

# Baring Plantation Cannabis Ordinance

## Recitals.

WHEREAS, when the State enacted L.D. 1539, which repealed 22 M.R.S. § 2428(11) and directed that as of January 1, 2021, there would no longer be any cap on the number of Registered Dispensaries in the State of Maine;

WHEREAS Baring Plantation did affirmatively opt-in to allow the operation of a Cannabis Establishment/Dispensary by authorizing and assisting with the applications;

WHEREAS, by a vote of the Plantation on October 2022, a moratorium was imposed to limit the number of cannabis establishments allowed to operate in the Plantation to one Medical Dispensary and one Retail Establishment and to restrict the location of those establishments to US Highway 1;

WHEREAS it was the intent of the voters at the time of approval to impose those restrictions permanently;

WHEREAS Under the Adult Use Cannabis Law (28-B MRS § 403), plantations have express authority to enact local licensing and other non-land use related requirements for adult use cannabis establishments;

WHEREAS the Plantation seeks to lift the temporary moratorium and honor the original intent of Article 19 in the Warrant prepared for the October 2022 Plantation Meeting and further detail the specifics of what the Plantation will allow within its boundaries;

WHEREAS the Select Board of Baring Plantation believes that capping the number of Cannabis establishments allowed and the other restrictions imposed henceforth (1) are consistent with the intent of the October 2022 Plantation meeting; (2) promotes the health, safety, and welfare of the general public; (3) promotes fairness to the existing establishments obtaining the right to operate prior to the March 2024 Annual Meeting.

NOW THEREFORE, Baring Plantation hereby ordains as follows:

**Section 1. Authority.** This ordinance is enacted pursuant to the laws of the State of Maine.

**Section 2. Definitions.** For purposes of this ordinance, retail and medical marijuana or cannabis establishments, including retail stores, cultivation facilities, products manufacturing facilities, testing facilities, and social clubs are defined as set forth in 7 M.R.S.A. § 2442.

**Section 3. Limits on Retail and Medical Cannabis Establishments.** Notwithstanding any of the provisions of the Laws of the State of Maine, Baring Plantation will allow to at which cannabis stores my operate. This limitation does not restrict the number of stores or licenses that can operate at each location or property.

The location of such stores must be permanent and restricted to US Highway 1, within the boundaries of Baring Plantation Maine.

Should any of the existing approved locations decide to close the cannabis store(s), another business or businesses may occupy the property, including other cannabis stores.

All registered or licensed facilities must meet all of the standards and conditions imposed by the Maine Office of Cannabis Policy the laws of the State of Maine. <sup>1</sup>

**Section 4. Prohibition of Retail Marijuana or Cannabis cultivation facilities.** Cultivation facilities, products manufacturing facilities, testing facilities, and social clubs or like establishments are expressly prohibited in the Plantation.

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

**Section 5. Duration.** This ordinance shall, upon enactment by the Planation's legislative body, remain in effect until it is amended or repealed by said legislative body. <sup>2</sup>

**Section 6. Penalties.** This ordinance shall be enforced by the Plantation's Board of Selectmen or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

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 7. Effective Date.** This Ordinance shall become effective on the date of a favorable majority vote of the Plantation's legislative body. <sup>3</sup>

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<sup>1</sup> This section was created March 2024 and amended by majority vote of the Plantation's Legislative Body on December 18, 2024.

<sup>2</sup> This section was created March 2024 and amended by majority vote of the Plantation's Legislative Body on December 18, 2024.

<sup>3</sup> This section was created March 2024 and amended by majority vote of the Plantation's Legislative Body on December 18, 2024.