

**AMENDMENTS TO GRAY SHORELAND ZONING ORDINANCE
SECTIONS 14 AND 17
RE: RETAIL MARIJUANA USES**

1. Section 14 (Land Use Table) is hereby amended to add a new numbers 39 - 42, to read as follows:

LAND USES	SP	RP	LR	LC
39. Retail marijuana establishments as principal or accessory use ¹¹	no	no	no	no
40. Retail marijuana social clubs as principal or accessory use ¹¹	no	no	no	No
41. Medical Marijuana Cultivation Facilities ¹²	No	No	No	No
42. Medical Marijuana Dispensary ¹²	No	No	No	No

¹¹ This shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Retail Marijuana to the greatest extent permitted by the Marijuana Legalization Act (7 M.R.S.A. §§ 2441 – 2454, as may be amended from time to time). Further, this shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent the prohibition on selling retail marijuana under this Ordinance by persons or firms giving it away, nominally without charge, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

¹² This shall be construed to prohibit Medical Marijuana Cultivation Facilities and Medical Marijuana Dispensaries in the Shoreland Zone, but shall not be construed to prohibit any other lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S.A. 2421 – 2430-B, as may be amended from time to time).

2. Section 17 (Definitions) is hereby amended to add the following definitions:

Accessory structure or use – a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure, but shall not include the use of any portion of a lot for purposes related to Medical Marijuana

Cultivation Facilities, Medical Marijuana Dispensaries, Retail Marijuana Establishments, or Retail Marijuana Social Clubs.

Agriculture – the production, keeping or maintenance for use, sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products, including the growing and harvesting of Christmas trees. Such agricultural use will remain in existence until such time as its land use changes to another land use as allowed by the Town Zoning Ordinance. Agriculture does not include forest management and timber harvesting activities, or cultivation of Marijuana for Medical Use or Recreational Use.

Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home. Home Occupations shall not include Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensaries, Retail Marijuana Establishments, or Retail Marijuana Social Clubs.

Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. Industrial uses shall not include Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensaries, or Retail Marijuana Establishments.

Marijuana - the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not.

Marijuana concentrate - the resin extracted from any part of the plant genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including hashish. In determining the weight of marijuana concentrate, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Paraphernalia - Equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, smoking or otherwise introducing into the human body marijuana for medical use or recreational use as defined in this Chapter, including, without limitation, water pipes, hashish pipes, glass pipes, bongs, vaporizers, scales rolling papers, hydroponic equipment and grow lights and general tobacco products in so-called smoke shops.

Marijuana product - concentrated marijuana or a product composed of marijuana and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture.

Medical Marijuana: Medical Marijuana means marijuana used for “medical use,” as that term is defined herein.

Medical Marijuana Cultivation Facility: Medical Marijuana Cultivation Facility means a not for-profit entity registered pursuant to the laws of the State of Maine and Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as may be amended from time to time, that is a Medical Marijuana Dispensary’s permitted additional location for the cultivation of marijuana. Any facility providing space for three or more marijuana growers/cultivators or an excess of 60 plants is also a Medical Marijuana Cultivation Facility for purposes of this Ordinance. A Medical Marijuana Cultivation Facility shall not include a Retail Marijuana Establishment.

Medical Marijuana Dispensary: A Medical Marijuana Dispensary is a not-for-profit entity registered by the State of Maine that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses Medical Marijuana or related supplies and educational materials to qualifying patients and primary caregivers of those patients and may also be referred to as a Medical Marijuana Dispensary means a “registered dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended from time to time. A Medical Marijuana Dispensary shall not include a Retail Marijuana Establishment.

Medical Use of Marijuana: “Medical use” means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the registered patient’s debilitating medical condition.

Recreational Use of Marijuana: Recreational use of marijuana means personal use of marijuana as permitted in 7 M.R.S.A. § 2452, as may be amended from time to time.

Retail marijuana - marijuana or marijuana concentrate that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail marijuana cultivation facility - an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail marijuana establishment - a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail marijuana product - a marijuana product that is manufactured, processed, distributed or sold by a licensed retail marijuana establishment or a retail marijuana social club.

Retail marijuana products manufacturing facility - an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail marijuana social club - an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail marijuana store - an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail marijuana testing facility - an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.