

**Board of Selectmen's Goals for the 11 June Public Hearing - Moratorium Ordinance on Medical Marijuana Facilities (Notes from the public hearing – Bob Flint)**

This hearing was in response to a petition from residents to institute a moratorium on medical marijuana facilities. The petition was in response to the discovery that a non-resident had started work to modify a building in East Baldwin village to convert a trucking garage into a medical marijuana cultivation facility. In addition to a general discussion, these questions were provided to those attending and were addressed. I noted that the selectmen scheduled the public hearing to gauge the public support for a moratorium and to get as much information about the topic out to interested parties. The hearing was attended by medical marijuana growers and concerned residents. The discussion was heated at times but the moderator maintained an atmosphere where differing viewpoints could be heard.

**1. Should the town of Baldwin enact a moratorium on medical marijuana facilities (6 months) to allow it to draft land use ordinances concerning the subject?**

- There were about 25-30 persons in attendance. Three were municipal officials from surrounding towns and two were prospective operators of a cultivation facility who were not town residents. Generally, residents at the hearing appeared to support the idea of a moratorium. Most residents wanted the town to have the ability to put some controls in place on marijuana cultivation activities. The two nonresident cultivation facility operators thought they were being singled out for unfair treatment since the moratorium would impact their planned business.
- There was a general discussion among the residents that marijuana cultivation facilities should be treated like all other businesses and be required to obtain a CUP (conditional use permit) from the planning board. (Planning Board members in attendance did not support that view under the current land use ordinances)
- It was discussed at the hearing that a well-known cultivation facility had existed in the neighborhood for about five years. This operation had resulted in offensive odors for the surrounding neighbors. No Planning Board action to regulate this activity had been requested. The cultivation facility has since been moved to a more remote location in town so that neighbors are no longer knowingly impacted. The owner acknowledged and apologized for the previous situation.
- The owner/operator of the prospective indoor cultivation facility stated that his operation would include an activated carbon filter system to eliminate odors from exhausted air and a runoff water catchments system to avoid ground water contamination (although his operation only uses “natural” fertilizers and pest controls)

- Both marijuana cultivation facility operators stated that they do not conduct purchase and sale activities at their cultivation locations.

**2. Is a moratorium on medical marijuana facilities legal under Maine law?**

- The town lawyer gave his opinion that a moratorium was not legal because it would involve refusal of town employees to issue permits, which is specifically prohibited in the Maine Medical Marijuana statutes. (An instance where home rule has been limited by the legislature) He reported that he had led a group of 40 municipal attorneys in a one-hour discussion of the subject on 8 June 2016. The discussion did not change his opinion.
- The town lawyer stated that in practical terms, a moratorium is seldom challenged because they last for six months, which is generally shorter than the time it takes to get a challenge to the moratorium into court. He was not advising the town selectmen to pursue this avenue, just stating a fact.
- The town lawyer also noted that municipal officials swear an oath to uphold state, local, and national laws.

**3. Is the draft moratorium acceptable? Does it do what is expected?**

- There was only a brief discussion or question about how or if a moratorium might be implemented that did not violate statutes. No opinion was given about how to do that.
- Note: The moratorium as drafted was to be enforced by not allowing town officials (planning board and CEO) to issue building or conditional use permits for the purpose of establishing a medical marijuana dispensary or cultivation facility in the town of Baldwin during the moratorium. Without that restriction the moratorium would be toothless and a likely waste of time.
- Norm Blake, the hearing moderator, and another member of the planning board intimately familiar with the town land use regulations, stated that agriculture is permitted in all Baldwin land use zones. They view marijuana cultivation as agriculture and therefore a permitted activity under current ordinances.

**4. Are the members of the Baldwin public willing to serve on a committee to draft an amendment to the land use ordinance?**

- In a requested show of hands, only one person responded. That person declared himself as a medical marijuana caregiver with a cultivation business in Baldwin. One other person questioned the amount of time that it would take to participate on such a committee. That person was concerned that they would not have adequate time to commit to the effort and still meet family needs.
- Two others did later hand in copies of this list of questions with indications that they would be willing to participate. These were two

individuals who identified themselves as current or prospective medical marijuana caregivers with current or potential cultivation facilities in Baldwin. Another person indicated through the question sheet that they would not participate on a committee.

**5. Should such a committee also address the issue of legalization, which will be on the ballot in November?**

- The moderator gave his opinion that this would be premature and the town should wait the outcome of the November referendum on legalization of recreational marijuana consumption. A few others in the audience expressed the same sentiment.
- It should be noted that municipal officials attended the meeting from the towns of Cornish, Hiram, and Brownfield. They are all thinking about how to deal with the marijuana question. None of them have proposed a marijuana related moratorium. None of them currently have marijuana related ordinances on the books. They all spoke briefly and noted that their towns were starting to look at the issue with a view toward legalization, if it occurs. Cornish has been working the issue for some months and is ahead of most local jurisdictions.