

**CITY OF GARDINER, MAINE
RECREATIONAL MARIJUANA TASK FORCE
RECOMMENDATION REPORT TO GARDINER CITY COUNCIL**

BACKGROUND

The Gardiner City Council created the Recreational Marijuana Task Force (“Task Force”) and charged it with making a recommendation as to whether some or all of the uses in the new law should be allowed in Gardiner and, if so, whether any types of restrictions should be placed on these uses. This includes retail sales, social smoking clubs, recreational cultivation, etc. The Task Force was comprised of three proponents of the law, three opponents of the law, and a neutral chair (Councilor Terry Berry).

PROPONENT	OPPONENT	OTHER
John Shaw	Karen Tucker	Terry Berry, Councilor
Louis Sigel	Jack McMillin	Anne Davis, ex-officio, Interim City Manager
Curtis Ayotte	Jaime Schorr	Jim Toman, ex-officio, Police Chief
		Barb Skelton, ex-officio, Code Enforcement Officer
		Robin Plourde, Staff liaison

TASK FORCE PROCESS AND PROCEDURES

The Task Force conducted public meetings starting in March, 2017. The meetings consisted of general education on the topic of recreational marijuana, touring medical marijuana facilities, receiving comments from members of the public and/or interested parties. The Task Force discussed each topic identified below at meetings whereby the public was put on notice and invited to attend each meeting. The public was also provided the opportunity to comment or provide feedback regarding each topic area.

The focus of the Task Force was to discuss each topical area, and make a recommendation to City Council as to how recreational marijuana should be implemented within Gardiner. The Task Force chose to allow code enforcement of Gardiner and other applicable governing bodies to determine what, if any, restrictions should then be imposed thereafter.

The below recommendations were prepared and reviewed by the Task Force for presentation to the Gardiner City Council.

RECREATIONAL MARIJUANA	RECOMMENDATION	VOTE TALLY	NOTES
Retail Sales	Recommended in Gardiner	5 votes to allow retail of marijuana with regulations in place/1 vote against.	Subject to restrictions imposed by regulatory bodies
Social Clubs	NOT Recommended in Gardiner	3 votes against allowing marijuana social clubs/1 in favor of them.	

Cultivation, Manufacturing, and Testing	Recommended in Gardiner	3 votes to allow testing/1 against testing.	Subject to restrictions imposed by regulatory bodies
-----------------------------------------	-------------------------	---------------------------------------------	------------------------------------------------------

RECREATIONAL MARIJUANA OVERVIEW

In November of 2016, the Maine voters support “Question 1” ballot measure to legalize recreational marijuana.¹ Question 1 legalized:

- Personal use, possession and cultivation of marijuana by persons 21 years of age and older; and
- Commercial operation of retail marijuana stores, cultivation, manufacturing and testing facilities, and social clubs for on-premises sale and consumption.

In January of 2017, the Legislature passed an emergency bill which:

- Clarified that marijuana use is limited to adults 21+,
- Set a personal possession limit of 2.5 ounces, including up to five grams of marijuana concentrate, and
- Delayed the state agency rulemaking deadline until February 2018.

In February of 2017, the *Special Joint Select Committee on Marijuana Legalization Implementation* (“MLI”) was formed by the State of Maine Senate President and Speaker of the House.

Since February of 2017, several bills were enacted into law affecting the regulation of Recreational Marijuana at the state level.²

October 2017, LD 1650 was enacted in a special legislative session, however, Governor Paul R. LePage issued a veto in November of 2017. LD 1650 provided the framework to regulate and tax sales of recreational marijuana.

January 2018, Attorney General Jeff Sessions rescinded three memorandums³ from the previous federal administration that adopted a non-interference policy with states that enacted legal marijuana.

Also, in January 2018, MLI voted to delay social club licensing until 2023.

The City of Gardiner has implemented a moratorium on recreational marijuana.

RETAIL SALES

1. Discussion

¹ Question 1 passed within the State of Maine 50.26% to 49.74%. The City of Gardiner results were not in favor recreational marijuana: 1,470 – Yes; 1,615 – No.

² LD 243 - An Act to Change the Oversight Agency for Recreational Marijuana from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and to Allocate Funds for Implementation.

LD 1636 – An Act to Allow Municipalities to Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School.

LD 1641 – An Act to Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities.

³ The 2009 *Cole Memo*, the *Ogden Memo*, and the 2011 *Cole Memo*.

On March 21, 2017, the members of the Task Force met at the *Wellness Connection of Maine* located at 31 Main Avenue, Gardiner. The Task Force utilized this meeting as an educational opportunity to learn about medical marijuana dispensing generally and the business of the *Wellness Connection of Maine*. The Task Force confirmed with the dispensary operations director, Gardiner Code Enforcement Officer Skelton, and Gardiner Police Chief Toman, that neither the facility nor the patients utilizing the business have posed any issues.⁴

In further meetings, members of the public were present to provide comment to the Task Force. The Task Force was surprised at the minimal level of public presence and/or comment provided during this process. A total of six individuals representing themselves or businesses attended Task Force meetings. All individuals were in favor of Gardiner allowing recreational marijuana.

The Task Force also received information from Healthy Communities of the Capital Area whereby data from the Maine Integrated Youth Health Survey showed the perception of harm of marijuana by youth is low, and use numbers are not low. The Task Force questioned additional data points, but this information would not be available until the end of the school year.

While discussing the retail sale of recreational marijuana, the Task Force focused on the following general themes: 1. general public safety, 2. youth utilization, 3. economic impact to the City of Gardiner, 4. differences in dispensing recreational marijuana v. medical, 5. tracking purchases of marijuana, 6. Individual effects of marijuana, 7. effects on both business and individuals in the market if Gardiner chooses to disallow recreational marijuana.

In summary, the Task Force recognized that Gardiner does not have a wall around its city limits, and whether the city allows recreational marijuana retail sales within its limits, the fact remains that recreational marijuana will be all around us. The following are the strongest messages the Task Force reiterated throughout discussions regarding retail marijuana:

- The City of Gardiner is open for business, and economic development is important to our community.
- The voters of the State of Maine have allowed recreational marijuana to be legal within this state, and Gardiner is not exempt from this law. Municipalities may opt out of allowing retail sales.
- Marijuana, however, is still an illegal substance under federal law.
- The youth of the City of Gardiner need to be protected from exposure to marijuana in frequent visibility and should be educated regarding the effects of the substance.
- Safety and security for youth, the public, and the residents of the City of Gardiner are a top priority if the Gardiner City Council approves recreational marijuana retail sales.

Recommendation – ALLOW Recreational Retail Marijuana Sales

⁴ Subsequent comment from the *Wellness Connection of Maine* indicated there were two instances in Gardiner requiring police involvement. Those instances directly involved customers and abiding by the enforced code of conduct.

This recommendation is subject to restrictions imposed by appropriate regulatory bodies of the state and City of Gardiner. Such restrictions should include regulations, and locations within and outside the City of Gardiner business district.

SOCIAL CLUBS

Discussion

The Task Force received no input from the public regarding social clubs.

The Task Force could not locate a social club that has opened and is in operation in any state within the United States. Based on the rules regarding social clubs at the state level, the Task Force would entertain further discussion in the future regarding this topic.

Recommendation- NOT ALLOW Social Clubs

CULTIVATION, MANUFACTURING, AND TESTING FACILITIES

Discussion

The Task Force focused on general education and information gathering regarding this topic. The Task Force received input from small and large production/cultivation facilities currently producing medical marijuana.

The *Wellness Connection of Maine* has a current 40,000 sf space in Auburn⁵ harvesting about 100 pounds per week. There are 80 employees at this facility that focus on three different types of production for 35 different strains of marijuana. The biggest barrier to production is the expense of a quality HVAC system, and limited standards for micro-biological contaminants.

*Dennis Meehan*⁶ provided his background and explanation of the biological effects of medicinal marijuana. As a small business provider of medical marijuana, the biggest challenges faced include pesticides and tainted products. Mr. Meehan has an indoor and outdoor growing facility at his residence in Gardiner, but sends products out of state to be tested.

The Task Force, in reviewing the information presented on this topic, determined there is a positive fiscal impact to the City of Gardiner to allow cultivation, manufacturing, and testing facilities, with minimal risk to youth, safety, or security. The environmental effects of this type of business was not well explored by the Recreational Marijuana Task Force, and would be better reviewed by an appropriate regulatory body (e.g. – code enforcement, ordinance review committee, planning board).

Recommendation- ALLOW Cultivation, Manufacturing, and Testing Facilities

⁵ The Task Force toured the Auburn production facility owned by the *Wellness Connection of Maine*.

⁶ Mr. Meehan has a current medical marijuana business, *Nature's Summit*, in the City of Gardiner at 189 Water Street.

This recommendation is subject to restrictions imposed by appropriate regulatory bodies of the state and City of Gardiner. All cultivation, manufacturing, and testing facilities should take place in appropriate zoning areas, but the Task Force defers to the appropriate regulatory bodies to set those restrictions.