

Before voting on this ordinance please understand that you are going to be severely damaging and limiting legal businesses that have been following state laws for a state program. By not understanding what it is that these businesses do you are moving forward with an ordinance that has sections that would never be imposed on any other business. The town should not be blindly exceeding the carefully considered statutes of the Maine Medical Marijuana Program.

Recreational Cannabis Stores, Medical Caregiver Retail Storefronts and Caregivers without retail stores are very different businesses. They should be considered under different guidelines. The town should be talking to the businesses and learning what they actually do and how they function before creating rules that destroy the hard work and investments that have gone into creating them.

For instance, I was recently sent a description of what manufacturing means to the town. Caregivers and stores will now be prohibited from manufacturing any products if they are not operating in the allowed manufacturing zones. For years, caregivers or storefronts have been able to make tinctures, soaps, salves, infusions, extractions and edibles in their homes following state guidelines with the proper kitchen licenses and testing. You will be taking away these rights and damaging these businesses. Some businesses have invested a lot in infrastructure for processing products. There are commercial kitchens set up for caregivers wanting to make their own products. You will also be damaging these businesses.

Most caregivers are primarily farmers. Would you put these restrictions on other types of farmer? Would you create an ordinance allowing people to grow fruit but not allowed to make it into cider or jam? Think. Allow beekeepers to keep bees but not allow them to process it the honey?

Another problem is the “ Primary Dwelling” section. The state requires that caregivers cultivate on their property but have always allowed them to use any property under their control for other parts of their businesses. Renting an office to meet with patients or for storing or processing products is allowed.

I also think the town should check with their lawyers before adding an ordinance that allows the unannounced inspections of people private homes.

The town is going overboard in their attempt to control this type of business. The voters of Kittery have supported cannabis businesses and the town is exceeding its mandate by picking one type of business and setting up damaging and restrictive rules without understanding what they are doing. What is the point of damaging businesses that help people get access to safe, clean medicine?

All municipalities do when they destroy the medical program is encourage the growth of unregulated markets. This isn't protecting anyone. Why would the town want to do this? Kittery should be following the guidelines set up for these programs by the state who has been considering these issues for years. This is a state program.

Let's compare cannabis to alcohol which is far more dangerous and deadly. Alcohol is sold at probably over 200 locations in the town of Kittery. It causes death, destroys families and negatively impacts everyone in some way. Yet it is available everywhere. It is sold in stores that children can freely walk into. It can be sold close to a school. What has the town done to stop any of these businesses? I am not in favor of alcohol prohibition. Look what happened to crime rates when that idea was implemented. I am using this as an example of a far more dangerous recreational substance that is available everywhere.

Cannabis is a highly effective medicine for many health issues. It is here to stay. There should not be restrictions on these businesses that would never be placed on other types of business. All you are doing is hurting already established businesses and keeping new businesses from growing successfully.

All existing caregiver businesses should be allowed to continue as they have been. The town is and has been in violation of state law with their requirement of the MHOL put into the town zoning ordinances in May of 2017.

Here is the section of the state act the town violated. You can get a copy of this from the state law library.

Title 22, §2428 10. Local Regulation.

A local government may not adopt an ordinance that is duplicate or more restrictive than the provisions of this Act. An ordinance that violates this subsection is void and of no effect. [2011, c. 407, Pt. B, §32 (AMD) .]

This section was repealed in July of 2017 but the town's requirement for an MHOL was already voided when it was repealed. Home rule was not part of the state statutes for the medical program until January of 2019.

I recommend the town council follow the planning board recommendations on this issue. The planning board worked for a long time only to have town employees add unreasonable, thoughtless restrictions to the ordinance. My main point is what actually makes sense? Should you destroy existing businesses to prevent future perceived problems. The town and the state have always supported small business models. That is a lot of what Maine is about. I can't even begin to count the variety of home operated businesses in this town. Think before you act. I recommend as the planning board had, that you separate caregivers without retail stores from this ordinance and consider separately what is appropriate for caregiver businesses.

Wendy Turner

# marijuana establishment regulations

Russell White <[REDACTED]>

Sun 8/8/2021 8:12 PM

To:town comments <tcomments@kitteryme.org>;

MEMO TO TOWN COUNCIL RE: MARIJUANA ORDINANCE  
FROM: RUSSELL WHITE  
DATE: 8/8/21

DEAR COUNCIL, I am writing this memo as a citizen, not as a member of the Planning Board. I have continuing concerns about the regulation of home based providers as contained in the proposed new ordinances. As I understand there are a number of home based providers in Kittery who are all regulated by the State, and the Town has created some regulations already and is preparing to enact more. My largest concern is that the home based providers should not be regulated in the same ordinance as the commercial establishments. I agree that we need regulation of the commercial establishments whether or not I agree with the finer points of the proposed commercial establishment ordinance as it works its way through the process. However, I see home based medical providers as an entirely separate set of issues. First, they are well regulated by the state. Second, I do not know if there have been problems reported over the 10 years, more or less, that home based providers have been allowed by state law. Third, if there is not a history of problems, then I would like to see caution in imposing new regulations. I am personally acquainted with several of the home based providers and they run small, but responsible operations, and are regulated by the state, and pay their fees and taxes. They also provide a valuable service in privacy to their patients, and also earn modest supplemental incomes to help support themselves. All in all, it would be quite a shame if the town, in moving to regulate new and existing commercial operations, were to squash or make unaffordable the existing home providers or make it prohibitive for new entrants to that service. I have read a lot of the back and forth about this and believe some valid points have been raised. I do not see that the town should be imposing new costs (such as the \$500 annual registration fee) or restrictions (such as increasing the distance from schools to anything greater than 500 feet), or requiring burdensome security and inspection measures that duplicate state inspections, or by creating procedures that will violate provider and patient confidentiality, without going through a careful vetting of all proposed new town regulations with a study committee process which includes as a constituency some of the home based providers themselves, as well others deemed necessary to create an effective group. I recommend that the ordinance under consideration remove all reference to home providers and that if truly necessary, a separate section be enacted after additional study to regulate home providers, and only to the extent necessary to serve a well defined purpose or to address clearly defined problems. Thank you for consideration of my comments.