

Article II. Word Usage and Definitions

§ 145-10 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

REGISTERED MEDICAL MARIJUANA DISPENSARY

A registered medical marijuana dispensary means an ~~not-for-profit~~ entity registered and licensed pursuant to the Maine Medical Use of Marijuana Program that acquires, possesses, ~~cultivates,~~ ~~manufactures,~~ delivers, transfers, transports, sells, supplies or dispenses medical marijuana products, paraphernalia or related supplies and educational materials to ~~registered~~ qualifying patients or visiting qualifying patients and registered caregivers ~~who have designated the registered marijuana dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.~~ See also Maine Title 22 Chapter 558-C and Maine Department of Health and Human Services' Rules Governing the Maine Medical Use of Marijuana Program, 18-691, Chapter 2 (formerly 10-144 CMR Chapter 122, § 1.29), as amended, now administered by the Maine Department of Administration and Financial Services. A registered marijuana dispensary is not a caregiver retail store. A registered medical marijuana dispensary is not an adult use retail store. No more than three (3) registered medical marijuana dispensaries shall be allowed to be approved in the Town of Wells.

STAND-ALONE REGISTERED MARIJUANA DISPENSARY

~~A registered marijuana dispensary which is not operated as part of a hospital, nursing home, hospice, or other medical practice, or which may be operated as part of a hospital, nursing home, hospice, or other medical practice but which is not located at the primary facility of such hospital nursing home, hospice, or other medical practice.~~

Article V. District Regulations

§ 145-26 **General Business District.**

A. Purpose. The purpose of the General Business District is to provide areas for a wide range of business and commercial uses which serve the entire Town and for lodging and related facilities which serve the tourists.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

(36) Registered medical marijuana dispensary. No more than three (3) registered medical marijuana dispensaries shall be allowed to be approved in the Town o of Wells.

~~**(43)** Stand-alone registered marijuana dispensary.~~

§ 145-24 **Residential-Commercial District.**

A. Purpose. The purpose of the Residential-Commercial District is to provide areas for the economic use of older residential areas along highways while preserving the character and architectural scale of the areas.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

~~(29) Registered marijuana dispensary (Note: A registered marijuana Dispensary will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.)]~~

~~(30)~~ (29) Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.

~~(31)~~ (30) School, public and private.

~~(32) Stand-alone registered marijuana dispensary.~~

Article VII. Performance Standards

§ 145-58.2 **Registered medical marijuana dispensaries.**

~~A.~~ ~~Stand-alone~~ Registered medical marijuana dispensaries are allowed subject to the following performance standards in addition to the requirements of the districts in which the dispensaries are located.

B. Notwithstanding any other provision of the Wells Code, a combined total of no more than three (3) registered medical marijuana dispensaries shall be allowed to be approved in the Town of Wells. Approved means a property which has received a Site Plan approval from the Wells Planning Board.

~~B.C.~~ Notwithstanding any other provision of the Wells Code, all registered medical marijuana dispensaries must be reviewed by the Wells Planning Board, and not by the Staff Review Committee.

~~C.D.~~ Registered medical marijuana dispensaries must meet all of the standards and conditions imposed by the Maine Department of ~~Health and Human~~ Administration and Financial Services issued under the aegis of the Maine Medical Use of Marijuana Program.

DE. Notwithstanding the Maine Department of Health and Human ~~Administration and Financial~~ Services Rules Governing the Maine Medical Use of Marijuana Program, no registered medical marijuana dispensary in Wells may be located where any of the lot lines of the lot on which the dispensary will be located are within 2,000 feet of the lot line of any preexisting public or private school facility; or any preexisting and licensed child-care facility.

EF. There shall be opaque windows or walls for any building involved in the ~~cultivation of~~ registered medical marijuana dispensary, so that the interior is completely screened from lot lines and from any person passing along the normal street boundaries of the lot on which it is located.

FG. All buildings associated with a registered medical marijuana dispensary or ~~cultivation~~ facility, ~~including the growing facility itself~~, shall be protected by use of fire suppression sprinkler systems, or other effective fire suppression system that may be approved by the Chief of the Wells Fire Department.

GH. The registered medical marijuana dispensary shall have a Knox-Box® or and shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

HI. A registered medical marijuana dispensary shall have at least one parking space for each employee on the two largest shifts combined, and such additional customer parking as may be required by the Planning Board.

IJ. With any registered medical marijuana dispensary abutting a residential use ~~in a residential zoning district~~, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This setback requirement shall not be required when the lot adjacent to any proposed registered medical marijuana dispensary is undeveloped. In such case, the normal setback requirements of the zoning district in which the facility is to be located shall govern.

JK. The operator of a registered medical marijuana dispensary must provide a security plan to the Chief of Police for the Town of Wells, who will provide the Planning Board with a report and recommendations for specific conditions of approval as regards required security measures to be incorporated. The requirements for this plan should be coordinated with the requirements for any security plan that the State of Maine may require for such a facility.

KL. The hours of operation for any registered medical marijuana dispensary, including the hours that persons other than staff of the facility may be present ~~at a cultivation facility~~, shall be limited. No sales or dispensing of materials may take place prior to 7:00 a.m. nor later than 8:00 p.m. on any day.

LM. Signs for a registered medical marijuana dispensary or cultivation facility may not contain any visual depiction of marijuana or marijuana paraphernalia.

N. Only qualifying patients, visiting qualifying patients, registered caregivers or employees of the registered medical marijuana dispensary are allowed to enter the registered medical marijuana dispensary use building. The security plan shall include a method of controlling all entry into the building as approved by the Planning Board to adhere to this restriction.

STATE DEFINITIONS OF INTEREST

§2422. Definitions

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

5. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

6. Registered dispensary or dispensary. "Registered dispensary" or "dispensary" means an entity registered under [section 2425-A](#) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

6-B. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization.

7. Physician. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to [Title 32, chapter 36](#) or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to [Title 32, chapter 48](#) who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

7-A. Physician assistant. "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to [Title 32, chapter 36](#) or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to [Title 32, chapter 48](#) who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with [section 2423-B](#).

15. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State in accordance with [section 2423-D](#) and who is not a resident of the State or who has been a resident of the State less than 30 days.

16. Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient in accordance with [section 2423-B](#), or a digital image of that document issued by the medical provider that meets the requirements of [section 2423-B, subsection 4](#), that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

§2423-A. Authorized conduct for the medical use of cannabis

2. Caregiver. Except as provided in [section 2426](#), a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under [paragraph B](#); [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy; [PL 2021, c. 662, §10 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §4 (RP).]

C-1. Assist a qualifying patient with the patient's medical use of cannabis; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

D. [PL 2017, c. 452, §4 (RP).]

E. Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

F. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis; [PL 2011, c. 407, Pt. B, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in [section 2152, subsection 4](#), unless the caregiver is licensed pursuant to [section 2167](#) and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to [section 2423-F, subsection 3](#); [PL 2019, c. 331, §9 (RPR); PL 2021, c. 669, §5 (REV).]

H. [PL 2017, c. 452, §4 (RP).]

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver; [PL 2021, c. 367, §1 (AMD).]

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J)

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver;

J. (REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Use a pesticide in the cultivation of cannabis plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to [Title 7, section 607](#) and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to [section 1471-D](#) and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver who is not certified pursuant to [section 1471-D](#) and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

K. (REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration; [PL 2021, c. 662, §11 (AMD); PL 2021, c. 669, §5 (REV).]

K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient; [PL 2021, c. 367, §3 (AMD); PL 2021, c. 669, §5 (REV).]

L. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2019, c. 331, §10 (RPR); PL 2021, c. 669, §5 (REV).]

M. Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §11 (RPR); PL 2021, c. 669, §5 (REV).]

N. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the caregiver provided to the manufacturing facility; [PL 2019, c. 331, §12 (RPR); PL 2021, c. 669, §5 (REV).]

O. Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter; and [PL 2021, c. 662, §12 (AMD); PL 2021, c. 669, §5 (REV).]

Q. Be organized as any type of legal business entity recognized under the laws of the State.