

PENOBSCOT COUNTY UNORGANIZED TERRITORIES
Cannabis Establishment Licensing Ordinance

Article 1. Short Title

This Ordinance shall be known and may be cited as the "Cannabis Establishment Licensing Ordinance."

Article 2. Authority and Purpose

This Ordinance applies to the Unorganized Territories of Penobscot County. This Ordinance is enacted pursuant to authority granted under 30-A M.R.S. Part 1 § 1 et seq and 28-B M.R.S. § 401 et seq., as may be amended, and 22 M.R.S.A. § 2421 et seq., as may be amended. The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Cannabis Establishments as defined in this Ordinance and by the State of Maine under the Cannabis Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended, and to provide for and regulate the issuance of Local Licenses for Medical Cannabis Establishments as defined in this Ordinance and by the State of Maine under the Maine Medical Use of Cannabis Act, 22 M.R.S.A Chapter 558-C, as may be amended.

Article 3. Definitions

As used in this Ordinance, the following words and phrases shall have meanings ascribed to them in this article.

Adult Use Cannabis shall mean "adult use cannabis" as that term is defined in 28-B M.R.S.A. § 102.

Adult Use Cannabis Establishment shall mean Adult Use Cannabis Store, Adult Use Cultivation Facility, Adult Use Nursery Cultivation Facility, Adult Use Products Manufacturing Facility, and Adult Use Testing as defined herein.

Adult Use Cannabis Product shall mean "adult use cannabis product" as that term is defined in 28-B M.R.S.A. § 102.

Applicant shall mean a person that has submitted an application for licensure as a Cannabis Establishment pursuant to this Ordinance.

Adult Use Cultivation Facility shall mean a "cultivation facility" as that term is defined in 28-B M.R.S.A. § 102.

Adult Use Nursery Cultivation Facility shall mean a "cultivation facility" as that term is defined in 28-B M.R.S.A. §§ 102, 301.

Adult Use Products Manufacturing Facility shall mean a "products manufacturing facility" as that term is defined in 28-B M.R.S.A. § 102.

Adult Use Cannabis Store shall mean a "cannabis store" as that term is defined in 28-B M.R.S.A. § 102. An Adult Use Cannabis Store is an entity licensed to purchase adult use marijuana from a Cannabis Cultivation Facility and to purchase adult use cannabis and adult use cannabis products from a Cannabis Products Manufacturing Facility and to sell adult use cannabis and adult use cannabis products to consumers.

Adult Use Testing Facility shall mean a "testing facility" as that term is defined in 28-B M.R.S.A. § 102.

Lapse shall mean to end because of neglect or failure to act or timely renew a Provisional Local License or Local License.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in possession of the Licensee and within which the Licensee is authorized to receive, distribute, or sell adult use cannabis, adult use cannabis products, medical cannabis or medical cannabis products in accordance with the provisions of this Ordinance and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance, except for a Provisional Local License.

Local Licensing Authority shall mean the Penobscot County Commissioners, as further specified in the provisions of this Ordinance.

Medical Cannabis shall mean the medical use of cannabis, with the term “medical use” as defined in 22 M.R.S.A § 2421-A.

Medical Caregiver Retail Store shall mean a “caregiver retail store” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Cannabis Establishment shall mean a Medical Caregiver Retail Store, Medical Registered Dispensary, Medical Manufacturing Facility, or Medical Testing Facility as defined herein.

Medical Manufacturing Facility shall mean a “manufacturing facility” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Cannabis Product shall mean a “cannabis product” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Qualifying Patient shall mean a “qualifying patient” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Registered Caregiver shall mean a “registered caregiver” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Registered Dispensary shall mean a “registered dispensary” as that term is defined in 22 M.R.S.A § 2421-A.

Medical Cannabis Testing Facility shall mean a “cannabis testing facility” as that term is defined in 22 M.R.S.A § 2421-A.

Owner shall mean a person whose beneficial interest in an Adult Use or Medical Cannabis Establishment is 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 an Adult Use or Medical Cannabis Establishment and has a controlling interest in the Adult Use or Medical Cannabis Establishment.

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.

Provisional Local License shall mean a license approved by the County Commissioners and issued by the Director of the Unorganized Territory Administration to an Applicant prior to the Applicant receiving a final State License and Local License for any Adult Use or Medical Cannabis Establishment authorized under this Ordinance.

State License shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the state for the purpose of a person obtaining a State license, registration or certification for an Adult Use Cannabis Store, Medical Cannabis Caregiver Retail Store or Medical Cannabis Registered Dispensary.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of an Adult Use Cannabis Store, Medical Cannabis Caregiver Retail Store or Medical Cannabis Registered Dispensary in this State.

Article 4. Establishments Allowed; License Required

- 1) The operation of the following Adult Use Cannabis Establishments and Medical Cannabis Establishments is allowed, subject to the restrictions of this Ordinance and applicable state and local law:
 - a) Adult Use Cannabis Store.
 - b) Adult Use Cultivation Facility.
 - c) Adult Use Products Manufacturing Facility.
 - d) Adult Use Testing Facility.
 - e) Adult Use Nursery Cultivation Facility.
 - f) Medical Caregiver Retail Store.
 - g) Medical Registered Dispensary.
 - h) Medical Manufacturing Facility.
 - i) Medical Cannabis Testing Facility.
- 2) No person shall operate an allowed Adult Use Cannabis or Medical Cannabis Establishment, nor shall any property owner permit the use of his or her premises to be operated as an Adult Use Cannabis or Medical Cannabis Establishment, without a valid Local License issued by the County and valid State License or State Registration issued by the Maine Office of Cannabis Policy. A separate Local License must be obtained for each establishment located on the same premises. Each Local License shall be for a period of twelve (12) months from the date of its issuance. A Local License must be obtained prior to the opening of an Adult Use Cannabis Establishment or Medical Cannabis Establishment. Applications for renewal Local Licenses shall be submitted at least ninety (90) days prior to expiration of the existing term.
- 3) No Applicant for an Adult Use Cannabis Establishment shall submit an application for a Local License unless the Applicant has been issued a Conditional License by the Maine Office of Cannabis Policy to operate an Adult Use Cannabis Establishment.
- 4) No Adult Use Cannabis Establishment or Medical Cannabis Establishment shall conduct any activity for which it has not received the required State License and Local License.

Article 5. Application Materials

If the Applicant is a single individual, that person must sign the application. If the Applicant is more than one individual (e.g. partnership, LLC, etc.), each person who has an interest in the business must sign the application for a Local License as an Applicant. Each Applicant must be qualified under this Ordinance and shall be considered a Licensee if a license is granted.

Each applicant for a Local License shall submit the following:

- 1) An application for a Local License made on an application form available from the Penobscot County Unorganized Territory Administration Office.

- a) If the Applicant is an individual, the individual shall state their legal name and any aliases and submit proof that they are at least twenty-one (21) years of age.
 - b) If the Applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
 - c) If the Applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
 - d) If the Applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
 - e) If the applicant intends to operate the Adult Use Cannabis or Medical Cannabis Establishment under an assumed name, they must state the Adult Use Cannabis or Medical Cannabis Establishment assumed name and submit the required registration documents.
- 2) Applicant's mailing address and residential street address.
 - 3) A copy of Applicant's valid state or federal government issued photo identification.
 - 4) A copy of the Applicant's State License or State Registration application and supporting documentation, as submitted to the Maine Office of Cannabis Policy.
 - 5) If the Applicant has had a previous license under this Ordinance or other similar Adult Use Cannabis or Medical Cannabis Establishment license applications in another town, city, or state denied, suspended, or revoked, they must list the name and location of the Adult Use Cannabis or Medical Cannabis Establishment for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the Applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Adult Use Cannabis or Medical Cannabis Establishment for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
 - 6) If the Applicant holds any other permits/licenses under this Ordinance or other similar Adult Use Cannabis or Medical Cannabis Establishment license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
 - 7) Evidence of all state approvals or conditional approvals required to operate an Adult Use Cannabis or Medical Cannabis Establishment, including, but not limited to, a conditional license issued by the Maine Office of Cannabis Policy when applying for an Adult Use Cannabis Establishment Local License.
 - 8) The location of the proposed establishment, including a legal description, street address, and telephone number.

- 9) Evidence of an interest in the premises in which the Adult Use Cannabis or Medical Cannabis Establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the Applicant is not the owner.
- 10) Evidence of all land use approvals or conditional land use approvals required to operate the Adult Use Cannabis or Medical Cannabis Establishment, or applications that have been filed and are pending for the required approvals, including all approvals and applications required by the Maine Land Use Planning Commission.
- 11) Evidence of compliance with the requirements of this Ordinance.
- 12) A sketch showing the configuration of the subject premises, including building footprint interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- 13) A copy of a Township Tax Map depicting the following: the subject property lines and the property lines of other properties within one thousand (1,000) feet of the subject property containing any existing marijuana establishments, public or preexisting private schools, State Licensed Daycare facilities, licensed day-care centers, public athletic fields, public parks, playgrounds, or recreational facilities properties as measured in accordance with distance rules listed in this Ordinance.
- 14) If the Applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

If the County or its designee determines that a submitted application is not complete, the County or its designee 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) business days, the application may be denied and the Application Fee shall be forfeited.

Article 6. Application and License Fee

- 1) **Application Fee.** All applications must be submitted with a \$500 non-refundable fee. If application is approved, no Local License shall issue until Applicant has paid the Annual Adult Use Cannabis or Medical Cannabis Establishment Fee. The County Commissioners may change fees as deemed necessary based on review of costs incurred by County in reviewing applications and overseeing Ordinance.
- 2) **Local License Fees for Annual Adult Use Cannabis or Medical Cannabis Establishments:**
 - a) Adult Use Cannabis Store - \$5,000
 - b) Adult Use Cultivation Facility
 - i. Tier 1 - \$1,000
 - ii. Tier 2 - \$1,500
 - iii. Tier 3 - \$2,500
 - iv. Tier 4 - \$5,000
 - c) Adult Use Manufacturing Facility - \$2,500
 - d) Adult Use Testing Facility - \$2,500
 - e) Adult Use Nursery Cultivation Facility - \$1,000
 - f) Medical Caregiver Retail Store - \$5,000
 - g) Medical Registered Dispensary - \$5,000
 - h) Medical Manufacturing Facility - \$2,500
 - i) Medical Testing Facility - \$2,500

Article 7. Action on Application

Penobscot County Commissioners Action. The Penobscot County Commissioners shall determine whether the Applicant complies with the requirements of this Ordinance. The County Commissioners may impose reasonable conditions that are related to the criteria provided in this Ordinance. Upon such determination by the County Commissioners, the County Commissioners shall instruct the Penobscot County Unorganized Territory Administration to issue a Provisional Local License. Once approved by the County Commissioners and issued, the Provisional Local License is valid for twelve (12) months and may be renewed by the Applicant by submitting a renewal application and Application Fee, subject to approval by the County Commissioners. A Provisional Local License allows an Applicant to move forward with the application process to receive a State License. A Provisional Local License does not allow an Applicant to open or operate an Adult Use Cannabis or Medical Cannabis Establishment. Once the Applicant has received final approval from the Office of Cannabis Policy to open and operate any Adult Use Cannabis or Medical Cannabis Establishment allowed under this Ordinance, the Applicant will notify the Penobscot County Commissioners, pay the Annual Adult Use Cannabis or Medical Cannabis Establishment Fee, and be issued a Local License. The Local License is valid for twelve (12) months and may be renewed by the Applicant by submitting a renewal application and the Annual Adult Use Cannabis or Medical Cannabis Establishment Fee. At all times, a Provisional Local License or Local License may be revoked pursuant to Article 8 of this Ordinance.

Article 8. Approval, Denial, and Revocation Standards

A Local License application for an Adult Use Cannabis or Medical Cannabis Establishment shall be denied by the County Commissioners, and any existing Provisional Local License or Local License may be suspended or revoked by the County Commissioners, after notice and hearing, if the Applicant or Licensee:

1. Fails to meet the requirements of this Ordinance.
2. Is not at least twenty-one (21) years of age.
3. Has had a license for an Adult Use Cannabis or Medical Cannabis Establishment revoked by any municipality or by any other governing authority.
4. Has not acquired all necessary state and local approvals within twelve (12) months of issuance of the Provisional Local License.
5. Has been convicted of a disqualifying drug offense or convicted of a diversion of product offense.
6. Has provided false or misleading information in connection with the Local License application.
7. Has any outstanding land use code violations that have not been resolved.
8. Have not submitted a complete Local License application within twelve (12) months.
9. Adult Use Cannabis or Medical Cannabis Establishment is not located in a zone that allows the proposed use.
10. Adult Use Cannabis or Medical Cannabis Establishment is located within one thousand (1000) feet of the property line of a pre-existing public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Adult Use Cannabis or Medical Cannabis Establishment is located. If the Adult Use Cannabis or Medical Cannabis Establishment is located within a commercial subdivision, the required setback shall be measured from the front door of the Adult Use Cannabis or Medical Cannabis Establishment to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Upon reasonable suspicion that a Licensee has violated one or more of the above conditions, the County Commissioners shall, after proving the Licensee at least thirty (30) days' notice, holding a hearing to

determine whether the above conditions have been violated. Upon such a finding, the County Commissioners may vote to revoke the Licensee's Provisional Local License or Local License.

Article 9. Operating Requirements

In order to obtain a license pursuant to this ordinance, the Applicant shall demonstrate to the County Commissioners that the following requirements will be met. A Licensee shall comply with all of these requirements during the term of the Local License.

1) Fixed location.

- a) All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Adult Use Cannabis or Medical Cannabis Establishment in any location other than the Licensed Premises. Examples of unpermitted locations include without limitation: farmers' markets, farm stands or kiosks.

2) Compliance with requirements of state and local law.

- a) An Adult Use Cannabis or Medical Cannabis Establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing Adult Use Cannabis or Medical Cannabis Establishments that conflicts in any way with the provisions of this article, the more restrictive shall control. Compliance with all applicable State laws and regulations shall be deemed an additional requirement for issuance or denial of any Local License under this Ordinance, and noncompliance with said State laws and regulations shall be grounds for revocation or suspension of any Local License issued hereunder.

Action 10. License Conditions

No Provisional Local License or Local License issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new Local License. Provisional Local Licenses and Local Licenses are limited to the premises for which they are issued and are not transferable to another location. The Local License shall be displayed in a conspicuous place in the Adult Use Cannabis or Medical Cannabis Establishment for which the Local License is issued. Local Licenses are in effect for twelve (12) months from the date of issue.

Article 11. Duty to Update Information

Any Licensee issued a Provisional Local License or Local License under this article shall have the duty to provide and maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten (10) business days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the Provisional Local License or Local License.

Article 12. Severability

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Article 13. Enforcement

- 1) Violations. Any violation of this Ordinance, including any failure to comply with any condition, may be enforced pursuant to 30-A M.R.S. § 4452. Every day a violation exists constitutes a separate violation.

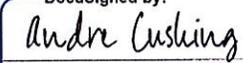
- 2) Local Law Enforcement Officers (LLEO) and Director of Unorganized Territory Administration may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions and shall investigate all complaints of alleged violations of this Ordinance. Said officers shall keep logs and records of all inspections and investigations of complaints.
- 3) Upon notification of a violation by a LLEO or the Director of Unorganized Territory Administration of a violation, the County Commissioners may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance including legal fees if court action is required. The County Commissioners, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering payment of penalties subject to factors such as negotiations with no court action. Any person, including but not limited to, a Cannabis Establishment owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be prosecuted in accordance with 30-A M.R.S. §4452.

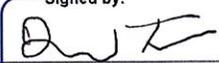
Article 15. Appeals

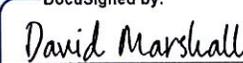
Any party may take an appeal, within 45 days after the decision is rendered, to the Superior Court from any order, relief or denial by the County Commissioners. Such appeal shall be made in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Article 14. Effective Date

This Ordinance shall become effective upon its adoption.

DocuSigned by:

 Andre E. Cushing, Chairman

Signed by:

 Daniel J. Tremble

DocuSigned by:

 David S. Marshall

This Ordinance was adopted at a meeting of the Penobscot County Commissioners called and held on the 2 day of July, 2025.


 Gina Morrissette, Deputy Director
 Penobscot County Unorganized Territory Administration