

Kristin M. Collins
kcollins@preti.com
207.791.3292

March 13, 2025

Town of Raymond
Attn: Board of Selectmen
401 Webbs Mills Road
Raymond, ME 04071

RE: Regulation of Cannabis Cultivation

Dear Selectmen:

I am writing on behalf of my client, Raymond Richardson, to request that the Select Board request appropriate enforcement action and place an ordinance to regulate cannabis cultivation on the upcoming town meeting warrant.

As you are aware, the Town of Raymond has “opted out” of allowing and regulating the more commonly thought of types of cannabis businesses, such as retail stores. However, medical cannabis caregivers are permitted throughout town, and the Town has taken no steps to regulate them, or to enforce the home occupancy restrictions against them. It is important to understand that under state law, a caregiver is permitted to harvest up to 30 mature cannabis plants, up to 60 immature plants, and unlimited seedlings, or cultivate up to 500 square feet of mature cannabis plants, up to 1,000 square feet of immature plants, and unlimited square feet of seedlings. A caregiver may also have customers come and go, sell their cannabis and plants at wholesale or retail, and manufacture marijuana products. Taken together, this can amount to an intensive use of property without appropriate commercial use review.

While there are undoubtedly many small-scale caregivers throughout town who primarily serve friends and family, there are also many caregivers who are operating fully commercial businesses out of otherwise residential properties. My client lives next to one such business, Mega Raw Melts, which bills itself as “Maine’s Premier Ice Water Extraction Co.” and grows, manufactures and sells cannabis projects on a commercial scale from 90 Tenney Hill Road. These activities create fumes and odors which have prevented Mr. Richardson and his neighbors from being able to open their windows during the summer, or to enjoy the outdoors around their homes. Mr. Richardson and others are suffering from exacerbation of health conditions as a result of the consistent fumes and odors. A photo showing the proximity of the company’s open greenhouses right at Mr. Richardson’s property line is included below.

As to Mr. Richardson’s neighbor, this use does not meet the definition of a home occupation, as it is not confined to the home or a structure that is accessory to the home. These greenhouses were purpose-built for the cannabis cultivation business, which by definition means that they are not accessory to the home. They are also causing offensive odors, which is specifically prohibited under the home occupation provisions of Section 300-9.2 of the Land Use

PRETI FLAHERTY

March 13, 2025

Page 2

Ordinance. The Town should be issuing a notice of violation to Mr. Richardson's neighbor, requiring that the business use either be brought into conformance with the home occupation standards or ceased entirely.

The Town can also help limit the impact of these businesses through adoption of a simple ordinance. Issues like these have led many opt-out communities to implement ordinances that regulate larger scale cannabis cultivation, even though they have not "opted in" and regulated other cannabis uses. I am enclosing a proposed ordinance based off one I wrote for the Town of Vassalboro. Vassalboro had seen a proliferation of barns and greenhouses in residential areas being converted to use as cannabis cultivation and manufacturing facilities. Its motivation in enacting this ordinance was to ensure that (1) these facilities are served by appropriate odor mitigation systems; (2) electrical systems are not being overloaded, presenting a fire risk; (3) there is consistent oversight of these facilities to address nuisances that develop over time; and (4) funding for the inspection and licensing program is provided through license fees. Notably, this ordinance is not a zoning ordinance and therefore can be adopted as a standalone ordinance without review or hearing by the Planning Board.

We ask that this ordinance be considered at the next Select Board meeting. Large-scale caregiver operations should be treated like any other business, and regulated to prevent against the kind of harms to health and property values that are being suffered by people like Mr. Richardson and his neighbors.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristin M. Collins". The signature is fluid and cursive, written over a light blue horizontal line.

Kristin M. Collins

View of cannabis greenhouses from Mr. Richardson's property:



****PROPOSED****
TOWN OF RAYMOND
CANNABIS CULTIVATION FACILITY ORDINANCE

A. Purpose and Authority

This Ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2429-D and 28-B M.R.S. § 401. The purpose of this Ordinance is to license and regulate cannabis cultivation facilities, as defined, in the Town of Raymond. This Ordinance is enacted to protect public health, safety and welfare of the people of Raymond.

B. Definitions

As used in this Ordinance, the terms below shall be defined as indicated. Any term not defined herein shall be defined as specified in 22 M.R.S. § 2422 or 28-B M.R.S. § 102, as applicable.

Applicant shall mean a person who has submitted an application for licensure as a Cannabis Cultivation Facility pursuant to this Ordinance.

Cannabis Cultivation Facility shall mean a property with 1,000 square feet or more in land or building area used by a cannabis caregiver to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package cannabis or cannabis products; to sell cannabis to products manufacturing facilities, stores and other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores. It shall not include a facility used for cultivation of cannabis for personal use pursuant to 28-B M.R.S. § 1502, or a facility used for cultivation of medical cannabis by a Qualifying Patient pursuant to 22 M.R.S. § 2423-A. A Cannabis Cultivation Facility license shall be required for the owner or operator of the facility as well as any person who, by lease, partial ownership or other arrangement with the owner/operator, cultivates any amount of cannabis within the Cannabis Cultivation Facility.

Caregiver shall mean a person who provides care for a qualifying patient in accordance with 22 M.R.S. § 2423-A(2).

Licensed Premises shall mean the premises specified in an application for a license pursuant to this Ordinance or within a license issued pursuant to this Ordinance.

Licensee shall mean a person licensed pursuant to this Ordinance.

Licensing Authority shall mean the Board of Selectmen for initial licenses, and the Town Manager for renewal licenses.

Owner shall mean a person whose beneficial interest in a Cannabis Cultivation Facility such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of the Cannabis Cultivation Facility and/or has a controlling interest in the Cannabis Cultivation Facility.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

Premises shall mean the physical location at which a Cannabis Cultivation Facility is to conduct its business.

State License shall mean any license issued by the State Licensing Authority.

State Licensing Authority shall mean the authority created or designated by the State for the purpose of regulating and controlling licensing of Cannabis Cultivation Facility.

A. License Requirement

Effective upon enactment of this Ordinance, a Cannabis Cultivation Facility shall not begin or continue operations unless it has received and is in possession of a license issued pursuant to this Ordinance. An application for licensure of an existing Cannabis Cultivation Facility shall be submitted to the Town within 60 days following the adoption of this Ordinance. License applications shall be submitted and approved prior to the establishment of any new tenancy, ownership, or occupancy of an existing Cannabis Cultivation Facility requiring licensure under this Ordinance.

B. Licensing Procedures

(1) All license applications shall be submitted to the Town Manager in writing using a form prepared by the Town for the purpose and must include all information required by this Ordinance and by the form.

(2) Prior to action on a license application, the Town Manager shall give public notice of the application by publication in a newspaper of general circulation in the Town of Raymond at least seven (7) days prior to action.

(3) The Town Manager or designee shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article and to obtain recommendations from other Town officials as required.

(4) No license shall be granted until the Code Enforcement Officer, Fire Chief and Police Chief have each made positive recommendations regarding the Applicant’s ability to comply with this Ordinance or any other applicable Town ordinance or state or federal law enforced by such officials. The Code Enforcement Officer shall also ensure that Fire Marshal review, where appropriate, is made and a report presented to the Town Manager. The Town Manager shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval.

(5) The Licensing Authority may include any conditions of approval recommended by reviewing officials, as well as any other reasonable conditions deemed in their discretion to be warranted, on the issued license. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and of this Ordinance.

(6) Any Town official with authority to make recommendations under or enforce this or other municipal ordinances or state laws regarding Cannabis Cultivation Facilities shall have authority to enter the premises of an Applicant or Licensee without notice to make any inspection reasonably necessary to ensure compliance.

(7) An Applicant wishing to appeal a denial or issuance of a renewal license by the Town Manager may do so by filing an appeal with the Board of Selectmen. The Board of Selectmen shall consider the appeal on a *de novo* basis and shall have authority to grant or deny the license or to add or remove conditions of approval in its discretion. An applicant wishing to appeal to the Board of Selectmen's denial or issuance of a license may do so by filing an appeal in Superior Court.

C. Application Submission Requirements

Each applicant for a Cannabis Cultivation Facility license shall complete and file an application on the form provided by the Town Manager, together with an applicable license fee as set by order of the Board of Selectmen which may be adopted and amended from time to time without need for town meeting approval.

If the Town Manager determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Town Manager's request, the application may be denied. Failure of the Town Manager to provide notice under this section does not relieve an Applicant from its duty to submit a complete application.

The following supporting materials shall be provided with the application:

- (1) A copy of the Applicant's Caregiver registration.
- (2) Evidence of all State approvals or conditional approvals required to operate the Cannabis Cultivation Facility, including, but not limited to, a State License as defined by this Ordinance.
- (3) Attested copies any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Cannabis Cultivation Facility.
- (4) An affidavit that identifies all owners, officers, members, managers or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
- (5) A release for each Applicant and for each officer, owner, member, manager or partner of the Applicant seeking a license allowing the Town of Raymond or its officials to obtain criminal records and other background information related to the individual.
- (6) Evidence of all land use approvals or conditional land use approvals required to operate the Cannabis Cultivation Facility, including, but not limited to building permit, site plan approval or certificate of occupancy. A license under this Ordinance does not take the place of any permit or approval required under the Site Review Ordinance, Building Permit Ordinance, or any other applicable local ordinance.

(7) Evidence of all other state or local approvals or conditional approvals required to operate the Cannabis Cultivation Facility.

(8) A description of the Premises for which the license is sought, including a sketch plan showing the location of the Premises on the property and a floor plan of any building(s).

(9) Certification from a licensed Master Electrician indicating the electrical system of the Premises is adequate for the use being proposed. That use shall be clearly outlined in detail so that the Master Electrician's certification is easy to understand.

(10) If the Premises are leased, a copy of a lease or other written permission from the landlord that the Marijuana Business is allowed by the landlord.

D. License Term and Renewal

Each license issued under this Ordinance shall be valid for a period expiring on December 31 of the year following the year of issuance. Applications for renewal licenses shall be submitted at least 90 days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate the Cannabis Cultivation Facility after the expiration date and until a license is granted. A late fee shall apply as set by the Board of Selectmen.

E. Special Requirements for Multiple Cannabis Cultivation Facilities

Where the owner/operator of a Cannabis Cultivation Facility will sell, lease or license space within the facility to multiple individuals, both the owner/operator of the Cannabis Cultivation Facility and each individual maintaining growing space within the Cannabis Cultivation Facility shall be required to obtain licensure and pay the license fee as a Cannabis Cultivation Facility pursuant to this Ordinance. The owner/operator of the Cannabis Cultivation Facility, and any individual maintaining growing space shall be jointly and severally responsible for ensuring the Facility's ongoing compliance with the standards of this Ordinance.

F. Denial, Suspension or Revocation of a License

In reviewing license applications, the Licensing Authority and any consulting Town official may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee's record of compliance with the same. The Licensing Authority may attach to any license conditions as necessary to address previous violations or documented complaints, or to ensure compliance with the requirements of this Ordinance.

A license application for a Cannabis Cultivation Facility shall be denied by the Licensing Authority, and an existing license may be suspended or revoked by the Board of Selectmen, after notice and hearing, if the Applicant, Licensee, or any Owner of the applicant or Licensee:

- i. Fails to meet the requirements of this Ordinance or of any condition attached to the license.
- ii. Is not at least twenty-one years of age.
- iii. Has had a license for a Cannabis Cultivation Facility revoked by the Town or by the State.

- iv. Has a record of violations and/or documented complaints demonstrating lack of ability to responsibly and lawfully operate the Cannabis Cultivation Facility.
- v. Has not acquired all necessary state and local approvals prior to issuance of the license.
- vi. Has been convicted of a criminal violation arising out of operation of a Cannabis Cultivation Facility.
- vii. Has provided false or misleading application in connection with the license application.

G. Approval and Operating Requirements

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the Licensing Authority and all reviewing officials that the following requirements will be met. The Licensee shall comply with each of these requirements during the term of the license:

(1) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(2) All licensed Premises shall be fixed, permanent locations.

(3) Location. Cannabis Cultivation Facilities shall not locate within 1,000 feet of a public or private school, state-licensed daycare of any size, or occupied residence not owned or controlled by the Applicant or owner of the Premises, measured from the boundary of any area(s) of the property used for cannabis cultivation, manufacturing, packaging, or storage, to the property line of the protected use. Any Cannabis Cultivation Facility which was in operation or received site plan or building permit approval prior to the Effective Date of this Ordinance and which does not comply with this location requirement shall not be permitted to expand its use in footprint, volume (e.g. amount of canopy), traffic or any other measurable way beyond levels in existence as of the Effective Date.

(4) Safety and Security.

(a) The licensed Premises shall have lockable doors and windows and shall be served by an alarm system which includes automatic notification to the Raymond Public Safety Department and/or Cumberland County Sheriff's office.

(b) The licensed Premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed Premises shall have exterior spotlights with motion sensors covering the full perimeter of the building(s).

(5) Ventilation

(a) The licensed Premises shall comply with all odor and air pollution standards established by state law or town ordinance.

(b) All Cannabis Cultivation Facilities shall have an odor mitigation system installed that is sufficient to ensure that no odor of cannabis is detectible beyond the area controlled by the business, whether that be a lease or owned area that is a portion or all of a recorded parcel of land. The Code Enforcement Officer may request certification by a Maine licensed engineer that the odor control system is sufficient for these purposes.

(6) Loitering. The Licensee and all agents or employees shall make adequate provisions to prevent patrons or other persons from loitering on the Premises. It shall be the Licensee's obligation to ensure that anyone found to be loitering or using cannabis or cannabis products in the parking lot or other outdoor areas of a licensed Premises

(7) Waste. The Licensed Premises shall provide adequate disposal of solid and liquid waste to prevent diversion of cannabis or cannabis products, and to prevent contamination of land, water and sewer.

(8) A Cannabis Cultivation Facility shall meet all operating and other requirements of state and local law. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing Cannabis Cultivation Facilities that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

H. Forfeiture of License

A Cannabis Cultivation Facility License and any vested rights to continue operation of the business shall be forfeited if the Cannabis Cultivation Facility:

(1) Fails to obtain a new license prior to expiration of an existing license; or

(2) Does not make an active use of the licensed Cannabis Cultivation Facility for a period exceeding six (6) consecutive months, except that the Licensing Authority may, upon written request from the Licensee, allow for a suspension of use of up to one year if the suspension in use is caused by damage to the Licensed Premises, renovation, repair, active attempts to sell the Licensed Premises as a turnkey Cannabis Cultivation Facility, or other bona fide circumstances out of the Licensee's control.

I. Transfer of Ownership; Change of Location

Any change in the majority ownership of a Cannabis Cultivation Facility shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location.

J. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

K. Other Laws

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Medical Use of Cannabis Act, 22 M.R.S. Ch. 558-C, as may be amended.

In the event of a conflict between the provisions of this Ordinance and the provisions of said Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

L. Enforcement and Violations

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of any provision of this Ordinance shall be prosecuted in accordance with 30-A M.R.S.A. § 4452, with penalties of \$100 to \$2,500 to be assessed per day according to the severity of the violation. The Town shall also be awarded its reasonable attorney fees and costs related to any prosecution. In addition, the violator shall be subject to suspension or revocation of its license, as well as injunctive relief as appropriate.

APPENDIX A – Adopted by Order of the Board of Selectmen Approved _____.

**CANNABIS CULTIVATION FACILITY ORDINANCE
SCHEDULE OF REVENUES,
CHARGES, FEES AND FINES**

Cannabis Cultivation Facility

\$ 1500.00 for the first licensed
tenant, ½ the initial fee for each
subsequent licensed tenant +
Public Hearing Fee.

Late fee will be an additional 10% of the total license fee for 1 to 30
days past the due date, and an additional 10% for every 30 days
thereafter the license remains late