit/license under this Ordinance, or any other Cannabis ordinance from any other municipality or state, denied, suspended, or revoked, the Applicant must list the name and location of the Cannabis operation for which the permit/license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation. If the Applicant has been a partner in a partnership, or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been denied, suspended, or revoked, the Applicant must list the name and location of the Cannabis operation for which the permit/license was denied, suspended, or revoked as well as the date of denial, suspension, or revocation;
 - (H) If the Applicant holds any other permit/license under this Ordinance or pursuant to any other similar Cannabis ordinance from any other municipality or state, the Applicant must provide the names and locations of Cannabis business operating under said permit/license.
- vi. **State Authorization(s)**, or evidence of ability to provide same within forty-five (45) days of receipt of approval of conditional use application from the Town of Baldwin – if municipal approval is required in advance of owner's ability to secure State authorization. Failure to provide timely evidence of State

authorization will result in the denial of the subject conditional use permit and/or revocation of annual operating license.

- vii. The applicant shall have an affirmative duty to maintain and furnish all application materials referenced in this Section 10, with said duty to maintain documentation at the site of Cannabis-related operations at all times, and said duty to furnish same extending to any Town of Baldwin official or representative upon request.

11. Licensing Requirements for Existing Medical Use Cannabis Establishments

Upon approval of a conditional use application, and receipt of a conditional use permit to operate an existing Medical Use Cannabis Establishment, the owner of the subject Establishment must obtain an annual operating license from the Town of Baldwin Board of Selectmen pursuant to the Cannabis Establishment Licensing Ordinance and other controlling provisions of Baldwin's Land Use Ordinance and applicable State law. An annual operating license must be renewed each year to remain in compliance with this Ordinance. To qualify for annual operating license, applicants must possess a valid conditional use permit issued by the Planning Board, pay the annual licensing fee, if assessed, provide evidence that the owner of the property where the Cannabis Establishment is located is current on all Town of Baldwin real estate and personal property taxes and other assessments, and provide sufficient information and/or documentation to enable the Selectboard to determine whether the applicant is in compliance with all applicable law and regulations, including, but not limited to, this Ordinance, other Town of Baldwin Ordinances or regulations, and controlling State law.

12. Duty to Remain Informed and in Compliance with Controlling Law

The owner of any Cannabis Establishment operating for a commercial use shall have an affirmative duty to remain informed as to, and compliant with, all controlling State and local laws and regulations, including all amendments thereto, as enacted in the future. To the extent that the State of Maine has adopted, or does adopt in the future, a stricter law or regulation which governs Cannabis and/or Cannabis Establishments than that which controls as of the effective date of this Ordinance, the stricter law or regulation shall control.

13. Compliance Management and Assessment of Direct Costs by the Town of Baldwin

Failure to comply with any of the standards, requirements, or provisions as imposed by this Ordinance will result in the revocation of the operating license and assessment of Violation Fees pursuant to Article 4 (Administration and Enforcement) of Baldwin's Land

Use Ordinance.

The owner of the Cannabis Establishment shall be solely responsible for any and all direct fees and expenses as incurred by the Town of Baldwin to ensure the owner's compliance with the terms of this Ordinance, or for the direct fees and expenses incurred for engaging a professional third party with relevant expertise should the Town of Baldwin's officials determine, in their sole and absolute discretion, that said professional third parties with relevant expertise be required to determine whether the owner or Cannabis Establishment is in compliance with the provisions of this Ordinance or other controlling State or local law or regulations.

Nothing in this Ordinance shall limit the authority of the Town of Baldwin's Code Enforcement Officer or any other Town of Baldwin official or representative to inspect any Cannabis Establishment or operation to ensure compliance with the standards and requirements as set forth in this Ordinance, the subject conditional use permit, or with any other conditions or limitations as imposed or assessed by the Planning Board or any other applicable or controlling State law or Town of Baldwin Ordinance or regulation. Failure to permit the Code Enforcement Officer from inspecting the Cannabis Establishment or from taking other regulatory action pursuant to applicable State law or local authority will serve as cause for revocation of the operating license and assessment of Violation Fees.

J. REGULATION OF HOME CULTIVATION FOR MEDICAL AND ADULT USE CANNABIS

As referenced in this Ordinance, "Home Cultivation" shall mean planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of Cannabis for use by an adult (age twenty-one (21) or older) Town of Baldwin resident or Caregiver, or sale by same to a family or household member or Qualifying Patient that occurs within the private, primary residence of said Baldwin resident, Caregiver, or Qualifying Patient. Home Cultivation is an accessory use. Home Cultivation does not include manufacturing, testing, or Cannabis extraction or the sharing of Cannabis facilities by two (2) or more Caregivers for a commercial use as outlined in Section I (1), *above*.

Home Cultivation of for Medical and Adult Use Cannabis in the Town of Baldwin shall be subject to the following:

1. Prohibition on Commercial Sales

Commercial sale of Cannabis that is cultivated, processed, and/or stored on a

residential property is expressly prohibited, except as to members of the household and family members who are Qualifying Patients that do not reside in the household or as otherwise allowed under the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable. Sales of Cannabis paraphernalia are expressly prohibited.

2. Primary Residence Requirements

Home Cultivation shall only be conducted by a resident for whom the dwelling unit is their primary residence in conformance with the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable. A resident who does not own his or her primary residence, and who wants to cultivate Cannabis, shall obtain written permission from the property owner prior to cultivating Cannabis, and must make the written permission available to the Town of Baldwin, its Code Enforcement Officer, or other Town official or representative, upon request.

3. Permissible Districts and Growing Locations by Dwelling Types

Home Cultivation activity shall be permitted in all districts where residential use is permitted under State law; namely, the Highland, Rural, and Village Commercial Districts. For detached, single-family dwellings, Cannabis may be grown or cultivated inside and/or outside of the home, outbuilding, and/or garage -- if growing is conducted in conformance with standards contained in this Ordinance, the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable. For other residential dwellings, Cannabis may be grown, cultivated, processed, and/or stored inside a dwelling unit if cultivation is conducted in conformance with standards contained in this Ordinance, the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable.

4. Compliance with Health and Safety Codes

The primary residence, outbuilding, garage, or other structure where Cannabis is cultivated, processed, and/or stored, shall meet all applicable requirements of the Town's building, electrical, fire, and any other health, safety, and technical codes.

5. Permissible Quantity of Cannabis Plants

- i. Adult Use: Each person who is age twenty-one (21) years or older and who is domiciled on a parcel or tract of land may grow up to a maximum of six (6) mature Cannabis plants and twelve (12) immature Cannabis plants at any given time. No Cannabis shall be cultivated, processed, and/or stored within a

common area or limited common area of the property that is devoted to residential use.

- ii. Caregivers: Each caregiver who is age twenty-one (21) years or older and who is domiciled on a parcel or tract of land may grow up to thirty (30) mature cannabis plants, up to sixty (60) immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy. No Cannabis shall be cultivated, processed, and/or stored within a common area or limited common area of the property that is devoted to residential use.

6. Duty to Prevent Excess Odors and Undertake Reasonable Odor Mitigation

Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties, property owners, or the public.

7. Duty to Prevent Access and Secure Grow Area

Whether inside or outside of the primary residence, Home Cultivation shall only be conducted in an enclosed, locked facility or outdoor area which is accessible only by the individual who is authorized to cultivate the Cannabis in conformance with the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable.

8. Duty to Screen and Prevent Visibility by Public

No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Plants shall be entirely screened from visual observation from a public way or area by natural objects, plantings, or a solid fence at least six (6) feet or taller in height, density, and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such that they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening, or the individual who is authorized to cultivate the Cannabis shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Town of Baldwin, its Code Enforcement Officer, or other Town official or representative.

9. Prohibition on Use of Gas Products

The use of gas products, including, but not limited to, carbon dioxide, sulfur dioxide, and butane are expressly prohibited. The use of ozone generators is also prohibited.

10. Limitation on Use of Chemicals and Pesticides

The use of any chemical in the cultivation, production, storage, and/or distribution of Cannabis must fully comply with the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable. The only pesticides permitted for use in Cannabis cultivation facilities are non-synthetic substances, unless specifically listed as “prohibited” on the National List, and pesticides determined to be “minimum risk pesticides” pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended.

11. Limitations on Waste Disposal

Cannabis waste and/or residue resulting from Home Cultivation, including waste and/or residue from the cultivation, processing, and/or storage of Cannabis, shall be disposed of in conformance with the Maine MUCA and Rules and/or the Cannabis Legalization Act, as applicable. Waste and/or residue shall not be placed in exterior refuse containers without first being made unusable and unrecognizable through grinding and incorporating it with non-consumable, solid wastes, such as paper, plastic, cardboard, food, grease, compost activators, and/or soil, such that the resulting mixture is at least fifty percent (50%) non- Cannabis waste. Composting and fermenting on-site is allowed only if undertaken in accordance with State and local law and regulations.

12. Limitations on Consumption.

Pursuant to Maine LR 2395 section 1501 subsection 2, Cannabis in the Town of Baldwin may only be consumed in a private residence or on private property. Such private property must not generally be accessible to the public and the consumption of Cannabis or Cannabis products must be explicitly permitted by the property owner. All other consumption limitations in Maine LR 2395 Section 1501 Subsection 2 shall apply in the Town of Baldwin.