

Good evening.

My name is Dessiree Berry, and I am a resident here in Raymond. I am writing to speak to several serious concerns regarding the proposed ordinance on medical cannabis caregivers.

First, I want to begin by stating clearly: I am a registered medical cannabis patient in the state of Maine. I share this not only to be transparent, but to ground my comments in lived experience. My perspective is both personal and informed. I am also a strong advocate for safe, legal access to medical cannabis—for myself and for other patients across our community.

In the last meeting with the selectboard before this was passed onto the planning board, I emphasized something I feel needs to be repeated: **medical cannabis caregivers are not commercial enterprises**. They are not operating like large-scale grow facilities. These are **small cultivators**, often working out of their homes, legally and with care. Many are farmers—local residents—providing essential medicine to the people who rely on them.

Let's not forget that **medical cannabis cultivation has been legal in Maine since 1999**, and the **caregiver system has existed since 2009**. This is not some unregulated or fringe activity—it's a **state-recognized program** that has operated for over a decade under careful oversight.

Becoming a registered medical cannabis caregiver in Maine is no small task. It involves:

- Criminal background checks
- Annual licensing and renewal through the Office of Cannabis Policy (OCP)
- Compliance with strict cultivation and confidentiality laws
- Detailed recordkeeping, tracking, and product safety standards
- Adherence to physical security protocols for growing spaces

On top of that, caregivers face **significant financial burdens**: licensing fees up to \$1,500 per year, legal and compliance costs, banking barriers, and specialized accounting. These are not hobbyists or bad actors—they're **small business owners operating fully within the law**.

As for patients: under **22 M.R.S. § 2423-A**, every registered medical cannabis patient in Maine has the legal right to cultivate:

- 6 mature plants
- 12 immature plants

- Unlimited seedlings

These rights apply in private residences and are **protected under state law**. Municipalities **cannot override** them. Are we going to now just call OCP on legally abiding citizens exercising their rights to grow a medicine at their own private residence? Does the board not see how this will impede patients or scare them away from lawfully exercising their rights? In other words, you **cannot ban outdoor growing** just because you don't like it.

Outdoor cultivation is legal under OCP guidelines as long as it is **secure, enclosed, and not visible to the public**. This “not visible to the public” clause is often misunderstood, so let me clarify what it actually means in practice:

- **"Not visible to the public"** does **not mean** the grow must be hidden entirely from the natural world or grown indoors.
- It means that **a person standing on public property—like a road, sidewalk, or public trail—cannot see the cannabis plants with the naked eye**. If they can't see it without entering private property, it meets the requirement.
- This can be achieved through **fencing, hedges, greenhouses, privacy netting, or any structure that blocks line of sight** from public view.
- For example, **a greenhouse on private land**—whether it's plastic, polycarbonate, or glass—is entirely appropriate **as long as it obscures visibility of the plants inside**. The structure itself may be visible, but the plants should not be directly viewable.

The law does **not** require the cultivation to be done indoors, nor does it prohibit hoop houses or greenhouse structures. In fact, **forcing all cultivation indoors contradicts the state's support of outdoor, sun-grown medicine**, which has a long tradition in Maine and is now explicitly allowed under LD 1897 and LD 1840.

Let's talk a little about what Maine LD 1897: An Act Regarding Outdoor Cultivation in the Medical Use Cannabis and Adult Use Cannabis Industries. As on June 17, 2025 this bill has passed both the Senate and The House to be enacted.

Under this bill:

- **"Sun-grown cultivator"** is now an official legal designation under Maine law.
- Medical caregivers can cultivate up to **150 mature plants or 2,500 sq. ft. of canopy annually** outdoors without artificial light.

- These outdoor grows must have **reasonable precautions** in place to prevent unauthorized access, such as fencing or no trespassing signs, but they are *not required* to be indoors.
- The bill explicitly affirms that outdoor cultivation is legal when properly secured and registered, and caregivers are no longer restricted to indoor-only setups.
- Registration fees are outlined separately for sun-grown cultivation, which confirms the state's formal support for this practice.

Based on LD 1897, the state now explicitly authorizes outdoor, sun-grown cultivation for medical caregivers—complete with licensing pathways and security requirements. Any town ordinance that prohibits or restricts this activity is now in direct conflict with state law and **must be amended**. Continued enforcement of such bans is not just outdated—it's unlawful.

I have copies of the bill here for the board and strongly urge you to read the language for yourselves before proceeding with any regulation that would contradict these updates.

I would now like to speak about Maine LD 1840: An Act To Amend The Maine Medical Use of Cannabis Act, which as of June 16, 2025 has passed both the Senate and the State to be enacted.

Under this bill:

- **Prohibits towns from banning caregivers.**
Towns may *regulate*, but they may **not prohibit or limit the number** of registered medical cannabis caregivers operating in their jurisdiction.
- **Eliminates municipal approval forms.**
The state can no longer require towns to sign off or submit approval forms for caregiver registrations or renewals.
- **Protects caregiver privacy.**
Caregiver grow locations are now confidential. Towns cannot publicly post addresses or disclose grow information without explicit request and justification.
- **Guarantees “deemed approval” status.**
Any caregiver operating legally prior to January 1, 2026, cannot be retroactively denied renewal due to town ordinance changes or paperwork barriers.

This bill aims to limit municipal overreach and protect caregiver rights. It prohibits towns from banning or capping the number of registered medical cannabis caregivers and removes the requirement for municipal approval in caregiver licensing or renewal. It also ensures caregiver grow locations remain confidential and guarantees that caregivers operating legally prior to January 1, 2026, cannot be denied renewal due to changing local ordinances. In short, LD 1840 confirms that towns like Raymond may regulate but cannot prohibit or create new barriers that conflict with state law or violate caregiver privacy. I have copies of the bill here for the board and

strongly urge you to read the language for yourselves before proceeding with any regulation that would contradict these updates.

Restricting outdoor cultivation based on visibility concerns isn't just unnecessary—it ignores what the law actually says. As long as a caregiver takes reasonable, commonsense steps to ensure privacy from public view, they are in full compliance.

That's the law. And unless the Town of Raymond intends to **train and fund OCP-certified inspectors**—which you are clearly not prepared to do—you cannot enforce these standards. So why attempt to pass local regulations you have **no infrastructure** to manage?

And this point has become even clearer with recent legislative changes. Based on LD 1897 and LD 1840, the state now explicitly authorizes outdoor, sun-grown cultivation for medical caregivers—complete with licensing pathways and security requirements. Any town ordinance that prohibits this activity is no longer enforceable and must be amended to avoid conflict with state law.

I also want to remind this board that cannabis is legal in Maine. Adults over 21 can legally grow 3 plants for recreational use. Whether a plant belongs to a caregiver, a patient, or a recreational user—you cannot regulate it out of existence. And no, you can't regulate the smell of it either.

Let's talk about that—because it's one of the **two main issues** the board spoke about in their last meeting, consistency and the environmental impacts.

At the last meeting, I heard discussion about implementing a **smell ordinance** targeting caregivers. But let me ask this:

There's already a **state statute** regulating noise levels, yet during the **short-term rental ordinance** discussions, this board said it would be inappropriate to single out one group and that any regulation should apply **more broadly**. If it wasn't fair to impose a noise ordinance just for renters, why is it fair to impose a **smell ordinance just for medical cannabis caregivers**?

Where's the consistency?

If you're going to require **carbon scrubbers or odor control systems** for cannabis growers, then you'd need to apply the same standard to **horse barns, chicken coops, manure piles, flower farms, compost bins—any agricultural operation** that produces an odor. You can't legislate based on what smell you personally dislike. That's not policy—it's prejudice.

If you wouldn't demand a carbon scrubber on a chicken coop, then why would you impose this on one group and demand one from a **medical cannabis caregiver acting within their rights**.

You also stated when talking about short term rentals that the environmental impact was important. Let's also be real about the environmental impact of growing cannabis. By **forcing caregivers indoors**, you are actually causing **more environmental harm**, not less. Outdoor cultivation in Maine already has a **short seasonal window**. Banning it means caregivers must

use **more electricity, more artificial lighting, more heating and ventilation, and more water drawn from well systems**—instead of using **free sunlight, natural rain, and ambient temperatures**. You cannot claim to care about **environmental protection** when you're actively encouraging policies that **increase energy use, carbon emissions, and operating costs** for small-scale growers.

And that ties into the larger issue: **cannabis is Maine's largest agricultural crop**. Restricting sun-grown access pushes us toward a **pay-to-play model** that benefits large commercial operators and sidelines **local farmers and patients**. If Raymond cares about local agriculture and equitable access to medicine, this ordinance flies directly in the face of that.

I've also reviewed the complaints submitted to the board. Frankly, most of them appear to be neighbor disputes, not legitimate public health or safety concerns. Using the town as a tool to settle personal conflicts or target caregivers under the pretense of community concern is **inappropriate and unethical**.

One letter even appeared to name—or clearly imply—a specific caregiver and patient. That crosses a serious line. Medical cannabis patients and caregivers have a **legal right to privacy**, and disclosing or speculating about their identity is **both dangerous and potentially unlawful**.

This brings me to my final point: **Raymond is not prepared for this**.

The legal landscape surrounding medical cannabis is evolving rapidly. There are 10 active amendments on the state docket right now, including one that would **further limit municipal authority, increase privacy protections, and prohibit towns from even identifying caregivers**.

The **Office of Cannabis Policy** is a fully staffed, state-funded regulatory agency—and **even they require ongoing training** just to keep up. Raymond has **no medical cannabis legal team, no medical cannabis regulatory staff, no medical cannabis inspection protocol, and no budget for cannabis enforcement**. Passing an ordinance you **cannot enforce** not only wastes resources—it **exposes the town to legal liability** for violating state law and patient rights.

So I'll close with this:

- **Please reconsider efforts to restrict outdoor growing.** State law protects this practice, and the town does not have regulatory infrastructure to enforce such restrictions. Let's focus our efforts on what is truly within our scope and capacity.
- **Let's avoid selective regulation.** In previous discussions—such as with short-term rentals—you've rightly emphasized the importance of fairness and consistency. Singling out cannabis caregivers for odor regulations, without applying the same standards to other agricultural operations, creates unnecessary division and sets a concerning

precedent.

At the end of the day, we all want to live in a safe, healthy, and respectful community. I truly believe that honoring the rights of medical cannabis patients and caregivers can coexist with those goals. Let's find a path forward that respects both state law and the lived realities of the people who call Raymond home.

Thank you.

Dessiree Berry

Raymond Resident