

August 4, 2021

Planning Board
Town of Whitefield
36 Town House Road
Whitefield, ME 04353

**RE: Development Application
237 North Howe Road, Whitefield, ME
Tax Map 20, Lot 26**

Dear Board Members:

On behalf of Sisbro Realty, LLC (the “Applicant”), enclosed you will find the Development Application and supporting materials for converting a portion of the commercial building located at 237 North Howe Road in Whitefield (the “Property”) into a Medical Marijuana Cultivation Facility (the “Facility”). The Facility will be constructed within the existing building footprint and will include four separate caregiver cultivation areas

The Applicant proposes to lease four separate caregiver cultivation areas within the existing industrial building at 237 North Howe Road, Whitefield, Maine (the “Facility”) to registered medical marijuana caregivers for the purposes of cultivating medical marijuana for wholesale sale to medical marijuana caregiver retail stores and dispensaries located in other municipalities within the State of Maine. The sole use will be cultivation and the hours of operation will be from 9:00 a.m. to 6:00 p.m., seven days a week. In addition to the four caregivers, there will be an additional two caregiver assistants. The growing medium will be soil and no pesticides, fungicides, or chemical fertilizers will be used. There will be no product manufacturing activities or sales of any kind onsite. All wholesale sales of marijuana will occur at the purchasers’ location. More detail is provided in the enclosed project description. Also enclosed are an odor mitigation plan, security plan, waste disposal plan, and SOPs for transport of wholesale marijuana.

PROPERTY

The Property is currently identified as Tax Map 20, Lot 26, contains approximately 15 acres, and has approximately 1,339 feet of frontage on North Howe Road. The Property is currently developed and consists of a large industrial/commercial building with a concrete foundation/pad for parking, loading dock area, subsurface wastewater disposal system, electric utilities, private well, and mature landscaping. There is an existing concrete slab/foundation approximately 10,000 ± s.f. currently used by the current owner as outdoor storage. All cultivation activities will occur indoors and the exterior of the Facility will not be utilized as part of the project. The Applicant and current owner have entered a purchase and sale agreement which is contingent on approval of the Facility. The current owners will be responsible to remove all exterior debris from the Property if the Facility is approved and the Applicant acquires title to the Property.

BUILDING

The existing building consists of a 17,000 ± s.f. footprint commercial building that is currently utilized for warehouse and industrial use. The Facility will be approximately 8,400 ± s.f. and will be built within a portion of the existing building. Enclosed is a layout to the proposed Facility as well as a layout showing the Facility's location within the existing building.

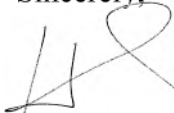
PRIOR USE AND LAND USE IMPACTS

The Applicant anticipates that the proposed Medical Marijuana Cultivation Facility will have fewer land use impacts than the existing use, a Refuse Recycling Facility. The traffic will be limited to one two-way trip per employee per day and periodic deliveries of medical marijuana from the Facility to marijuana caregiver retail stores and dispensaries within the state of Maine for wholesale sale. The existing infrastructure and utilities far exceed the anticipated size and demand of the proposed Medical Marijuana Cultivation Facility. The Applicant anticipates using approximately half of the existing warehouse, under 9,000 sq. ft., and expects to use approximately 25% of the available power and water. There will be no noise or lighting associated with the project, as all activities will take place within the building and exterior lighting will be motion sensor lighting that will only be triggered in response to movement. The Applicant will mitigate odor and security issues as demonstrated by the robust odor mitigation and security plans submitted as part of this application. There will be minimal waste generated by the operation. Aside from normal waste generated by employees at a jobsite, the majority of the waste generated by the operation will be organic plant material to be disposed of consistent with the waste disposal plan and state law.

WAIVER REQUESTS

As there are no changes to the exterior of the building or the land, we are requesting waivers for soil testing and erosion and sedimentation plan. The purpose of the erosion and soil control plan is to ensure that the applicant has appropriate erosion mitigation measures in place for soil disruption resulting from construction. Likewise, the purpose of a soil test as it relates to the development plan application is to determine the suitability of the soil for the type of construction to be done. However, the applicant is not proposing any exterior construction or improvements. The planned interior construction will not disturb the soil, water runoff will not be changed and there will be no installation of new septic or well or new construction or expansion of the foundation or existing buildings. Based on the foregoing, neither a soil testing nor an erosion and sedimentation plan are not applicable to this project.

Sincerely,



Hannah E. King, Esq.

HEK/mk

Enclosure

TOWN OF WHITEFIELD DEVELOPMENT APPLICATION

**Read Section 2 "Standards" in the Development Ordinance.
Be prepared to answer questions if they apply to your project.**

<p><u>Owner Information</u></p> <p>Company _____</p> <p>Name <u>Marie & Philip Maguire</u></p> <p>Mailing Address <u>11 Mayflower Drive</u> <u>Mansfield, MA 02048</u></p> <p>Phone _____</p> <p>Email _____</p>	<p><u>Applicant Information</u> (if different)</p> <p>Company <u>Sisbro Realty, LLC</u></p> <p>Name <u>Katy Wong</u></p> <p>Mailing Address <u>15 Sparhawk Street, Unit 1</u> <u>Brighton, MA 02135</u></p> <p>Phone <u>617-529-1788</u></p> <p>Email <u>katyw168@yahoo.com</u></p>
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Whitefield Tax Map # 20 Lot(s) # 26 Lot Size 15 AC

<p><u>Existing Property Use</u> (check all that apply)</p> <p><input type="checkbox"/> Forested</p> <p><input type="checkbox"/> Farmland</p> <p><input type="checkbox"/> Home Year-round <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Business</p> <p><input checked="" type="checkbox"/> Industrial</p> <p><input type="checkbox"/> Mineral Extraction</p> <p><input type="checkbox"/> Other</p>	<p><u>Proposed Property Use</u> (check all that apply)</p> <p><input type="checkbox"/> Farm</p> <p><input type="checkbox"/> Home Year-round <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Business</p> <p><input checked="" type="checkbox"/> Industrial</p> <p><input type="checkbox"/> Mineral Extraction</p> <p><input type="checkbox"/> Other</p>
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Detailed Description of Proposed Use of Site or Building Applicant has entered a purchase and sale agreement with the owners to acquire the property, subject to the Town's approval for the proposed use. The proposed use of the building is for a registered medical marijuana cultivation facility.

<p><u>Existing Primary Structure on Property</u></p> <p><input type="checkbox"/> Home</p> <p><input type="checkbox"/> Business</p> <p><input checked="" type="checkbox"/> Industrial</p> <p>Number of stories <u>1.5</u></p> <p>Height _____</p> <p>Exterior dimensions <u>Approximately 85 x 200</u></p> <p>Setback from road <u>Approximately 45 ft</u></p> <p>Setback lot line 1 <u>Approximately 510 ft</u></p> <p>Setback lot line 2 <u>Approximately 375 ft</u></p> <p>Setback rear lot line <u>Approximately 302 ft</u></p>	<p><u>Proposed Structure on Property</u></p> <p><input type="checkbox"/> Home new building</p> <p><input type="checkbox"/> Home addition</p> <p><input type="checkbox"/> Home garage/accessory</p> <p><input type="checkbox"/> Business - new</p> <p><input type="checkbox"/> Business addition</p> <p>Number of stories _____ Height _____</p> <p>Exterior dimensions _____</p> <p>Setback from road _____</p> <p>Setback lot line 1 _____</p> <p>Setback lot line 2 _____</p> <p>Setback rear lot line _____</p>
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<p>What types of garbage will you have? please see standard operating procedures attached.</p> <p>_____</p> <p>_____</p> <p>How do you plan to get rid of it? please see standard operating procedures attached.</p> <p>_____</p> <p>_____</p>	<p>Is there water to the building? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Will there be water to the building? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, attach a sub-surface wastewater disposal system plan.</p> <p>If no, where are the employees going to the bathroom? _____</p> <p>_____</p> <p>_____</p>
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<p>Do any of these apply to your property?</p> <p><input checked="" type="checkbox"/> road easements/rights of way</p> <p><input type="checkbox"/> waste/sanitary waste easement</p> <p><input type="checkbox"/> utility easement</p> <p><input type="checkbox"/> deed restriction</p> <p><input type="checkbox"/> deed covenant</p> <p><input type="checkbox"/> other</p> <p>_____</p> <p>_____</p> <p>Attach easements, covenants & applicable permits</p>	<p>Do any state laws apply to your project?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Federal laws?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Is your property in a shoreland zone?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Explain _____</p> <p>please see attached medical marijuana regulations.</p> <p>_____</p> <p>_____</p> <p>Attach easements, covenants & applicable permits</p>
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<p><u>Driveway Entrance</u> (check all that apply)</p> <p><input type="checkbox"/> driveway entrance proposed</p> <p><input type="checkbox"/> approval of Road Commissioner attached</p> <p><input type="checkbox"/> 911 address needed</p> <p><input type="checkbox"/> state road entrance required</p> <p><input type="checkbox"/> state road change use required</p> <p>Attach copies of any approval or permits obtained</p>	<p><u>Parking</u></p> <p>Number of employees <u>please see attached.</u></p> <p>Number of customers/day <u>please see attached.</u></p> <p>Describe the area _____</p> <p><u>please see standard operating procedures attached.</u></p> <p><u>Loading Areas</u></p> <p>How are materials delivered? _____</p> <p><u>please see standard operating procedures attached.</u></p> <p>How are finished products removed from property?</p> <p><u>please see standard operating procedures attached.</u></p> <p>_____</p> <p>_____</p>
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<p>Can you affirm that you have sufficient financial capacity to complete this development?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>When do you propose to start? <u>9/1/21</u></p> <p>_____</p> <p>When do you propose to finish? <u>11/30/21</u></p> <p>_____</p> <p>_____</p>
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<p><u>Erosion Control</u></p> <p>What soil disturbance will be created in the construction of your project? <u>None - this project will only require interior construction and no soil will be disturbed.</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>How will you manage erosion and sediment? <u>None - this project will only require interior construction and no changes to erosion or sediment will occur.</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>When finished, what amount of the property will be bare, no vegetation on it? <u>There will be no changes to the existing vegetation on the property.</u></p> <p>_____</p> <p>_____</p> <p>_____</p>

Map of Property - attach and show:

- map and lot numbers
- existing and proposed buildings
- measurements of lot lines including road frontage
- utility lines and drainage ways
- location of sanitary waste facilities
- location of vehicle access roads, parking and loading areas
- distances from proposed buildings to lot lines
- names of abutting land owners
- existing soil conditions
- total acres
- rights of way
- steep areas, low areas, general lay of the land
- proposed and existing landscaping including fencing, shrub lines, etc.

Drawing of Proposed Building-attach w/following

- ground floor dimensions
- elevation
- basic sketch of finished building

Additional Information

Describe any proposed signs and/or outdoor lighting _____
please see standard operating procedures attached.

What materials will be stored on site?
please see standard operating procedures attached.

What chemicals will be stored & used on site?
please see standard operating procedures attached.

What types of machinery will you be operating?
please see standard operating procedures attached.

What hours do you expect to be operating?
please see standard operating procedures attached.

Are you asking for a waiver of any requirement? Yes No If yes, please explain.
please see attached waiver request.

I affirm that the information provided on this form or attached to it is true and reflects what I propose to do.

Signed:  _____ Dated: 08/04/2021

What To Do Next

- Call PB Chair to schedule a pre-application meeting the month before you want to submit this application. Call the Town Office (549-5175) for the contact information.
- Submit your completed application to the Planning Board at least one week before the meeting. You can do one of these ways:
 - email it to the PB Chair
 - make 5 copies and deliver them to the Town Office

Planning Board Use

Date Received: _____

Date Reviewed by Planning Board: _____

Date Application Accepted as Complete: _____

PROJECT OVERVIEW

Sisbro Realty, LLC (the “Company”) proposes to lease four separate caregiver cultivation areas within the existing industrial building at 237 North Howe Road, Whitefield, Maine (the “Facility”) to registered medical marijuana caregivers for the purposes of cultivating medical marijuana for wholesale sale to medical marijuana caregiver retail stores and dispensaries located in other municipalities within the State of Maine. The sole use will be cultivation. There will be no product manufacturing activities or sales of any kind onsite. All wholesale sales of marijuana will occur at the purchasers’ location. Wholesale marijuana shall be transported in accordance with the Transportation SOPs and state law.

General Overview of Marijuana Cultivation

Marijuana plants are propagated from germinating seeds or taking cuttings (clones) from existing plants. Marijuana plants have three distinct phases in their life cycle prior to harvest: seedling, vegetative, and flowering. Each stage requires different light conditions and, thus, for an indoor cultivation facility, there must be separate rooms for plants in each stage of growth. On average plants spent 2-3 weeks as seedlings, 3-16 weeks in the vegetative stage, and 8-11 weeks in the flowering stage. Once fully mature, flowering plants intended for sale as marijuana flower, are harvested, dried, and trimmed.

Seedling



Vegetative Stage



Flowering Stage



Drying



Trimming



Proposed Cultivation Operation

Under state law, a registered caregiver can cultivate up to 500 square feet of flowering plant canopy. The proposed Facility will have four flower rooms; one flower room for each of the four registered caregivers. The total flowering canopy will not exceed 2,000 square feet. The four flower rooms will be approximately 1,000 square feet with 500 square feet of plant canopy and 500 square feet of walking aisles to allow access to the plant for watering, pruning, and general care and maintenance. Plants will be started using cuttings (clones) from existing plants. The Facility will include rooms for vegetative plants, clones/seedlings, drying, storage, and trimming.

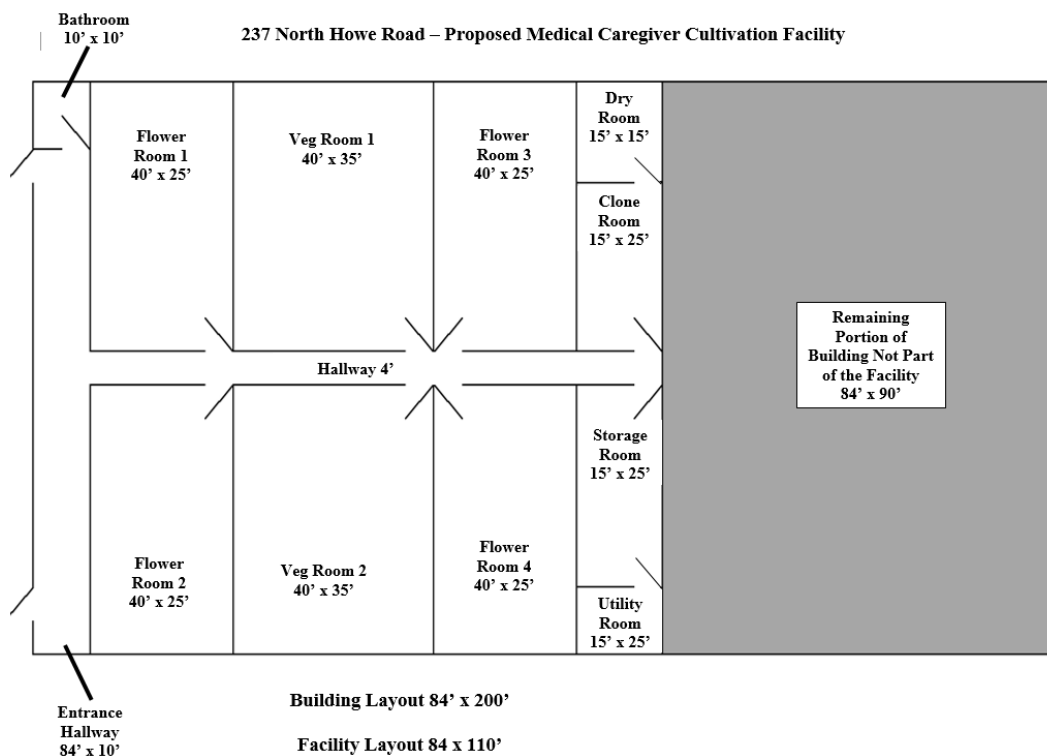
Each of the caregivers will cultivate using soil as their growing medium. The caregivers will use Fish, kelp, foliar spray, and beneficial microbes. They will NOT use any cloning gel, pesticide, or insecticide. Any plants with pest issue will be disposed of immediately in accordance with the waste disposal plan and state law.

Mature plants will be harvested once every month. These plants will be dried, trimmed, and packaged for wholesale sale to medical marijuana caregiver retail stores and dispensaries within the state of Maine.

Under state law, only the registered caregivers and employees holding valid employee registration cards (called caregiver assistant cards) will be permitted within the caregiver cultivation area. The law authorizes contractors, town officials, state officials and law enforcement within the cultivation area, although contractors and town officials must be accompanied and under the supervision of the registered caregiver or a registered caregiver assistant at all times.

Proposed Layout

The existing building consists of a 17,000 ± s.f. footprint commercial building that is currently utilized for warehouse and industrial use. The Facility will be approximately 8,400 ± s.f. and will be built within a portion of the existing building.



Utilities

The caregiver cultivation operations will use CMP for electrical and an existing private well for water supply. They anticipate they will use less than 25% of the ampage available and that the well pump capacity far exceed the anticipated water needs of the four caregiver operations.

State Registrations

All four caregivers will hold caregiver registrations from the State of Maine authorizing them to cultivate medical marijuana for wholesale sale to register. As part of the registration process, the state will run criminal background checks and ensure that the caregivers are Maine residents.

All employees of the caregivers will hold valid caregiver assistant cards issued by the State of Maine authorizing them to assist with the cultivation and wholesale sale of marijuana on behalf of the registered caregiver/employer.

SECURITY PLAN – STANDARD OPERATING PROCEDURES

Introduction

This Security Plan describes the policies, procedures, engineering and physical controls, and other measures that will be implemented by Sisbro Realty, LLC (the “Company”) to ensure a safe and secure environment for caregivers, caregiver assistants, employees, and the community, as well as to comply with local and state security requirements. Caregivers and caregiver assistants hereinafter collectively referred to as “Caregiver”. The Company and Caregiver hereinafter collectively referred to as “Authorized Person”.

The Company will implement both Access Controls and Engineer Controls to prevent unauthorized entry to the Facility, deter theft, burglary and diversion of marijuana, marijuana products, or money, and prevent access to the Facility by individuals under 21 years of age.

The Company shall be responsible for ensuring that this Security Plan is properly implemented. Such responsibilities will include the following:

- Implement and enforce security regulations and policies.
- Act as liaison to the local Police Department.
- Schedule all security services.
- Ensure all security equipment and systems are operated and maintained according to manuals, standard security practices, and this Security Plan.
- Ensure the maintenance of all Visitor Logs and Closing Forms.
- Ensuring that all individuals are properly trained.
- Manage all visitor access to the facility.
- Ensure the reporting and documentation of all incidents and provide initial information for investigations to the Company.

Access Controls

1. Protocols for Preventing Unauthorized Access to the Premises

- a. All areas of ingress and egress at the Facility shall be clearly identified by signs which shall indicate all exists and specific rooms as reflected on the floorplan attached as Appendix A.
- b. At all times, all doors to the premises from the exterior of the building shall be locked to prevent access by unauthorized individuals from the outside of the building. The Facility does not have windows to secure.
- c. Only Authorized Persons shall be provided with keys to the exterior doors of the Facility. Each Caregiver shall be provided with keys to their respective Flower Room, of which no

other Caregiver shall have access to. Caregivers shall not duplicate or cause to be duplicated their respective Flower Room key.

- d. The last Caregiver to leave the facility shall be required to check each of the interior and exterior doors to the premises to ensure that they are locked. The Caregiver shall verify on the closing form that all doors are locked before leaving for the night. A Closing Form is attached as Appendix B.
- e. Visitors may only access the premise through the door at the north side of the Facility next to the parking area. Visitors may only be allowed to access the premises once the Company or a Caregiver has verified through review of a government issued picture identification card that the visitor is 21 years of age or older.
- f. Visitors may only be allowed access to the limited access areas of the premise pursuant to the protocols in this Security Plan.

2. Protocols for Preventing Theft of Money and Marijuana/Marijuana Products

- a. At the end of the day all money shall be stored in a secured location onsite or deposited at a financial institution.
- b. Only the Company and Caregivers will has access to areas were money is stored.
- c. At no time will the Company maintain more than \$1,000 onsite overnight.
- d. The Company or the last Caregiver to leave the Facility shall be required to ensure that all money has been secured in the vault. The Company or the last Caregiver shall verify on the closing form that all money has been secured in the vault before leaving for the night. A Closing Form is attached as Appendix B.

3. Protocols for Preventing Theft of Money and Marijuana/Marijuana Products

- a. All suspicious activity shall be reported to the Company who will complete a Suspicious Activity Report. Suspicious Activity Reports shall be maintained in accordance with the Company's record storage and retention policy. Suspicious Activity Reports are attached as Appendix D.
- b. Suspicious activities shall be reported as soon as possible to the Company. The Company shall be responsible for investigating the suspicious activity and determining whether to report the suspicious activity to the regulatory authority, law enforcement or both.
- c. The Company shall document on the Suspicious Activity Report all steps taken to investigate the activity and whether a report was made to law enforcement and/or the regulators. If a report was made, the Company shall document the date and time of the report and person that the report was made to and any action taken by law enforcement or the regulators.
- d. If a report was not made, the Company shall document the reason why.

- e. In emergency circumstances, such as when an individual has sustained an injury or there is a likelihood of harm to a person, the Company or any Caregiver shall call 911.

4. Protocols for Access to the Facility by Visitors

- a. The Company's visitor protocol will follow industry best practices and current regulations. There will be situations that arise that will require someone to enter the licensed premises who is not a State-licensed industry worker but they will need access to the facility. Common visitors typically will be support-type businesses such as HVAC, electric and plumbing, general contractors, etc.
- b. Visitors will be required to provide the Company or Caregiver with a current, valid government-issued identification. The Company or Caregiver will confirm the individual is over the age of 21 before permitting the visitor to enter the premise. Once the Company or Caregiver has verified the visitor is 21 years of age or older, the visitor may enter the reception area where the employee shall make a photocopy or picture of the visitor's ID, and maintain the photocopy or picture with the visitor log book; and the visitor will be required to sign in and out with the Company or Caregiver and provide a written reason for the visit (*e.g.*, maintenance work, HVAC, repairs, etc.).
- c. Upon completing these requirements, the Company or Caregiver will issue a 'visitor badge' for the visitor to wear and display while on the premises. The Company or Caregiver will remain with the visitor for the duration of the visit to ensure the visitor does not interact with or handle any marijuana plant, material, or manufactured marijuana product. Example visitor badge and log book sheets are attached as Appendix C.

5. Protocols for Employee Training for Access Controls

- a. The Company and/or Caregiver will only hire those individuals that are authorized by the Office of Marijuana Policy rules and regulations and Maine state laws. All employees shall be trained on these Access Controls. This training shall be part of each individual's initial training and annual refresher training.

Engineering Controls

The Company will utilize a variety of engineering controls such as video surveillance cameras, commercial grade locks, alarm systems, and lighting to mitigate the risk of diversions, burglary, and theft in compliance with state regulatory requirements.

1. Doors and Windows

i. Exterior of the Building. There are no windows in the cultivation facility. There are two ingress/egress located on the outside of the premises of the cultivation facility. These doors will all be outfitted with commercial grade locks and are locked at all times, with the exception of the loading dock door, which are open periodically for the purpose of loading transport vehicles. Only Authorized Persons will have keys to these doors. Access to the premises through all of the exterior doors will be controlled by these Access Protocols.

ii. Interior of the Building. Each Flower Room will be locked with individual keys for each Flower Room's respective Caregiver. There will be one point of access to the Limited Access Area in the interior of the building. That is a door between the lobby area for checking in visitors and the rest of the facility. This door will be equipped with commercial grade locks and be locked at all times. Only employees will have keys to these doors. Visitors are only permitted to enter the limited access area through the door from the Reception Area and only pursuant to The Company's protocols for visitor access to the Limited Access Area.

b. Lighting

i. There will be motion sensor lights located at each of the exterior doors. These lights provide sufficient light to provide any observer visibility of activities occurring within 10 feet of the entry point.

c. Alarms

i. The Company will install an audible security alarm system that is monitored by a licensed security company, such as Seacoast Security.

d. Surveillance Equipment

i. Cameras. The Company will have three video surveillance cameras fixed to the interior and exterior of the Facility as shown on the attached Appendix A. The Facility will have one surveillance camera fixed in each of the Flower Rooms as shown on the attached Appendix A. The minimum camera resolution will be 720p, with 24/7 continuous recording at a minimum of 15 frames per second, and will clearly and accurately display the date and time.

ii. Record Retention. The Security System storage device shall be secured in onsite or on the cloud. Only the Company will have access to the Security System storage device. All surveillance recordings shall be kept for a minimum of 45 days. Upon reasonable requests from OMP or local law enforcement, the Company shall permit inspection of or provide copies of recorded suspicious activity.

Suspicious Activity Reporting Form

Security Summary of the Suspicious Activity:

Summary of Company Response to Complainant:

Date and Time of Suspicious Activity: _____

Date and Time Reported to the Applicant
or Caregiver: _____

Name and Signature of Individual Filing _____
This Suspicious Activity Report: [Signature]

[Please Print]

Visitor Log

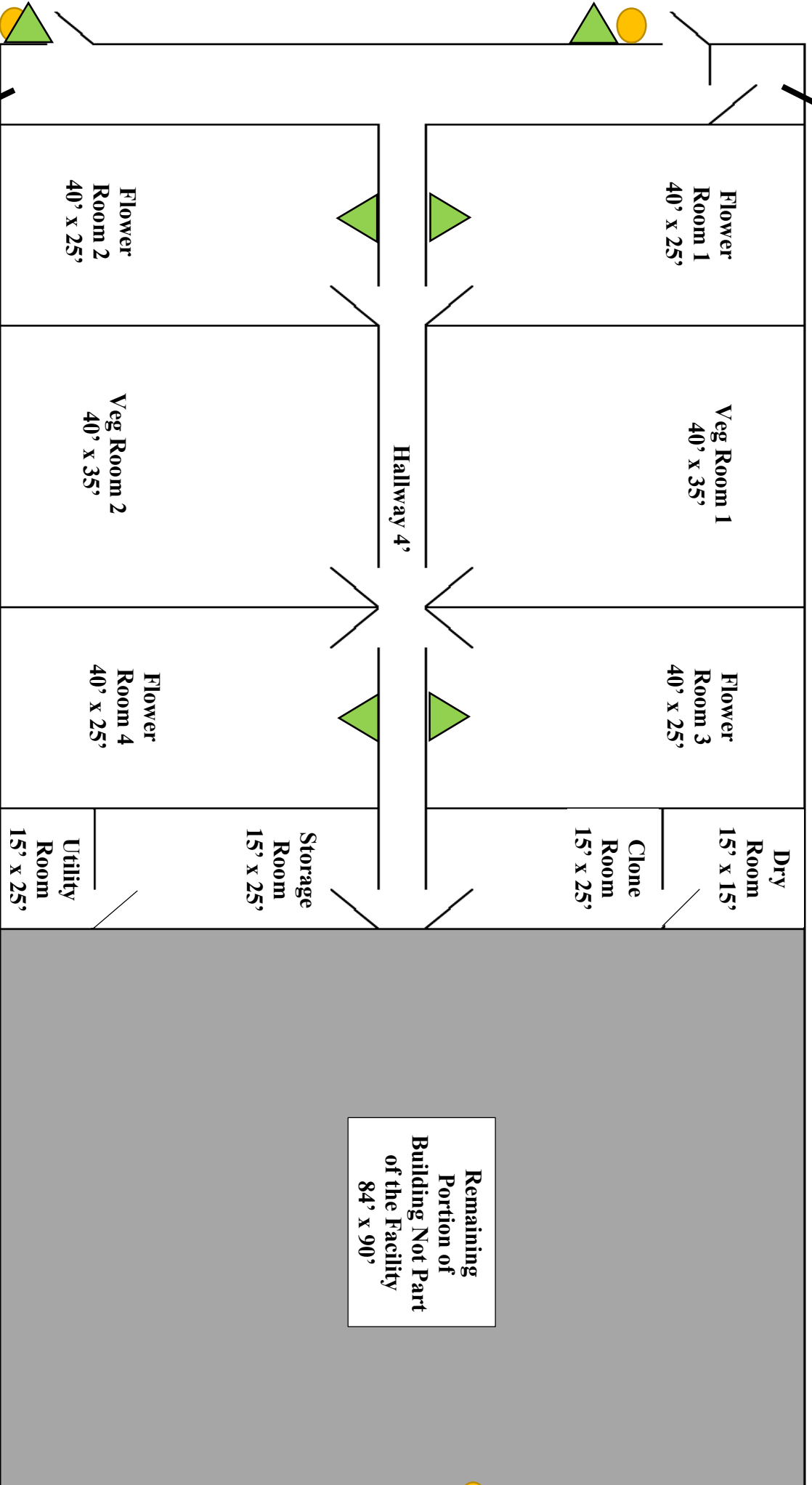
<u>Date</u>	<u>Time In</u>	<u>Time Out</u>	Visitor Name:	Visitor Signature:
_____	_____	_____	_____	_____
Reason for Visit:			ID Type & Number:	Authorized Person Escorting Visitor
_____			_____	_____
_____			_____	_____
<u>Date</u>	<u>Time In</u>	<u>Time Out</u>	Visitor Name:	Visitor Signature:
_____	_____	_____	_____	_____
Reason for Visit:			ID Type & Number:	Authorized Person Escorting Visitor
_____			_____	_____
_____			_____	_____
<u>Date</u>	<u>Time In</u>	<u>Time Out</u>	Visitor Name:	Visitor Signature:
_____	_____	_____	_____	_____
Reason for Visit:			ID Type & Number:	Authorized Person Escorting Visitor
_____			_____	_____
_____			_____	_____
<u>Date</u>	<u>Time In</u>	<u>Time Out</u>	Visitor Name:	Visitor Signature:
_____	_____	_____	_____	_____
Reason for Visit:			ID Type & Number:	Authorized Person Escorting Visitor
_____			_____	_____
_____			_____	_____
<u>Date</u>	<u>Time In</u>	<u>Time Out</u>	Visitor Name:	Visitor Signature:
_____	_____	_____	_____	_____
Reason for Visit:			ID Type & Number:	Authorized Person Escorting Visitor
_____			_____	_____
_____			_____	_____

Example Visitor Badge



Bathroom
10' x 10'

237 North Howe Road – Proposed Medical Caregiver Cultivation Facility



Entrance
Hallway
84' x 10'

Building Layout 84' x 200'
Facility Layout 84 x 110'

Remaining
Portion of
Building Not Part
of the Facility
84' x 90'

= Camera

= Lighting

ODOR CONTROL - STANDARD OPERATING PROCEDURES

Sisbro Realty, LLC (the “Company”) proposes to lease four cultivation areas at 237 North Howe Road, Whitefield, Maine (the “Facility”) to medical marijuana caregivers for cultivation of medical marijuana. The sole activity will be cultivation of medical marijuana. There will be no product manufacturing or sales of any kind onsite.

The Facility will be approximately 8,400 square feet located within a 170,000 square foot building that is currently utilized for warehouse and industrial use; specifically, refuse recycling.

1. Description of Odor Causing Activities and Areas Where Odor Emitting Activities will Occur

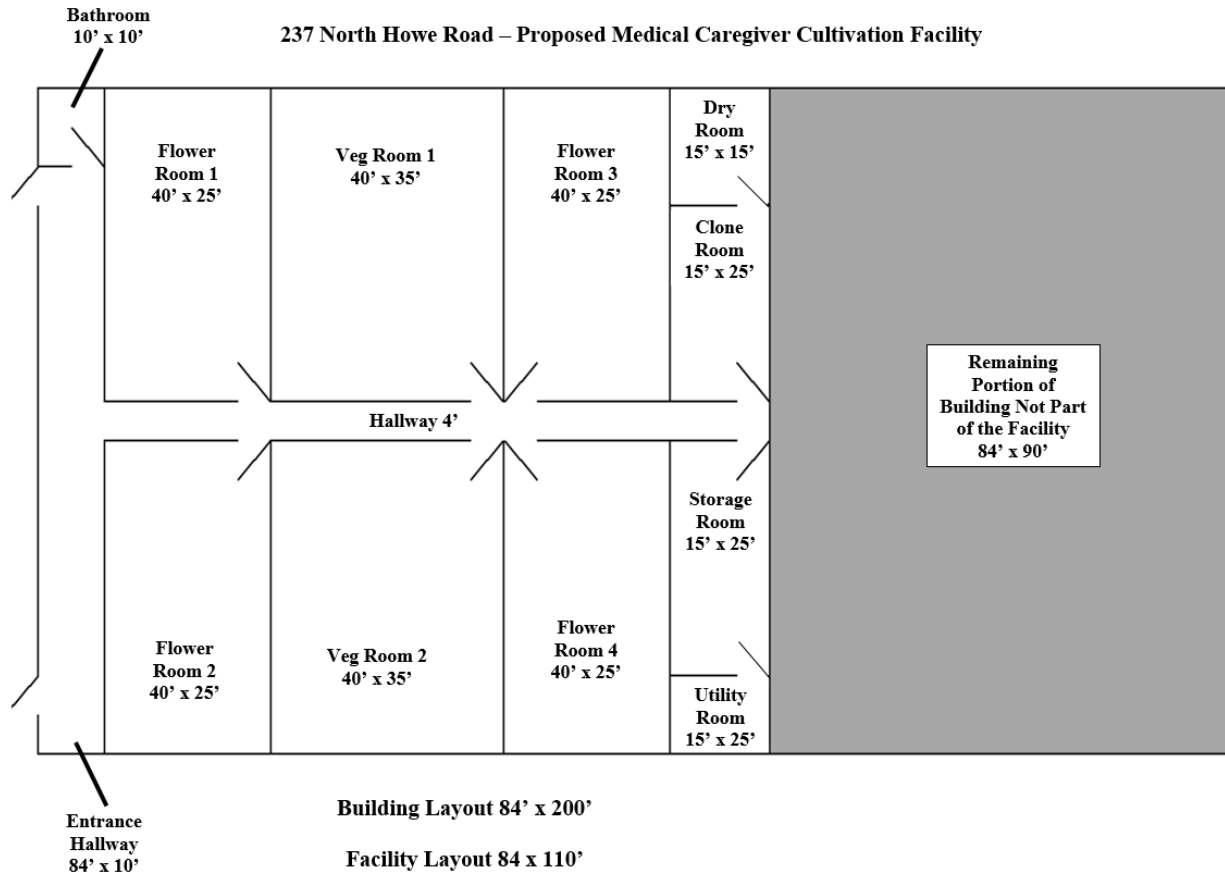
Cannabis odor will be generated from cultivation and post-harvest activities. While cannabis odor is emitted from all cannabis plants in both the vegetative and generative phases, the heaviest odor emissions come from flowering plants and during harvest activities. The areas generating the highest concentration of cannabis odor within a cultivation facility will be all flowering, harvest and post-harvest areas. Specifically at the Facility, and as shown on the Facility Layout below, Flower Rooms 1 through 4, the Dry Room, and the Storage Room will generate the highest concentration of cannabis odor.

The facility will operate a perpetual monthly harvest cycle with heaviest odors occurring once every four weeks on harvest days. On harvest days, the highest concentration of odor in the Facility will be created in the Flowering Rooms and Dry Room as plants are cut down and processed for drying. Odor will be released the entire time plants are being harvested and persist for up to 6 hours after harvesting activities have finished.

The below floor plan identifies where each of the following: odor emitting activities will occur within the Facility:

1. Propagation (clones/seedlings) in Clone Room – light odor
2. Plants in Vegetative Rooms – light odor
3. Plants in the Flowering Rooms 1-4 –heavier odor
4. Harvesting and Post-Processing (Drying, Curing, Trimming, Packaging) Dry Room & Storage Room – heavier odor during harvest and post-processing activities

237 North Howe Road – Proposed Medical Caregiver Cultivation Facility



2. Engineering Controls

The Facility will use carbon filters to mitigate odors. Carbon filters will be located in areas of the Facility that will generate the heaviest odors, such as the Flower Rooms. Carbon filtration is the accepted and available industry-specific best control technologies designed to effectively mitigate odors for all odor sources.

A. System design

The Facility will utilize 12" X 40" Can-Lite Active Carbon Filters equipped with 12" DuraBreeze Inline Exhaust Fans, or a similar system, to mitigate odors.

Can-Lite Carbon Filter 12" X 40"

1800 CFM DuraBreeze 12" Inline Exhaust Fan

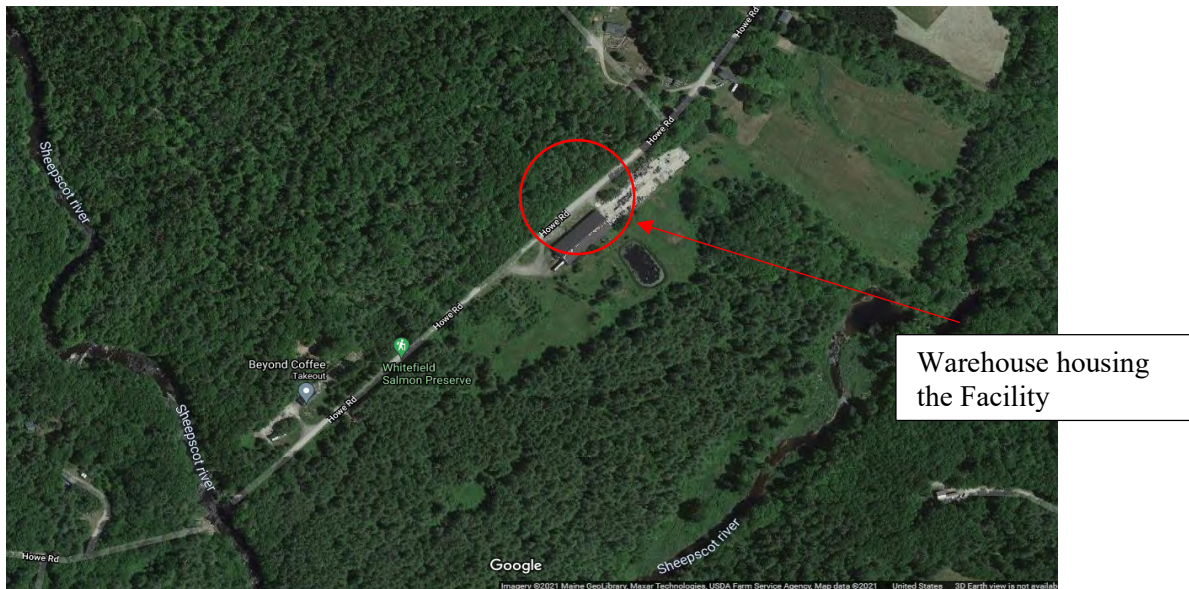


B. Maintenance Plan

An employee will be responsible for inspecting and cleaning carbon filters and exhaust ports on a regular basis per the manufacturers recommended maintenance plan, but no less than once every 12 months. The employee shall record the purchases of replacement carbon, the date of performed maintenance, notification and response to equipment malfunctions on an odor control maintenance forms. An example of the odor control maintenance forms are attached as Appendix A. Completed odor control maintenance forms shall be maintained in accordance with the legal requirements for record storage and retention policy for registered caregivers.

3. Administrative Controls

The Facility will be located on a 15 acre parcel of land. The closest residences are 300 feet or farther from the Facility. The property across the street from the Facility is raw land. The Facility is surrounded on all sides by a natural, dense vegetative buffer.



The Facility does not have any windows.

Doors will remain closed at all times when not being used for ingress or egress.

4. Staff Training

All staff shall be trained on the Odor Mitigation Plan. All staff shall be trained on the importance of closing doors and ensuring exhaust and filtration systems are running as required, and to report concerns about the functioning of odor mitigation controls to the registered caregiver. This training shall be part of each employee's initial training and annual refresher training. The date of all trainings and the staff who participated in the training shall be recorded by the staff person

conducting the training. Training records shall be maintained in accordance with state law requirements for record storage and retention for registered caregivers.

5. Complaint Tracking and Response

An employee will be designated as the contact for receiving odor-related complaints. Complaint reports are attached as Appendix B. Complaint reports shall be maintained in accordance with record storage and retention laws for registered caregivers. Any odor-related complaint will be responded to within 72 hours of receipt of the complaint.

Appendix B

Odor Complaint Form

Date of Complaint: _____

Name of the Complainant: _____

Summary of the Complaint:

Initials of Employee Who Received the Complaint: _____

Date of Company Response to Complainant: _____

Summary of Company Response to Complainant:

Initials of Employee Who Received the Complaint: _____

Cassidy J. Neal

From: Cassidy J. Neal
Sent: Wednesday, August 4, 2021 1:35 PM
To: Cassidy J. Neal
Subject: RE: Experience in running businesses

-----Original Message-----

From: Sean Chi <seanchi168@hotmail.com>
Sent: Wednesday, August 4, 2021 11:59 AM
To: Cassidy J. Neal <CNeal@dwmlaw.com>
Subject: Experience in running businesses

This project will be self-funded by Katy Wong and Sean Chi. Ms. Wong and Mr. Chi have more than 40 years of combined experience as the owners and managers of businesses in the hospitality and restaurant industry. They have been fortunate to have experienced financial success with these business ventures and, as a result, have more than sufficient capability to finance the construction and operation of the facility.

Katy Wong

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us3.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=28092771-RZTKgwZDHTTrM&r_address=eal%40dwmlaw.com&report=



[Corporate Name Search](#)

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Wed Aug 04 2021 13:07:12. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
SISBRO REALTY, LLC	20221654DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
06/11/2021	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

GREGORY J FARRIS
6 CENTRAL MAINE CROSSING

GARDINER, ME 04345

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List of Filings

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Certificate of Existence ([more info](#))

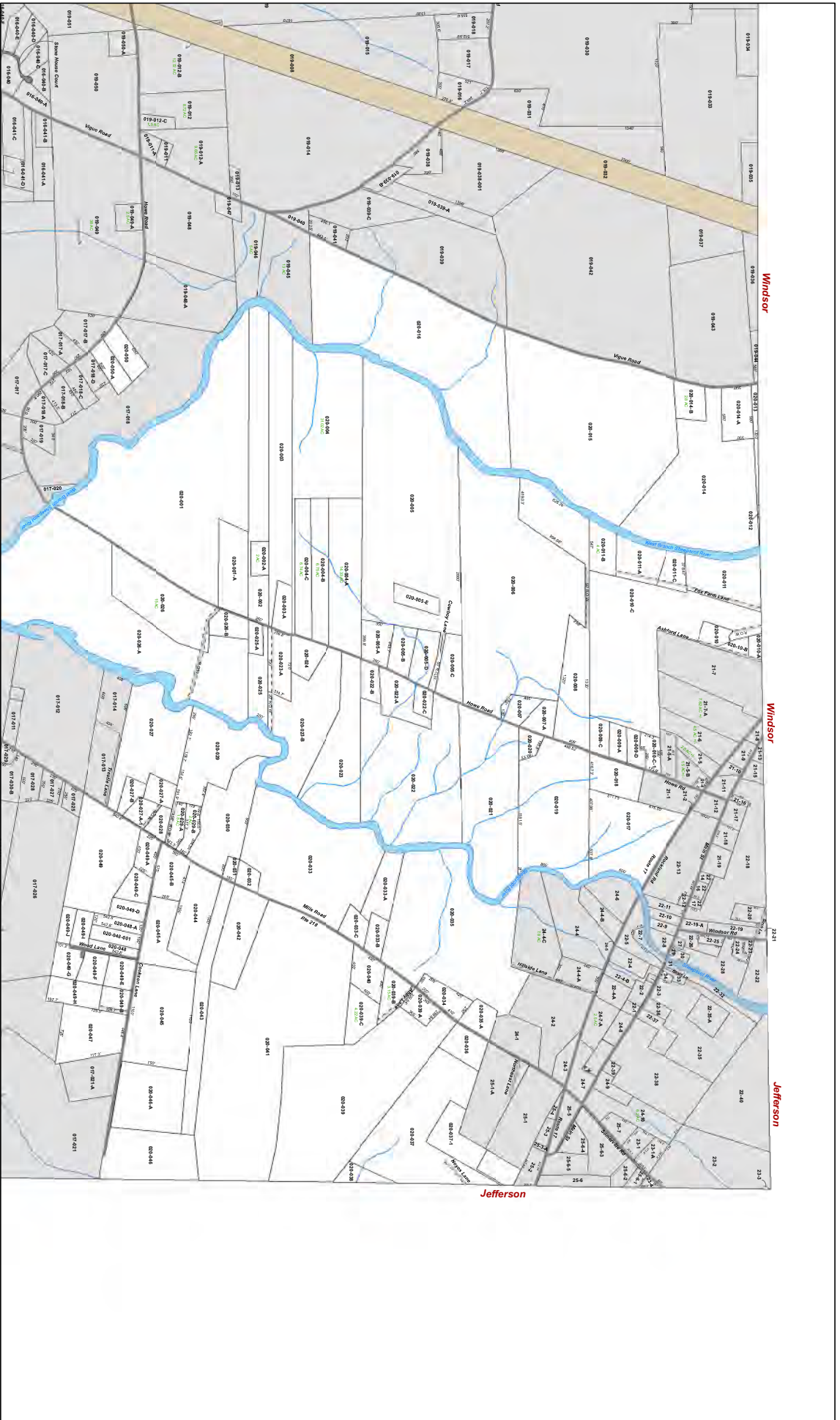
[Short Form without amendments](#)
(\$30.00)

[Long Form with amendments](#)
(\$30.00)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files. If you encounter problems, visit the [troubleshooting page](#).



If you encounter technical difficulties while using these services, please contact the [Webmaster](#). If you are unable to find the information you need through the resources provided on this web site,



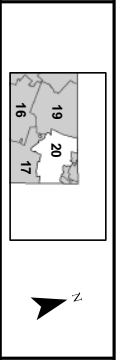
Map Prepared by:
Spatial
 ANALYTICS
 207.544.2336
 www.spatialanalytics.com

Tax Sheets are intended for assessing purposes only
 Boundary locations are approximate and
 should not be used for conveyance of property.

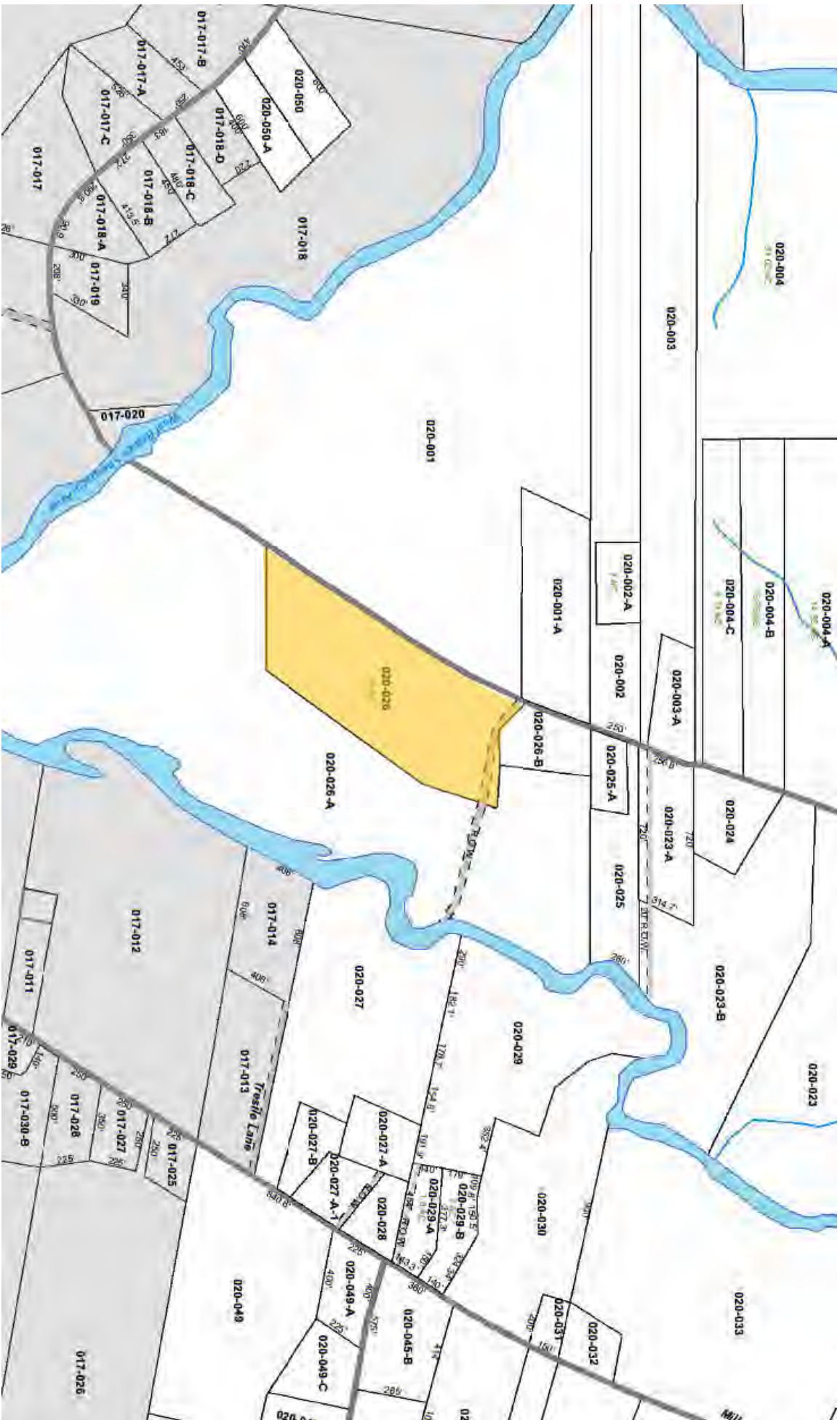
Town of Whitefield, Maine

Legend:
 Stream
 Mic
 ROW
 Hook
 PARCEL
 CEMETERY
 UTILITY
 WATER
 ROAD
 () Merged Parcel

Scale:
 0 500 1000
 Feet



Whitefield Tax Grid
20
 Map updated to: April 1, 2020



MAGUIRE MARIE E. & PHILIP G.
11 MAYFLOWER DRIVE
MANSFIELD MA 02048

B2664P235

Property Data		
Neighborhood	1 Whitefield	
Tree Growth Year	0	
X Coordinate	0	
Y Coordinate	0	
Zone/Land Use	11 Residential	
Secondary Zone		

Topography 2 Rolling		
1.Level	4.Below St	7.
2.Rolling	5.Low	8.
3.Above St	6.Swampy	9.
Utilities 4 Drilled Well 6 Septic System		
1.Outhouse	4.Dr Well	7.Cesspool
2.PblcWtr	5.Dug Well	8.Lake/Draw
3.PblcSewr	6.Septic	9.None
Street	1 Paved	

1.Paved	4.Proposed	7.
2.Semi Imp	5.Private	8.
3.Gravel	6.	9.None
0		

Inspection Witnessed By:

X Date

No./Date	Description	Date Insp.

Notes:

1.Convent	4.Seller	7.
2.FHA/VA	5.Private	8.
3.Assumed	6.Cash	9.Unknown
Validity		
1.Valid	4.Split	7.Changes
2.Related	5.Partial	8.Other
3.Distress	6.Exempt	9.
Verified		
1.Buyer	4.Agent	7.Family
2.Seller	5.Pub Rec	8.Other
3.Lender	6.MLS	9.

Assessment Record			
Year	Land	Buildings	Exempt
2008	41,200	1,244,237	0
2009	41,200	1,244,237	0
2010	64,800	197,596	0
2011	54,800	197,596	0
2013	62,050	197,596	0
2014	62,050	197,596	0
2015	62,050	352,389	0
2016	62,050	270,607	0
2017	62,050	270,607	0
2018	62,050	270,607	0
2019	62,050	270,607	0
2020	62,050	270,607	0
			332,657
			332,657
			332,657
			414,439
			259,646
			259,646
			252,396
			262,396
			1,285,437
			1,285,437
Total			

Land Data

Front Foot	Type	Effective		Influence		Influence Codes
		Frontage	Depth	Factor	Code	
11.Base 100ft				%		
12.Delta Triangle				%		
13.Nabla Triangle				%		
14.Sec 101to200ff				%		
15.FF 201+Over				%		
Square Foot						
16.Regular Lot				%		
17.Secondary Lot				%		
18.Excess land				%		
19 Condominium				%		
20.Miscellaneous				%		
Square Feet						
9.Fract Share				%		
8.Code Restrict				%		
7.OPEN SPACE				%		
6.Deed Restrict				%		
5.Access				%		
4.Size/Shape				%		
3.Topography				%		
2.Excess Frtg				%		
1.Un-Buildable				%		

Fract. Acre					
	Acres	Acreage / Sites			
21.Commercial Sit	22	1.50	100	%	0
22.Base Lot	22	1.50	100	%	0
23.A	28	3.50	100	%	0
	45	1.00	100	%	0
24.B	29	8.50	100	%	0
25.Lakefront Site				%	
26.D				%	
27.Secondary Lot				%	
28.Rear Land up t				%	
29.Rear Land S-20				%	
Total Acreage 15.00					
Influence Codes					
42.Mobile Home SI					
43.PublicWtr/Sept					
44.PrivateWtr/Sept					
45.Lot Improvemen					
46.Miscellaneous					

Whitefield

Building Style	0	SF Bmnt Living	0	Layout	0
0.	4.Cape	Fin Bmnt Grade	0	1. Typical	4.
1.Conv.	5.Garrison	BASEMENT FLOOR	0	2. Inaded	5.
2.Ranch	6.Split	Heat Type	100%	3. Horrid	6.
3.R Ranch	7.Contemp	0.	4.Steam	Attic	0
Dwelling Units	0	1.HWBB	5.PVA	1.1/4 Fin	4.Full Fin
Other Units	0	2.HWCI	6.GravWA	2.1/2 Fin	5.F/Star
Stories	0	3.H Pump	7.Electric	3.3/4 Fin	6.
1.1	4.1.5	Cool Type	9 None	Insulation	0
2.2	5.1.75	1.Refrig	4.W&C Air	1.Full	4.Minimal
3.3	6.2.5	2.Evapor	5.Radheat	2.Heavy	5.Partial
Exterior Walls	0	3.H Pump	6.	3.Capped	6.
0.	4.Asbestos	Kitchen Style	0	Unfinished %	0%
1.Wood	5.Stucco	1.New/Remo	4.Obsolete	Grade & Factor	0 0%
2.Vn/Al	6.Brick	2.Typical	5.	1.E Grade	4.B Grade
3.Compos.	7.Stone	3.Old Type	6.	2.D Grade	5.A Grade
Roof Surface	0	Bath(s) Style	0	3.C Grade	6.AA Grade
1.Asphalt	4.Wood Sh	1.New/Modr	4.Obsolete	9.Same	9.Same
2.Metal	5.Other	2.Typical	5.	SQFT (Footprint)	0
3.Composit	6.	3.Old Type	6.	Condition	0
SF Masonry Trim	0	# Rooms	0	1.Poor	4.Avg
0	0	# Bedrooms	0	2.Fair	5.Avg+
OPEN-3-CUSTOM	0	# Full Baths	0	3.Avg-	6.Good
Year Built	0	# Half Baths	0	Phys. % Good	0%
Year Remodeled	0	# Addn Fixtures	0	Funct. % Good	100%
Foundation	0	# Fireplaces	0	Functional Code	9 None
1.Concrete	4.Wood			1.Incomp	4.
2.C Block	5.Slab			2.O-Built	5.
3.Br/Stone	6.Pers			3.Damage	6.
Basement	0			Econ. % Good	100%
1.1/4 Bmt	4.Full Bmt			Economic Code	None
2.1/2 Bmt	5.None			0.None	3.No Power
3.3/4 Bmt	6.			1.Location	4.Generate
Bmnt Gar # Cars	0			2.Encroch	5.Stealmt
1.Dry	4.			Entrance Code	1 Interior Inspect
2.Damp	5.			1.Interior	4.Vacant
3.Wet	6.			2.Refusl	5.Estimate
	7.			3.Informed	6.
	8.			Information Code	1 Owner
	9.			1.Owner	4.Agent
				2.Relative	5.Estimate
				3.Tenant	6.Other



Date Inspected 10/15/2002

Additions, Outbuildings & Improvements

Type	Year	Units	Grade	Cond	Phys.	Funct.	Sound Value
672 1s Whse PE /0	1980	16926	3 100	4	0	% 100 %	1. One Story Fram
409 Concrete Pad	1980	16926	3 100	4	0	% 100 %	2. Two Story Fram
409 Concrete Pad	1980	32000	3 100	1	0	% 100 %	3. Three Story Fr
							4.1 & 1/2 Story
							5.1 & 3/4 Story
							6.2 & 1/2 Story
							21. Open Frame Por
							22. Encl Frame Por
							23. Frame Garage
							24. Frame Shed
							25. Frame Bay Wind
							26. 1SF Overhang
							27. Unfin Basement
							28. Unfinished Att
							29. Finished Attic

ABUTTER'S LIST TO 237 NORTH HOWE ROAD, WHITEFIELD, ME

Map 20-001-A
PAETOW ERIC
PAETOW, SVETLANA
268 NORTH HOWE ROAD
WHITEFIELD ME 04353

Map 20-006-B
SPROUL STANLEY & CYNTHIA
269 NORTH HOWE ROAD
WHITEFIELD ME 04353

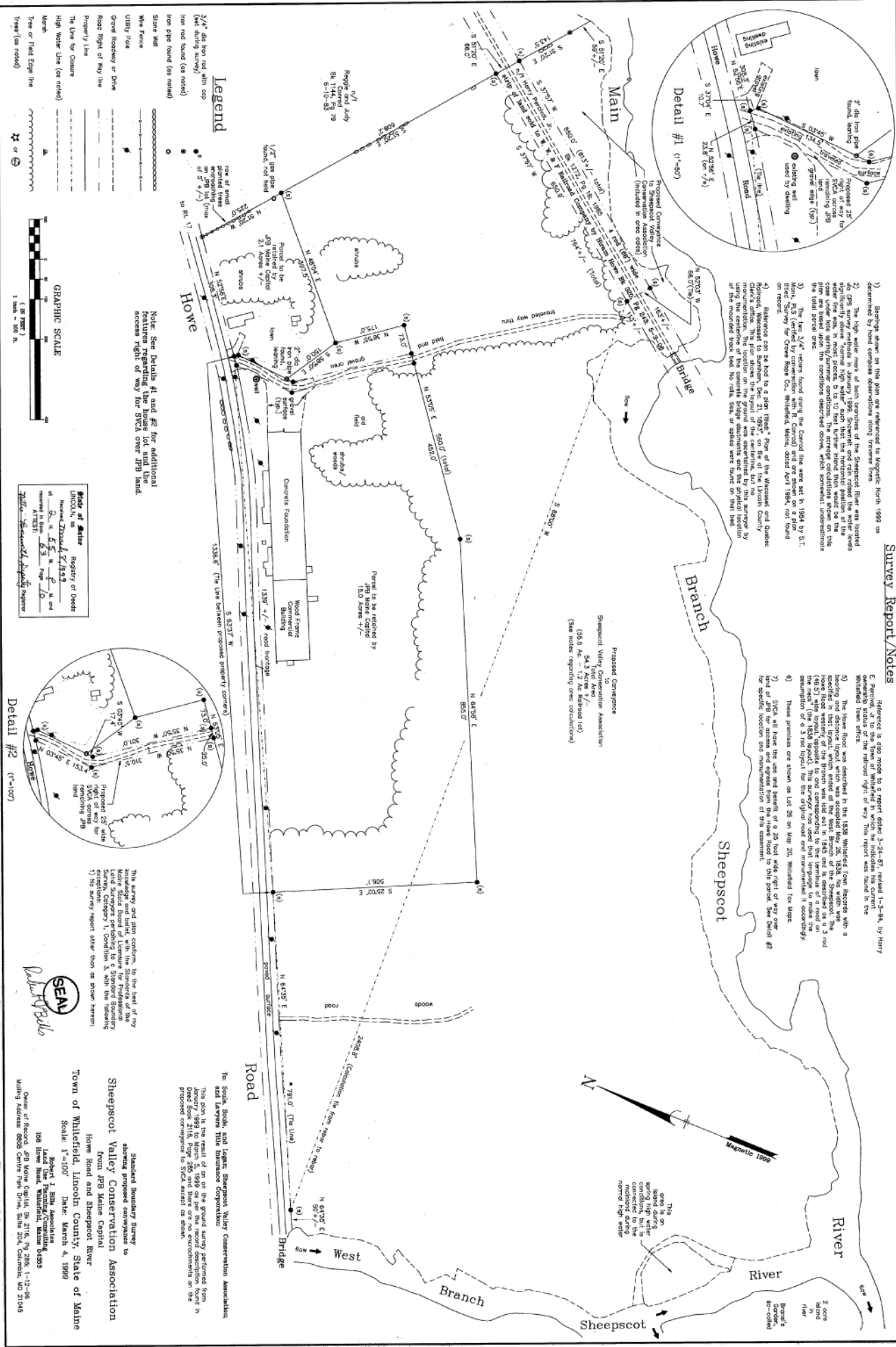
Map 20-006-A
MIDCOAST CONSERVANCY
PO BOX 439
EDGECOMB ME 04556

Map 20-001
PERCY ELLIS R.
TRIBBY JOANN
101 OLD MADDEN ROAD
JEFFERSON ME 04348

Survey Report/Notes

- 1) Bearings shown on this plan are referenced to Magnetic North, 1985 as determined by field compass observations along traverse lines.
- 2) The high water mark of Sheepscot River was located by GPS survey methods in January 1999. Sheepscoot and main river water levels were measured on 1/20/99. The high water mark was found to be 1.5 feet higher than the 1985 high water mark. The 1985 high water mark was used for the purpose of this plan.
- 3) The two 3/4" rivers found along the Concord line were set in 1884 by S. T. Main, R.S. verified by conversation with R. Conrad and one shown on a plan of Sheepscot River for Crowe Paper Co., Whitefield, Maine, dated April 1894, not found on 1/20/99.
- 4) Substances can be had in a date titled "Plan of the Sheepscot and Concord Rivers, Sheepscoot to Sheepscot, Dec. 21, 1883," on file at the Lincoln County Clerk's Office. This plan shows the layout of the certificate, but no bearings were given. The plan shows the location of the concrete bridge abutments and the position of the rounded rock bed. No rock, stakes, or spikes were found on this bed.
- 5) The flow line was described in the 1888 Whitefield Town Report with a bearing and distance input which was accepted May 26, 1888. No width was given. The flow line was measured on 1/20/99 and is shown as a 3 rod (96.5') wide line, suitable to end corresponding to the termini of a road on 1/20/99. The flow line is shown as a 3 rod wide line for the original road and measurement is accordingly.
- 6) These premises are shown on Lot 26 on Map 20, Whitefield, Maine.
- 7) SVCA will have the use and benefit of a 25 foot wide strip of water equal to the width of the flow line as shown on the plan and the proposed SVCA for specific location and measurement of the stream.

Proposed Conveyance to
Sheepscoot Valley Conservation Association
158.5 Acre +/-
54.3 Acres +/-
(See notes regarding area calculations)



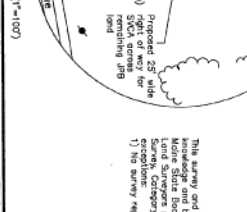
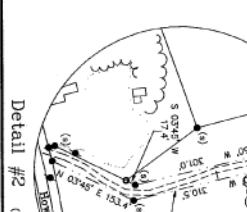
Legend

- 3/4" de iron rod with cap (on driving survey)
- iron rod found (as noted)
- iron pipe found (as noted)
- Stone Wall
- Wire Fence
- Utility Pole
- Overhead Recovery or Drive
- Road Right of Way line
- Property Line
- The Line for Closure
- High Water Line (as noted)
- Marsh
- Tree or Field Edge line
- Traces (as noted)

GRAPHIC SCALE
1 inch = 500 ft.

Note: See Details #1 and #2 for additional features regarding the house lot and the access right of way for SVCA over JPB land.

Point of Sale
Registry of Deeds
UNCLON as
Acres: 22.0, 27.0, 13.7
Area: 65.7 Acre +/-
Surveyed 4/1/81
by: Sheepscoot Valley Conservation Association



This survey and plan conform to the best of my knowledge and belief, with the Standard of the Surveying Profession as set forth in the Standard of Practice for Professional Surveyors, Category 1, Condition 3, with the following exceptions:
1) No survey report other than as shown herein:

Standard Boundary Survey
showing proposed conveyance to
Sheepscoot Valley Conservation Association
from JPB Maine Capital
Howe Road and Sheepscot River
Scale: 1"=500' Date: March 4, 1999
Town of Whitefield, Lincoln County, State of Maine
Linda H. Berman, Registered Professional Land Surveyor
158 Howe Road, Whitefield, Maine 04853
Owner of Record: JPB Maine Capital, 96 215, Pg 286, 1-12-86
Mailing Address: 8806 Centre Park Drive, State 204, Columbia, MO 65204

To: Soak, Soak, and Leggett, Sheepscoot Valley Conservation Association;
and Lawyers: Hill Insurance Corporation.
This plan is the result of one of the ground surveys performed from
Dead Block 215, Page 286 and there are no encroachments on the
proposed conveyance to SVCA except as shown.

This area is an
open area with
sandstone and
shale, but is
not a named
river.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town/Ct. Plantation	Whitefield
Street Subdivision Lot #	Howe Road
PROPERTY OWNERS NAME	
Cold Brook Mfg.	
Last:	First:
Applicant Name:	
Mailing Address of Owner/Applicant (if Different)	
RFD #1, Box 314 Coopers Mills, ME 04341	

WHITEFIELD PERMIT # 383 STATE COPY

Date Permit Issued: 5/12/91 \$ 150.00 FEE if Double Fee Charged

Local Plumbing Inspector Signature: [Signature] L.P.I. # 1512

Owner/Applicant Statement
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

[Signature]
Signature of Owner/Applicant

Date: 5/12/91

Caution: Inspection Required
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

[Signature]
Local Plumbing Inspector Signature

Date Approved: _____

PERMIT INFORMATION

THIS APPLICATION IS FOR:

- NEW SYSTEM
- REPLACEMENT SYSTEM
- EXPANDED SYSTEM
- EXPERIMENTAL SYSTEM

THIS APPLICATION REQUIRES:

- NO RULE VARIANCE
- NEW SYSTEM VARIANCE
Attach New System Variance Form
- REPLACEMENT SYSTEM VARIANCE
Attach Replacement System Variance Form
 - Requires Local Plumbing Inspector Approval
 - Requires State and Local Plumbing Inspector Approval
- MINIMUM LOT SIZE VARIANCE

INSTALLATION IS:

COMPLETE SYSTEM

- NON-ENGINEERED SYSTEM
- PRIMITIVE SYSTEM
(Includes Alternative Toilet)
- ENGINEERED (+ 2000 gpd)

SEASONAL CONVERSION
to be completed by the LPI

- SYSTEM COMPLIES WITH RULES
- CONNECTED TO SANITARY SEWER
- SYSTEM INSTALLED - P# _____
- SYSTEM DESIGN RECORDED AND ATTACHED

DISPOSAL SYSTEM TO SERVE:

- SINGLE FAMILY DWELLING
- MODULAR OR MOBILE HOME
- MULTIPLE FAMILY DWELLING
- OTHER SEE BELOW
SPECIFY _____

INDIVIDUALLY INSTALLED COMPONENTS:

- TREATMENT TANK (ONLY)
- HOLDING TANK _____ GAL
- ALTERNATIVE TOILET (ONLY)
- NON-ENGINEERED DISPOSAL AREA (ONLY)
- ENGINEERED DISPOSAL AREA (ONLY)
- SEPARATED LAUNDRY SYSTEM

IF REPLACEMENT SYSTEM:
YEAR FAILING SYSTEM INSTALLED 1983

THE FAILING SYSTEM IS:

- POND
- CHAMBER
- TRENCH
- OTHER: _____

SIZE OF PROPERTY 40+- A **ZONING** Rural

TYPE OF WATER SUPPLY
Drilled Well

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- SEPTIC: Regular Low Profile
- AEROBIC
two at 1,000
SIZE: gal each GALS.

WATER CONSERVATION

- NONE
- LOW VOLUME TOILET
- SEPARATED LAUNDRY SYSTEM
- ALTERNATIVE TOILET
SPECIFY: _____

PUMPING

- NOT REQUIRED
- MAY BE REQUIRED
(DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION)
- REQUIRED
DOSE: 100 GALS.

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

Rope manufacturing plant with up to 90 employees. Monitored water flows ave. 538 GPD.

(design size is 170% of average flow)

DESIGN FLOW: 960 GPD
(GALLONS/DAY)

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE	CONDITION
<u>9</u>	<u>C, D</u>

DEPTH TO LEASTWD FACTOR: 12

SIZE RATINGS USED FOR DESIGN PURPOSES

- SMALL
- MEDIUM
- MEDIUM-LARGE
- LARGE
- EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

- BED _____ Sq Ft.
- CHA' 2,400 Sq Ft.
- TRENCH _____ Linear Ft.
- OTHER: _____

"infiltrators"

SITE EVALUATOR STATEMENT

On 3/26/91 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

[Signature] 32 3/28/91
Site Evaluator Signature SE# Date

(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town, City, Plantation

Whitefield

Street, Road, Subdivision

Howe Road

Owners Name

Cold Brook Mfg.

SITE PLAN

Scale 1" = _____ Ft.

SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)

See Attached Lot Location Map



Observation Hole 1 Test Pit Boring

1 * Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0	oil		brown	
6				none
10		friable	olive brown	
15				
20	sic1		olive	common
25				distinct
30		firm	olive grey	
40	sie			
50				

Soil Profile <u>9</u>	Classification <u>D</u> Condition	Slope <u>3</u> %	Limiting Factor <u>12</u>	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
-----------------------	-----------------------------------	------------------	---------------------------	--

Observation Hole _____ Test Pit Boring

_____ * Depth of Organic Horizon Above Mineral Soil

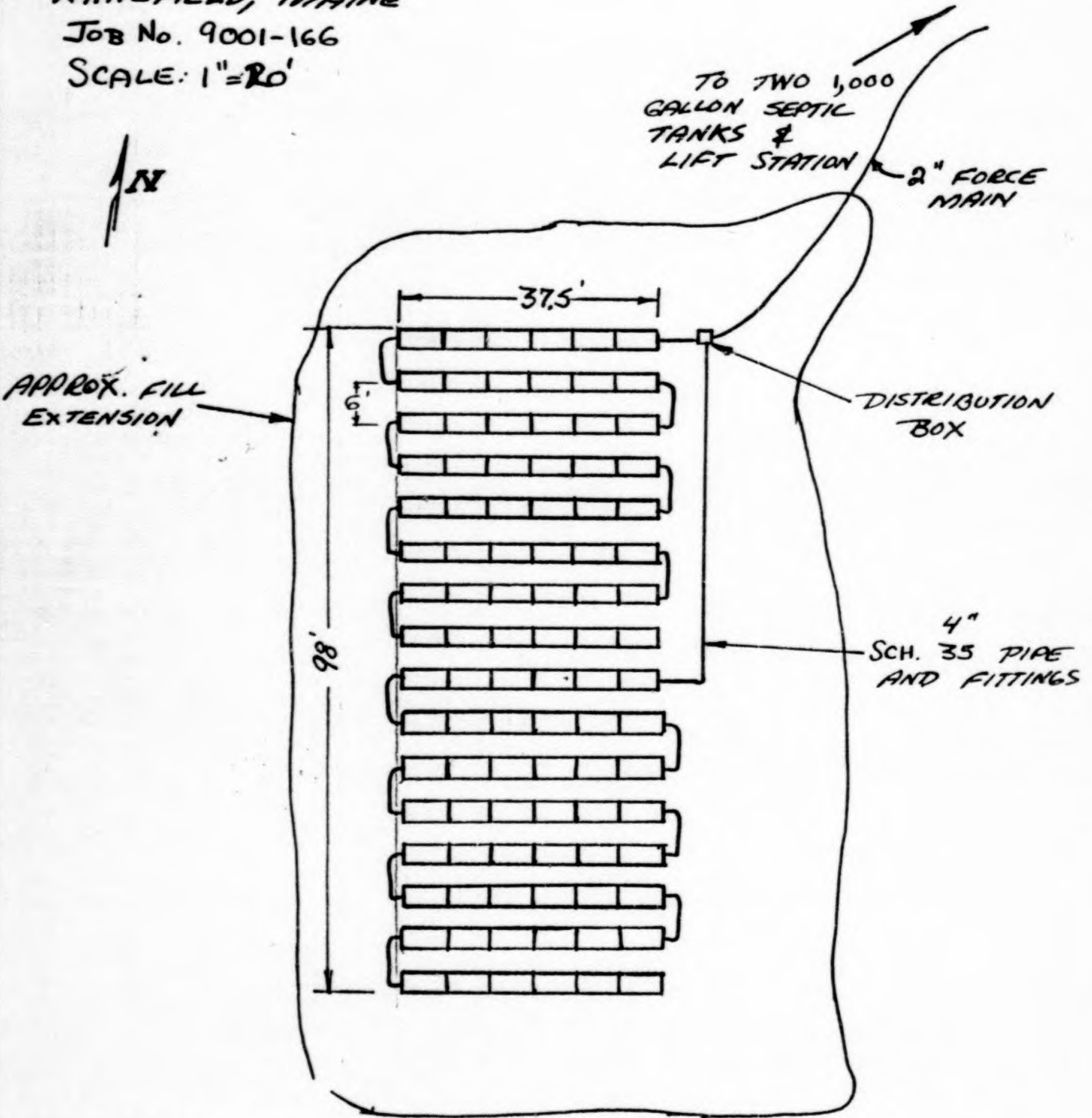
DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

Soil Profile _____	Classification _____ Condition	Slope _____ %	Limiting Factor _____	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
--------------------	--------------------------------	---------------	-----------------------	---

William J. Macie
Site Evaluator Signature

COLD BROOK MANUFACTURING
HOWE ROAD
WHITEFIELD, MAINE
JOB No. 9001-166
SCALE: 1"=20'

PLAN B

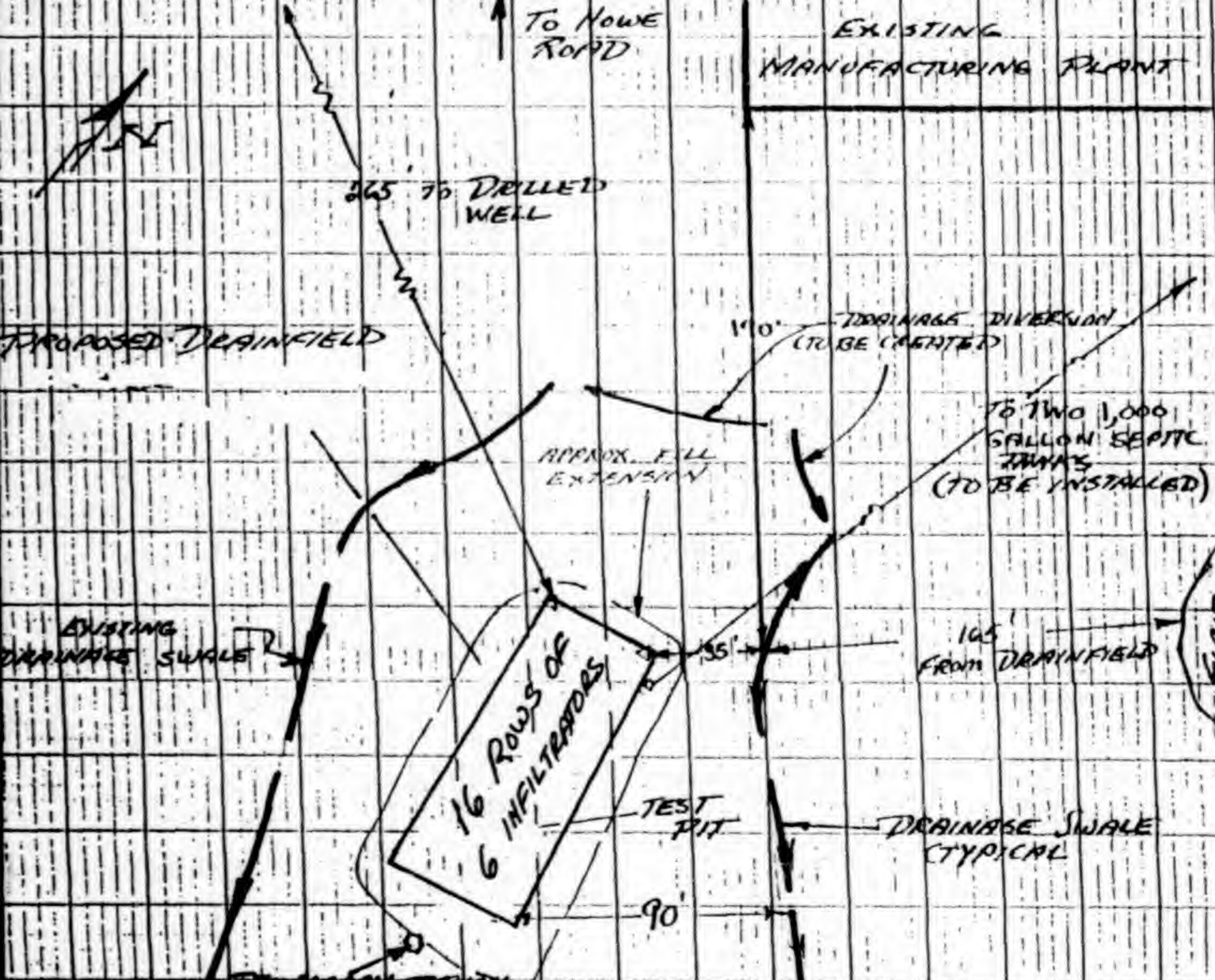


PROPOSED DRAINFIELD CONSISTS OF 16 ROWS OF
6 INFILTRATOR TYPE CHAMBERS. TOTAL # OF UNITS = 96

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

City, Plantation: **Whitefield** Street, Road, Subdivision: **Howe Road** Owners Name: **Cold Brook MFG**

SUBSURFACE WASTEWATER DISPOSAL PLAN Scale 1" = 50'



NOTE: Elevation controls to be established by Site Evaluator at time of installation.

(All fill measured from original grade to top of chambers, not finish grade)

FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT LOCATION & DESCRIPTION
Depth of Fill (Upslope)	19'	Reference Elevation to		
Depth of Fill (Downslope)	26'	Bottom of Disposal Area		
		Top of Distribution Lines or Chambers		

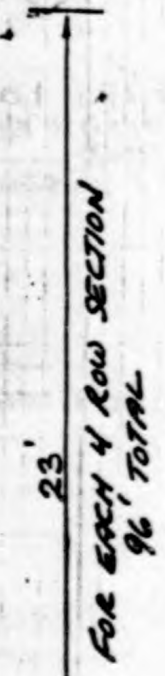
William A. Mares
Site Evaluator or Professional Engineer's Signature

32
SE # / PE #

3/28/91
Date

INFILTRATOR CROSS-SECTION 3-4%

PLAN B



10" CLEAN FILL OVER INFILTRATORS (MINIMUM)

EDGE OF 3 FT. BERM



NOTES:

1. REMOVE VEGETATION AND SCARIFY ORIGINAL SOIL UNDER INFILTRATORS AND FILL EXTENSION AREAS.
2. BOTTOM OF INFILTRATORS TO BE LEVEL WITH A MAXIMUM GRADE TOLERANCE OF 1" PER 100'.
3. PROVIDE FOR SURFACE DRAINAGE AWAY FROM INFILTRATOR AREA.
4. FINISHED GRADE SHALL BE SEEDED AND MULCHED TO PREVENT EROSION.

ORIGINAL GRADE
FILL UNDER INFILTRATORS TO BE SANDY LOAM / LOAMY SAND TEXTURE.
FILL AROUND INFILTRATORS TO BE SANDY LOAM / LOAMY SAND TEXTURE.

SITE EVALUATOR: <u>WILLIAM H. MAIER</u>		NUMBER OF INFILTRATORS: <u>96</u>	PERCENT SLOPE: <u>3%</u>
OWNER: <u>CADBROOK MFG.</u>	ELEVATIONS: <u>TO BE ESTABLISHED</u>	BOTTOM TRENCH #1	
LOCATION: <u>HOWE RD WHITEFIELD</u>	REFERENCE PT. <u>AT INSTALLATION BY WITHA</u>	BOTTOM TRENCH #2	
DATE: <u>4/22/91</u>	SCALE: <u>1 INCH = 5 FEET</u>	BOTTOM TRENCH #3	

Variance Category	Variance Requested	Limit of LPI's Approval Authority		Variance Requested to	
Soils					
Soil Profile	Ground Water Table	to 6"		12	inches
Soil Condition	Restrictive Layer	to 6"			inches
from HHE-200	Bedrock	to 10"			inches
Setback Distances (in feet)	From:	Treatment Tank	Disposal Area	Treatment Tank	Disposal Area
Potable Water Supplies	1. Well: >2000 gal/day	100	300		
	2. Well: <2000 gal/day				
	a. Neighbor's	100 ^(a)	100 ^(a)		
b. Property Owner's	50'	60'			
	3. Water Supply Line	10'	10'		
Waterbodies	1. Perennial	60' ^(c)	60'		
	2. Intermittent	25'	25'		
	3. Manmade drainage ditch	15'	15'		
Downhill Slope	Greater than 3:1 (33%)	5'	10' ^(b)		
Buildings	1. With basement	8'	15'		
	2. Without basement	8'	10'		
Property Line		5'	5' ^(b)		

Other Specify:

Footnotes:

- a. A variance to reduce the 100 foot setback distance to a minimum of 80 feet may be granted only with the neighbor's written permission.
- b. Sufficient distance shall be maintained to assure that the toe of the fill does not extend beyond the 3:1 slope or property line.
- c. May be reduced to 25' provided treatment tank is tested to be water tight in the presence of the Local Plumbing Inspector.

William D. Maier
Site Evaluator's Signature

5/8/91
Date

LPI Statement

I, Edmund C. Burns, LPI for Town of Whitefield, have conducted an on-site inspection for the proposed replacement system and have determined, to the best of my knowledge, that it cannot be installed in total compliance with the Rules, applicable Municipal Ordinances, or the Local Shoreland Zoning Ordinance. As a result of my review of the Replacement System Variance Request, the Application, and my on-site investigation, I (check and complete either a or b):

- a. approve, do not approve) the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in **Comments** Section below and return to the applicant.

or:

- b. find that one or more of the requested Variances exceeds my approval authority as LPI. (recommend, do not recommend) the Department's approval of the variances. Note: If the LPI does **not** recommend the Department's approval, he shall state his reasons in **Comments** Section below as to why the proposed replacement system is not being recommended.

Comments: NONE

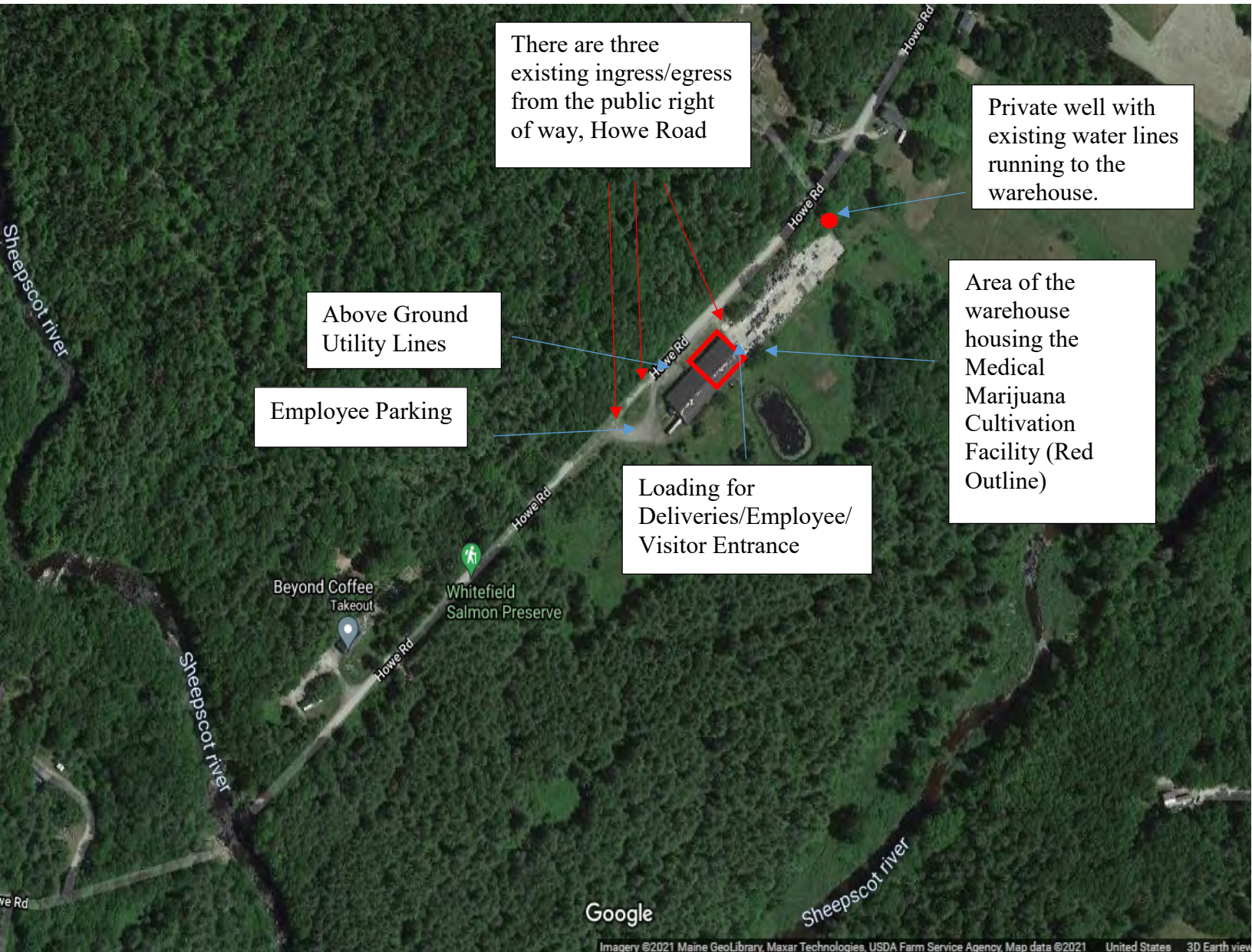
Edmund C. Burns
LPI's Signature

5/17/91
Date

The **Owner** shall sign this statement. Therefore, having read both this Replacement Variance Request and the attached Application, I understand that the proposed system is not in total compliance with the Rules and hereby release all those concerned with this Variance, provided they have performed their duties in a reasonable and proper manner.

John Peabody
Property Owner's Signature

5/17/91
Date



There are three existing ingress/egress from the public right of way, Howe Road

Private well with existing water lines running to the warehouse.

Above Ground Utility Lines

Employee Parking

Loading for Deliveries/Employee/Visitor Entrance

Area of the warehouse housing the Medical Marijuana Cultivation Facility (Red Outline)

Beyond Coffee Takeout

Whitefield Salmon Preserve

Google



Exterior Slab Area



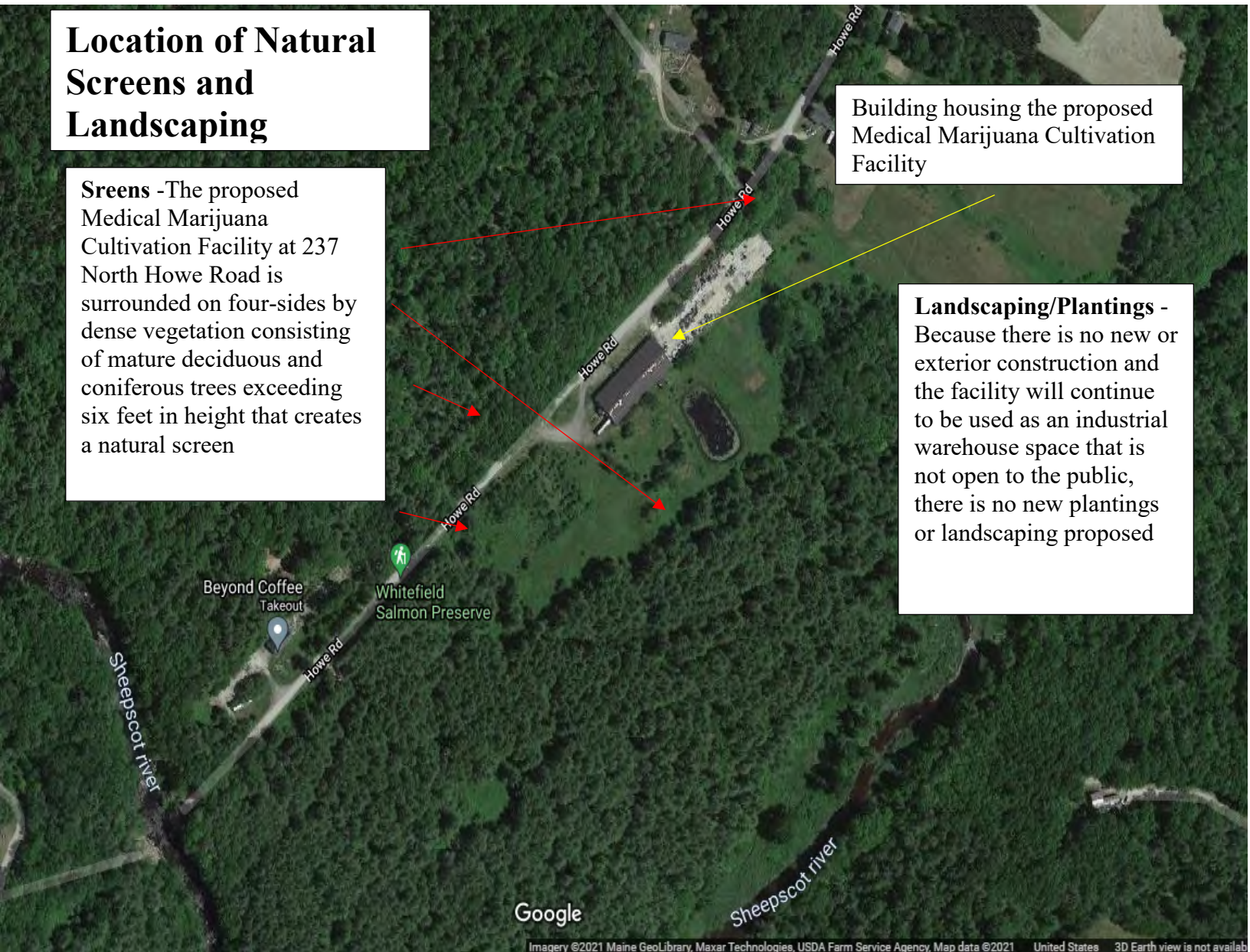
Electrical Connection 3 Phase

Location of Natural Screens and Landscaping

Sreens -The proposed Medical Marijuana Cultivation Facility at 237 North Howe Road is surrounded on four-sides by dense vegetation consisting of mature deciduous and coniferous trees exceeding six feet in height that creates a natural screen

Building housing the proposed Medical Marijuana Cultivation Facility

Landscaping/Plantings - Because there is no new or exterior construction and the facility will continue to be used as an industrial warehouse space that is not open to the public, there is no new plantings or landscaping proposed



STATE OF MAINE

**MAINE MEDICAL USE OF
MARIJUANA PROGRAM RULE**

18-691 CODE OF MAINE RULES

Chapter 2

(formerly 10-144 ch. 122)



**Department of Administrative and Financial Services
Office of Marijuana Policy
162 State House Station
Augusta, Maine 04333**

Last amended: February 1, 2018

18	Department of Administrative and Financial Services
691	Office of Marijuana Policy
Chapter 2:	Maine Medical Use of Marijuana Program Rule

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Rules Governing the Maine Medical Use of Marijuana Program

Purpose

The Maine Medical Use of Marijuana Program Rule and the enabling statute, *Maine Medical Use of Marijuana Act*, govern the Maine Medical Use of Marijuana Program (MMMP). The Department is responsible for administering the MMMP to ensure qualifying patients' access to safe marijuana for medical use in the State of Maine. This rule clarifies statutory requirements and describes program administration and operations needed to carry out provisions of the statute. Implementation of program operations and assurance of lawful participation requires conjunctive application of both statute and rule.

This rule includes definitions of terms and procedures for issuing a certificate of registration to a dispensary and registry identification cards to persons authorized conduct under the Act. This rule also governs payments of fees and enforcement of these regulations.

The activities described in this rule and the enabling statute are considered a violation of federal law. Individuals participating in the MMMP may be subject to federal sanctions for what is otherwise considered authorized conduct in the State of Maine. The Department is not responsible or liable for the actions of program participants under this rule. This rule is effective 90 days following filing with the Secretary of State.

SECTION 1 DEFINITIONS

Definitions in this rule are in addition to definitions in the statute. As used in this rule, unless the context otherwise indicates, the following terms have the following meanings.

- A. **Act** means the *Maine Medical Use of Marijuana Act*.
- B. **Adulterated**, for the purposes of this rule, means made impure or inferior by adding extraneous ingredients. Goods that are prepared in food establishments that are licensed facilities pursuant to 22 M.R.S. §2167 and that contain marijuana for medical use by a qualifying patient are not considered to be adulterated.
- C. **Applicant** means any person applying for a registry identification card to participate in the Maine Medical Use of Marijuana Program, hereinafter MMMP.
- D. **Bona fide medical provider-patient relationship** means a relationship in which the treating medical provider has ongoing responsibility for the assessment, care, and treatment of a qualifying patient's debilitating medical condition with respect to the medical use of marijuana.

- E. Cardholder** means a registered patient, a registered primary caregiver, an employee of a primary caregiver or a principal officer, board member or employee of a registered dispensary who has been issued and possesses a valid registry identification card.
- F. Debilitating medical condition** means a chronic or debilitating disease, medical condition or symptom that qualifies for the medical use of marijuana by a qualifying patient in accordance with 22 M.R.S., Chapter 558-C.
- G. Deficiency** means a violation of or failure to comply with a provision of this rule or the statute.
- H. Department** means the Department of Health and Human Services (DHHS).
(APA Office Note: transferred to the Department of Administrative and Financial Services, Office of Marijuana Policy, 2019.)
- I. Dispensary** means “registered dispensary,” as defined in 22 MRS §2422(6).
- J. Marijuana** means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.
- K. Marijuana; allowable usable amount of marijuana for medical use** means two and a half ounces or less of prepared marijuana and a total of up to six mature marijuana plants that a person may be authorized to possess for each qualifying patient at any one time.
- L. Marijuana; incidental amount of marijuana** means, for each qualifying patient, up to 12 female nonflowering marijuana plants; an unlimited amount of marijuana seedlings, seeds, stalks and roots; and up to eight pounds of harvested dried unprepared marijuana in varying stages of processing that are not included when calculating the “allowable useable amount of marijuana.”
- M. Marijuana; seedling** means a marijuana plant that has no flowers and is less than 12 inches in height and diameter. A plant that does not meet all three criteria will not be considered a seedling.
- N. Marijuana; tincture** means a liquid mixture created from a concentrated extract of marijuana for medical use for ingestion or inhalation by a qualifying patient.
- O. Marijuana; topical treatment** means a mixture or extract of marijuana for medical use made into a transcutaneous balm, lotion, ointment or rubbing alcohol solution.
- P. Organic** means certified by an accredited organic certifier in the State of Maine as being in compliance with the United States Department of Agriculture certification requirements applying to organic products.

- Q. On-site assessment** means the review process to determine compliance. An on-site assessment may include a paper review, interview and inspection of the medical marijuana cultivation, processing and retail sites and administrative locations for the purpose of ensuring compliance with the requirements of statute and this rule.
- R. Paraphernalia**, for the purpose of this rule, is limited to equipment, products and materials that are used in planting, propagating, cultivating, growing, harvesting, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana for medical use into the human body. Paraphernalia includes, but is not limited to the following:
1. Kits used or intended for use in the planting, propagating, cultivating, growing or harvesting of any species of marijuana;
 2. Isomerization devices used or intended for use in increasing the potency of any species of the marijuana plant;
 3. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of marijuana;
 4. Scales and balances used or intended for use in weighing or measuring marijuana;
 5. Separation gins and sifters, used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 6. Envelopes and other containers used or intended for use in packaging small quantities of marijuana for medical use;
 7. Containers and other objects used or intended for use in storing medical marijuana; and
 8. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning marijuana cigarettes that have become too small or too short to be held in the hand;

- f.** Chamber pipes;
 - g.** Carburetor pipes;
 - h.** Electric pipes;
 - i.** Air-driven pipes;
 - j.** Chillums;
 - k.** Bongs designed for marijuana and not for cocaine; or
 - l.** Ice pipes or chillers.
- S.** Primary caregiver means a person who is designated by a qualifying patient and authorized to assist the qualifying patient with the medical use of marijuana in accordance with this rule.
- T.** **Visiting qualifying patient** means a patient who is not a resident of Maine or who has been a resident of Maine fewer than 30 days, and who is qualified by another jurisdiction for the medical use of marijuana and authorized for the medical use of marijuana in Maine pursuant to this rule and the statute.

SECTION 2 SCOPE AND PROTECTED CONDUCT

- A. Protections: legal medical use of marijuana.** The protections and requirements of this rule is for conduct expressly authorized by this rule and the statute for the legal medical use of marijuana in the State of Maine by qualifying patients, and for those authorized to assist qualifying patients. To receive protection for conduct authorized by this rule and the statute, individuals must comply with applicable provisions of rule and statute, including possessing required documents as proof of authorized conduct. Protections under this rule do not extend to individuals who are not authorized to possess, cultivate, dispense, transport, furnish or administer marijuana for medical use.
- 1. Violation of other laws.** These protections do not extend to violations of other State and federal laws.
 - 2. Protected conduct of lawful possession of marijuana for medical use.** An authorized person who is compliant with statute and rule may lawfully possess marijuana plants, an “allowable useable amount of prepared marijuana” and an “incidental amount of marijuana” in accordance with statute and this rule. The incidental amount of marijuana is not included when calculating the allowable useable amount of marijuana for medical use.
 - 3. Valid proof of authorized participation.** A qualifying patient, primary caregiver, caregiver employee, or principal officer, board member or employee of a registered dispensary must possess a valid driver’s license with a photograph or other photographic identification in accordance with 22 M.R.S. §§ 2423-E(5) and 2425 (11) in order to establish proof of authorized participation in the medical use of marijuana program.
 - a.** In addition to proof of identity, additional documentation is required as proof of authorized conduct.
 - i. Patient conduct.** Qualifying patients are not required to register or to possess a registry identification card to receive protection for conduct authorized under this rule and the statute. A qualifying patient must possess the written certification from his or her medical provider and proof of identity in accordance with 22 M.R.S. §2423-E (5)(A) as proof of authorized conduct.
 - ii. Primary caregiver not required to register conduct.** A primary caregiver who assists only a patient who is a member of the caregiver’s family or household is not required to register. A primary caregiver who is not required to register may voluntarily register with the Department to obtain a registry identification card for each patient. A primary caregiver who assists patients who are family or household members, as defined by 22 M.R.S. §2422,

must possess a valid designation form and designation card for each patient up to the maximum number permitted by statute as proof of authorized conduct.

iii. Registered cardholders conduct. A primary caregiver employee or principal officer, board member or employee of a registered dispensary who is engaging in conduct authorized under this rule is required to possess a valid registry identification card as proof of authorized conduct.

iv. Registered primary caregiver conduct. A caregiver who assists a patient who is not a member of the primary caregiver's family or household is required to register in accordance with 22 M.R.S. §2423-A (3)(C)(2). The primary caregiver must possess a registry identification card for each patient the caregiver assists up to the maximum permitted in order to receive protection for conduct authorized under this rule and the statute. The registered primary caregiver must also possess a valid designation form signed by each patient as proof of authorized conduct.

b. Trip ticket. A primary caregiver or cardholder authorized to transport marijuana may be required to possess a trip ticket as proof of authorized conduct. Requirements for trip tickets are specified in Sections 6(A), 7(Q) and 11(I) of this rule.

4. Protected conduct by anyone providing paraphernalia. Prior to providing paraphernalia in accordance with this rule and the statute, a person must verify proof of authorized conduct. See paragraph 3 of this subsection of rule for documents required as proof of authorized conduct.

5. Protected conduct by anyone providing marijuana or product containing marijuana. A person authorized to possess and furnish marijuana for medical use must verify proof of authorized conduct of any person prior to providing that person with marijuana or product containing marijuana, including samples for research and development or testing purposes pursuant to this rule and the statute. See paragraph 3 of this subsection of rule for documents required as proof of authorized conduct.

B. Lawful disposal of excess marijuana for medical use. The marijuana, including marijuana plants, prepared marijuana or harvested marijuana in excess of the limits provided in this rule and the statute and that is not dispensed or disposed in accordance with this rule may be subject to forfeiture to a law enforcement officer. Qualifying patients, primary caregivers, hospices and nursing facilities designated as primary caregivers, and registered dispensaries may lawfully dispose of excess prepared marijuana for medical use in accordance with this rule and the statute.

- 1. Furnishing excess prepared marijuana for medical use.** Excess prepared marijuana for medical use that is no longer needed by the patient may be furnished to an authorized person in accordance with the statute and this rule. Qualifying patients, primary caregivers and registered dispensaries are prohibited from cultivating more than the allowed number of plants in accordance with the Act. Marijuana for medical use in excess of the limits authorized by this rule and the statute is a violation of this rule, the *Maine Medical Use of Marijuana Act* and may be a violation of 17-A M.R.S. Chapter 45.
- 2. Authorized transfer of excess prepared marijuana by a qualifying patient.** For the purpose of disposing of excess prepared marijuana that is no longer needed for the qualifying patient's medical use, the qualifying patient may furnish or offer to furnish prepared marijuana to another qualifying patient in accordance with 22 M.R.S. §2423-A (1)(D) for that qualifying patient's medical use of marijuana.
- 3. Authorized transfer of excess prepared marijuana by a primary caregiver.** For the purpose of disposing of excess prepared marijuana that is no longer needed for a qualifying patient's medical use, in accordance with 22 M.R.S. §2423-A (2), the primary caregiver, at no cost and not for resale, give it to qualifying patients and to a patient's designated caregiver if nothing of value is offered or transferred in return. Only a registered primary caregiver is permitted to sell excess prepared marijuana to a dispensary in accordance with statute. An authorized transfer of excess prepared marijuana to a dispensary may not exceed the limits specified in statute and this rule.
- 4. Authorized transfer of excess prepared marijuana by a registered dispensary.** For the purpose of disposing of excess prepared marijuana that is no longer needed for a qualifying patient's medical use, the registered dispensary may, at no cost and not for resale, give it to qualifying patients if nothing of value is offered or transferred in return. The dispensary must keep records of these transactions. A dispensary may transfer excess prepared marijuana to another dispensary in accordance with 22 M.R.S. §2428 (6)(L) and such transfer must be approved by the Department.
- 5. Authorized transfer of excess prepared marijuana by hospice or nursing facility.** For the purpose of disposing of excess prepared marijuana for medical use that is no longer needed by the qualifying patient, a hospice provider or a nursing facility designated as a primary caregiver by that qualifying patient may give the prepared marijuana to a registered dispensary or another primary caregiver if nothing of value is offered or transferred in return.
- 6. Forfeit to a law enforcement officer.** Marijuana plants, prepared marijuana and harvested marijuana in excess marijuana of limits permitted by the statute and this rule may be forfeited to law enforcement in accordance with 22 M.R.S. §§ 2423-A (7) and (8). For the purpose of disposing of excess marijuana for

medical use, it may be transported to a State or local law enforcement office. Presentation of a valid registry identification card or a valid medical provider written certification and a Maine driver's license or other Maine-issued photographic identification may be required.

7. **Dispensary inventory interruption.** A dispensary may acquire excess prepared marijuana from a registered primary caregiver or dispensary during an inventory interruption following approval from the Department in accordance with this rule and the statute. Inventory interruption includes, but is not limited to, a circumstance that is of a catastrophic nature, including facility malfunctions or damage and loss resulting from extreme weather, contamination or other natural occurrences.
 - a. **Approval to acquire excess prepared marijuana.** Prior to accepting excess prepared marijuana from a primary caregiver or another dispensary, a dispensary must obtain approval from the Department. The dispensary must complete a Request for Acquisition form available by request to the Department. The Department shall respond within one business day of receipt of a completed Request for Acquisition form. The dispensary's request for approval to acquire marijuana from an authorized source must include:
 - i. An explanation of the inventory interruption to justify the request;
 - ii. The name and registry identification number of the source; and
 - iii. The strain, total amount and cost of the marijuana.
 8. **Defense for possession of excess marijuana.** Except as provided in 22 M.R.S. §2426, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving possession of excess marijuana.
- C. **Criminal history record check.** Registry identification cards may not be issued without an annual criminal history record check. An annual criminal history record check may include each state where the individual has resided since the age of 18. The Department may waive the requirement of a criminal history check if the cardholder's application for an additional registry identification card is submitted within 12 months of a completed background check. A qualifying patient who is registering voluntarily is not required to have a criminal history record check. Annual criminal history record checks are governed by this rule and statute.
1. **Annual background checks.** Updated background checks shall be conducted annually at the time of renewal of registry identification cards.
 2. **Notice of disqualifying drug conviction.** When a criminal history record check reveals conviction for a disqualifying drug offense, the Department shall issue a written notice of the revocation or denial of a registry identification

card to the cardholder and, if the person is an employee, to the person's employing primary caregiver or dispensary authorized under the Act.

- D. Annual report.** The Department shall submit to the Legislature an annual report in accordance with statute.

SECTION 3
CULTIVATION OF MARIJUANA FOR MEDICAL USE

- A. Cultivation of marijuana for medical use.** All cultivation of marijuana for medical use must comply with this rule and the statute. A person authorized to cultivate marijuana for medical use is restricted to cultivating in an enclosed, locked facility or area on property that is owned or under the control of the qualifying patient, caregiver or registered dispensary, subject to the limitations below.
- 1. Shared cultivation locations.** Family members and household members are permitted to share an enclosed, locked area for cultivating marijuana plants for medical use in accordance with 22 M.R.S. §§ 2423-A (1)(B) and (3)(D).
 - a.** Two or more patients who are members of the same household may share the same enclosed, locked cultivation facility to cultivate the marijuana for their own medical use in accordance with the statute.
 - b.** No more than two primary caregivers who are members of the same family or household may share the same enclosed, locked facility to cultivate marijuana on behalf of qualifying patients in accordance with the statute.
 - c.** A primary caregiver employee may not cultivate the employee's marijuana in the same enclosed, locked facility used by the primary caregiver who employs the employee.
 - 2. Indoor cultivation.** Indoor cultivation locations are subject to provisions related to electrical installation and inspections by State electrical inspectors as set out in 32 M.R.S. §§ 1104 and 1105.
 - 3. Legible tag on each plant.** The identification system used by the primary caregiver or dispensary to identify plants must include, at a minimum, the unique numeric identifier appearing on the patient's valid written certification that is tagged to each mature and immature plant cultivated on behalf of that patient and included as part of that patient's record.
- B. Security.** Cultivation of marijuana for medical use requires implementation of appropriate security measures to discourage theft of marijuana, ensure safety and prevent unauthorized entrance to a cultivation site in accordance with this rule and the statute.
- 1. Fence.** An enclosed outdoor cultivation area must have a privacy fence at least six feet high that obscures the view of the marijuana to discourage theft of marijuana and prevent unauthorized intrusion.

SECTION 4 MEDICAL PROVIDER WRITTEN CERTIFICATION

- A. Authorized conduct by a medical provider; written certification.** Prior to issuing a written certification, the medical provider shall certify that it is the provider's professional opinion that the patient is likely to receive therapeutic benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition. Medical providers issuing written certification to qualifying patients must comply with this rule and the statute. Remote healthcare services for the purposes of the certification and treatment monitoring related to marijuana for medical use are not prohibited by this rule.
- 1. Department-approved certification process.** The qualifying patient's medical provider shall use the Department-approved certification process to issue a written certification for a qualifying patient's medical use of marijuana for at least one of the debilitating medical conditions or treatments listed in statute or approved pursuant to this rule. The medical provider shall give the original signed and dated written certification directly to the qualifying patient or patient's legal guardian.
 - a. Certification for minor qualifying patients.** When a list of physicians known to the Department to be willing to act as a consulting physician is not available, the Department will permit the inquiring treating medical provider to proceed with the certification process for a minor qualifying patient at the time of the request.
 - b. Replacement written certifications.** Except when it is determined to be medically necessary to examine the qualifying patient, a medical provider may, without an in-person encounter with the patient, re-print a written certification if the qualifying patient's certification has been lost or needs updated patient information. When the medical provider does not complete a full assessment of the patient, the expiration of the replacement written certification must not exceed the expiration date of the preceding lost or inaccurate written certification.
 - 2. Referral to professional licensing boards.** The Department may refer to the appropriate professional licensing board a report received regarding the medical provider's inappropriate evaluation or treatment of a patient's medical condition or a reported alleged violation of the applicable standard of care, or when the Department determines the medical provider has violated this rule or the statute.
 - 3. Medical provider compliance.** The medical provider must remain in good standing with professional licensing authorities and compliant with this rule and the statute to avoid interruption in the provider's capacity to issue written certifications.

- B. Public petitions: adding debilitating medical conditions.** The Department shall consider written public petitions to add a disease or medical condition to the list of debilitating medical conditions set forth in statute for the medical use of marijuana. A petition to benefit an individual patient on whose behalf the petition is submitted that does not comply with the provisions in this section shall be denied by the Department.
1. A petition to add a disease or medical condition must be submitted on forms provided by the Department.
 2. The petition must clearly identify the specific debilitating disease or medical condition.
 3. The petition must include reputable scientific evidence that supports the use of marijuana for the treatment of the disease or medical condition.
 4. The petition must include sufficient evidence to demonstrate that the medical use of marijuana would benefit qualifying patients with the disease or medical condition.
 5. The petition must include sufficient evidence that marijuana therapy is effective enough to warrant its use.
 6. The petition must include written endorsement from a Maine medical provider, as defined in statute.
- C. Public hearing.** The Department shall publish a notice indicating the date, time and place of the public hearing on the petition. The notice shall be posted on the Department's webpage and electronically sent to individuals who contact the Department to be placed on the Department's interested parties' mailing list.
- D. Written comments.** The Department shall accept written comments on the petition for ten business days after the date of the public hearing.
- E. Commissioner's decision.** The commissioner shall approve or deny a petition within 180 days of its submission. The commissioner's written decision shall include the factors supporting the decision. Factors considered by the commissioner include, but are not limited to, the following:
1. The written petition including required documentation;
 2. Public testimony and written comments; and
 3. Consultation with physicians and additional research conducted by, or on behalf of, the Department at its discretion.

- F. Bona fide medical provider-patient relationship.** The medical provider shall certify that the written certification has been provided in the course of a bona fide medical provider-patient relationship. The medical provider may have to verify that, prior to issuance of a written certification, a bona fide medical provider-patient relationship exists. In order to establish a bona fide medical provider-patient relationship for medical marijuana certification, the medical provider shall:
1. Conduct a full assessment of the patient's medical history, including substance misuse history and current condition, medication and treatment;
 2. Facilitate an encounter with the person and conduct a relevant physical examination occurring at a permanent location that, similar to a covered office visit or outpatient treatment in terms of site, extent, duration and frequency; is clinically appropriate for conducting medical services and effective for addressing the patient's debilitating condition; and that enables the patient to return for follow up, consultation or assistance, as needed;
 3. Review of prior records of relevant examinations, diagnostic test results, treatments and treatment response;
 4. Develop and document a plan of care;
 5. Create and maintain patient records and documentation, including:
 - a. The patient's medical history;
 - b. Results of the physical examination, including vital signs, and any laboratory tests;
 - c. Instructions to the patient, including discussions of the risks and benefits of the medical use of marijuana, and any disadvantages, alternatives, potential adverse effects, and expected response to treatment;
 - d. A description of the treatment(s) provided to the patient, including all past and current medications prescribed or administered (including the date, type, dose and quantity);
 - e. Results of ongoing monitoring of patient progress and the need for the continued use of medical marijuana; and
 - f. Notes on evaluations, communications and consultations with other medical providers.
- G. Retain and maintain records.** The medical provider must-retain and maintain records that support the decision to recommend the medical use of marijuana, including records of the diagnosis of the debilitating medical condition for which the medical use of marijuana is recommended, including:

1. A description of the ordinary medical or surgical measures for intractable pain that the patient has not responded to for more than six months; or
 2. A description of the symptoms resulting from a chronic or debilitating disease or medical condition or its treatment that satisfies criteria for the medical use of marijuana as set out in this rule and the statute; and
 3. A nonbinding estimate of the length of time that the medical use of marijuana is needed for the treatment of the debilitating medical condition.
- H. Minor patient; consent.** Prior to issuing a written certification for a minor patient's medical use of marijuana, the treating medical provider must secure written consent of the parent, legal guardian, or person having legal custody of the minor qualifying patient. The medical provider must have documentation of the consent of the parent, legal guardian or person having legal custody of the minor in accordance with the statute.
- I. Incapacitated adult patient consent.** Prior to issuing a written certification for an incapacitated adult patient's medical use of marijuana the medical provider must secure written consent that includes the following written documentation from the legal guardian or the power of attorney for health care of the incapacitated adult qualifying patient. The incapacitated adult patient's legal guardian or the power of attorney for health care must:
1. Consent to the patient's medical use of marijuana;
 2. Consent to serve as one of the patient's primary caregivers;
 3. Consent to control the acquisition of marijuana, and the dosage and frequency of the medical use of marijuana by the incapacitated adult patient; and
 4. Consent to comply with all other applicable provisions of this rule and the statute.
- J. Proof of authority to act for another.** The legal guardian or the power of attorney for health care of an incapacitated adult patient, or a minor's guardian or the person having legal custody of the minor must submit to the treating medical provider a copy of the legal documentation issued by the court that appointed the guardian, a copy of the incapacitated adult patient's power of attorney for health care or other legal documentation that the person has legal custody of the patient.

SECTION 5 QUALIFYING PATIENT

- A. Authorized conduct: qualifying patient.** The authorized conduct of a qualifying patient is governed by this rule and the statute. A qualifying patient possessing a valid medical provider written certification who is compliant with this rule and the statute is protected under the Act when exercising authorized conduct. Registration is voluntary for qualifying patients who want to secure a Department-issued registry identification card.
- B. One valid written certification.** Prior to engaging in the medical use of marijuana, a qualifying patient must obtain a valid written certification from his or her medical provider in accordance with this rule and the statute. A qualifying patient may not possess more than one medical provider written certification at one time, except that a visiting qualifying patient is required to have both the valid written medical use of marijuana certification from his or her home jurisdiction and a valid Maine written certification signed by the patient's treating medical provider.
- 1. Written certification required.** Prior to obtaining or using marijuana for medical use, a qualifying patient, including non-registered patients, voluntarily registered patients and visiting patients, must obtain a written certification from his or her medical provider in accordance with this rule.
- a.** The written certification form must be printed on tamper-resistant paper.
 - b.** The written certification may not disclose the medical condition on the written certification issued to the patient for the medical use of marijuana.
 - c.** The written certification expires within one year after issuance. Each written certification must include the date issued and the expiration date.
 - d.** The written certification must be issued in the course of bona fide medical provider-patient relationship. The patient is responsible for providing the necessary information in order for the medical provider to maintain documentation as required by this rule to demonstrate an existing bona fide medical provider-patient relationship.
- C. Updated certification required.** When a qualifying patient has a name change or address change, the qualifying patient must secure an updated written certification from the patient's medical provider. A written certification that has not been updated within 30 days to correct outdated patient information is not valid.
- D. Patients who may not cultivate.** Qualifying patients who may not cultivate their own marijuana for medical use are set out in this rule and the statute.
- 1. Minor qualifying patients may not cultivate.** A minor qualifying patient may not cultivate his or her own marijuana. Only one of the minor's primary caregivers described in this rule and the statute may be designated to cultivate

marijuana for the minor qualifying patient's medical use. Instead of designating a primary caregiver to cultivate marijuana, a dispensary may be designated to cultivate marijuana for the minor qualifying patient.

2. **Incapacitated adult qualifying patients may not cultivate.** An incapacitated adult qualifying patient may not cultivate his or her own marijuana. Only one of the primary caregivers described in these rules may be designated to cultivate marijuana for the incapacitated adult qualifying patient's medical use. Instead of designating a primary caregiver to cultivate marijuana, a dispensary may be designated to cultivate marijuana for the incapacitated adult qualifying patient.
 3. **Visiting qualifying patients.** A visiting qualifying patient may not cultivate marijuana. A visiting qualifying patient may designate a registered primary caregiver or a dispensary to cultivate marijuana for medical use.
- E. **Patient designation to assist.** The qualifying patient must complete the Department-approved Caregiver/Dispensary Designation Form required to designate a primary caregiver to assist the qualifying patient in the medical use of marijuana. Only specified qualifying patients may have two primary caregivers. The patient must provide the designation card and a copy of the signed and dated designation form to the designee. The Caregiver/Dispensary Designation Form is available on the Department's webpage at <http://www.maine.gov/dhhs/mecdc/public-health-systems/mmm/index.shtml>.
- F. **Designation required to cultivate.** When a qualifying patient elects to designate either a primary caregiver or a registered dispensary to cultivate marijuana for the qualifying patient's medical use, the patient must complete the Department-approved Caregiver/Dispensary Designation Form to designate the authorized conduct of the primary caregiver or dispensary. A patient may designate one source to cultivate and must specify the total number of plants the designee may cultivate on the patient's behalf. Designating a primary caregiver or dispensary does not preclude a patient from cultivating for himself or herself; however, at no time may the combined cultivation by the qualifying patient and the patient's designee exceed the maximum limits of plants permitted by statute. The patient must provide the designation card and a copy of the signed and dated designation form to the designee. The Caregiver/Dispensary Designation Form is available on the Department's webpage at <http://www.maine.gov/dhhs/mecdc/public-health-systems/mmm/index.shtml>.
- G. **Patient rescinds designation.** The patient may change his or her designated registered dispensary or primary caregiver at any time by notifying the registered dispensary or primary caregiver of the change. A qualifying patient may rescind the designation of a primary caregiver or dispensary by signing and dating the rescission section of the designation form and providing a copy of the updated form to the primary caregiver or dispensary. The patient who recently terminated a designation may not obtain marijuana from another source, including a newly designated primary caregiver or dispensary, if the transfer results in the patient possessing more than the amount permitted by statute.

SECTION 6 PRIMARY CAREGIVER

- A. Authorized conduct: primary caregiver.** The authorized conduct of a primary caregiver is governed by this rule and the statute. The primary caregiver who receives compensation for assisting a qualifying patient is required to pay applicable taxes and to maintain appropriate records for tax purposes. The Department may conduct a review of required documentation for compliance purposes. A primary caregiver may be designated by a qualifying patient to provide the following:
- 1. Assist and cultivate.** Assist any qualifying patient with the medical use of marijuana in accordance with this rule and the statute. The designation form shall indicate whether the primary caregiver is cultivating on behalf on the patient. Visiting qualifying patients who have designated a primary caregiver must be counted when calculating the maximum number of qualifying patients allowed by statute.
 - 2. Dispense.** A primary caregiver may dispense marijuana for medical use to a qualifying patient in accordance with statute. A primary caregiver may prepare and dispense goods containing marijuana for medical use to a qualifying patient in accordance with statute and this rule. A trip ticket is required if the primary caregiver is transporting marijuana from the cultivation location to dispense from a different location. See Section 7 (Q)(1) of this rule for requirements related to trip tickets.
 - 3. Acquire.** Acquire medical use marijuana from an authorized source on behalf of a qualifying patient in accordance with this rule and the statute.
 - 4. Dispose.** Dispose of excess prepared medical use marijuana in accordance with this rule and the statute.
 - 5. Other.** Other services authorized by this rule and the statute.
 - 6. Employ one person.** A primary caregiver who is registered may employ one person to assist in the duties of the registered primary caregiver. A registered primary caregiver must maintain personnel files in accordance with this rule.
- B. Designation form required.** A primary caregiver must have a Department-approved designation form signed and dated by each qualifying patient, including a visiting qualifying patient, who they assist.
- 1. Patient designation reporting.** The registered primary caregiver must report, at least annually, the total number of patients who have designated the primary caregiver. The unique count of patients served by the primary caregiver must be provided upon request by the Department. The report must include the following:

- a. The date of patient designation and rescission date, if applicable, and
 - b. The patient's unique identification number that appears on the patient's written certification.
2. **Disclosure; privacy protection.** The primary caregiver must ensure a level of privacy protection for qualifying patients and comply with requirement regarding confidentiality in 22 M.R.S. §2425(8). Unless otherwise stated in statute or rule, the primary caregiver may not disclose patient information without signed patient consent. These provisions also apply to the employee of a registered caregiver.
- C. **Patient designates cultivating primary caregiver.** A qualifying patient may designate either a primary caregiver or a dispensary to cultivate medical use marijuana. The maximum number of plants permitted by statute may not be exceeded by a combination of the primary caregiver who is designated to cultivate and the patient who also cultivates. The designation form must clearly identify the primary caregiver who the patient designates to cultivate and the number of plants designated to be cultivated on the patient's behalf. The primary caregiver retains the qualifying patient's designation card for the time the designation is in effect. No cultivation may occur until the primary caregiver has a designation form signed and dated by the qualifying patient. The primary caregiver who is required to register must obtain a registry identification card to be authorized to cultivate marijuana for medical use.
- D. **Patient rescinds designation.** A qualifying patient may rescind the designation of a primary caregiver by signing and dating the rescission section of the form and providing the rescinded designation form to the primary caregiver. Upon receipt of notice of rescission, the primary caregiver must return the designation card to the patient. Unless a new patient replaces the former patient, the primary caregiver who fails to notify the Department within ten days of the change in patient designation may be subject to enforcement action including fines in accordance with statute and this rule.
- E. **Primary caregiver may accept, refuse or discontinue designation.** A primary caregiver may accept, refuse or discontinue the designated relationship with a qualifying patient. The Department-approved designation form signed by the qualifying patient must also be signed and dated by the primary caregiver clearly indicating the acceptance, refusal or discontinuation of the designated relationship. Unless a new patient replaces the former patient, the primary caregiver who fails to notify the Department within ten days of a change in designation may be subject to enforcement action in accordance with statute and this rule.
- F. **Caregiver discontinues designated relationship.** A primary caregiver discontinues the designated relationship with a qualifying patient in accordance with the following:
 1. Signs and dates the qualifying patient's designation form indicating the discontinuation of the designation relationship.

2. Returns the designation card to the qualifying patient the same day the caregiver signs and dates the form. Once the discontinued designation form is signed and the card is returned to the qualifying patient, the qualifying patient is no longer counted when calculating the maximum number of qualifying patients allowed per primary caregiver by this rule and the statute.
3. The conduct protected by this rule and the statute expires ten days after the date the qualifying patient's designation is discontinued. Excess marijuana must be lawfully disposed within this ten-day period. A copy of the discontinued designation form may be needed as proof of authorized conduct.

G. Employee of a registered primary caregiver. The authorized conduct of an employee of a registered primary caregiver is governed by this rule and the statute.

1. The employee of a registered primary caregiver may assist in the duties designated to the employing registered primary caregiver.
2. The registered primary caregiver's employee's personnel file shall contain the following:
 - a. Documentation of background checks;
 - b. Job description or employment contract;
 - c. The Employment Eligibility Verification Form I-9 and
 - d. Copy of current registry identification card and copy of a Maine driver's license of other State-issued photographic identification card.
3. The authorization of an employee's conduct under this rule and the statute ceases when that person is no longer employed by a registered primary caregiver.
4. A registered primary caregiver employee is required to pay applicable taxes.

H. Application for registry identification cards. Primary caregivers who are required by statute to register with the Department must submit an application for a registry identification card and for an employee registry identification card, as applicable, in accordance with this rule and the statute. See Section 9 of this rule.

1. **Application criteria.** An applicant must submit a completed application for a registry identification card which includes, but is not limited to, the following information:
 - a. Residency information required for a criminal history record check;
 - b. Social Security Number or EIN, and, if applicable, a sales tax ID number for tax reporting purposes; and

- c. Cultivation location, if applicable.
2. The Department may deny an application for a registry identification card if the applicant failed to provide required information or provided false information.
 3. Submission of an application for a registry identification card by a primary caregiver constitutes permission for entry and inspection of any part of a building or property under ownership or control of that primary caregiver used for cultivation, storage, preparation, processing, or furnishing of medical marijuana. Any samples taken shall be handled as for dispensary samples in Sections 7(J), 7(K) and 7(L).
 4. Failure to cooperate with on-site assessments may be ground to revoke the caregiver's registry identification card.
- I. A second primary caregiver.** In addition to a minor qualifying patient, the following qualifying patients may designate a second primary caregiver in accordance with this rule and the statute.
1. **An incapacitated adult qualifying patient.** An incapacitated adult qualifying patient's legal guardian or power of attorney for health care shall serve as the incapacitated adult's primary caregiver. In addition, an incapacitated adult qualifying patient may have a second primary caregiver.
 2. **Qualifying patient in a hospice or nursing facility.** The qualifying patient's hospice provider or nursing facility may serve only as the qualifying patient's non-cultivating primary caregiver. In addition, the qualifying patient may have a second primary caregiver designated to cultivate marijuana or to assist with the qualifying patient's medical use of marijuana.
- J. Food establishment license required.** Except as provided by this rule and statute, Aa primary caregiver must obtain a food establishment license from the Department of Agriculture, Conservation and Forestry (DACF), pursuant to 22 M.R.S. §§ 2152 and 2167, prior to preparing goods containing medical use marijuana, including tinctures, that are intended for ingestion. Licensed caregivers must comply with regulations applicable to food establishments, including 10-144 C.M.R., Chapter 200 and DACF rules.
1. **Food establishment exemption.** A primary caregiver is not required to obtain a food establishment license if the primary caregiver is preparing consumable goods containing marijuana for a patient who is a member of the primary caregiver's family or household and the product is furnished to that patient.
- K. Separate locations within a building.** Primary caregivers are prohibited from participating in a collective as defined in 22 M.R.S. §2422 (1-A). A collective does not include primary caregivers who rent separate, self-contained, locked and secured

locations within a building pursuant to this rule and the statute. Separate, self-contained, locked and secured areas are enclosed on all sides and function independently.

- 1. Caregivers in a common building.** Except as explicitly permitted by statute:
 - a.** A primary caregiver may not assist another caregiver in acts of cultivation or processing, which includes growing, harvesting, drying, manufacturing, storage, and dispensing; or in those duties designated to the caregiver and related to the administration of marijuana for medical use.
 - b.** All marijuana cultivated for medical use must be locked and stored separately.
 - c.** Materials used by a primary caregiver related to the cultivation may be stored in common areas.

SECTION 7 REGISTERED DISPENSARIES

- A. Dispensary registration certificate required.** No person shall operate a dispensary for marijuana for medical use without a Department-issued dispensary registration certificate. The application and renewal requirements for a dispensary registration certificate are set forth in this rule and the statute.
- 1. Nontransferable.** The dispensary-registration certificate issued by the Department to a dispensary is nontransferable.
 - 2. Compliance.** The cultivation facility and retail site of a dispensary, including, but not limited to, registered dispensaries that see patients only by appointment, must comply with all requirements and prohibitions in this rule and the statute. Failure to comply may result in enforcement action including, but not limited to, termination of the dispensary registration certificate.
- B. Food establishment license required.** A registered dispensary must obtain a food establishment license from the DDCF, pursuant to 22 M.R.S. §2167, prior to preparing goods containing marijuana, including tinctures of marijuana, intended for ingestion. A dispensary that is issued a food establishment license must comply with applicable provisions within 10-144 C.M.R., Chapter 200 and DDCF rules.
- C. Designation form required.** The registered dispensary must have a Department-approved designation form signed and dated by each qualifying patient or patient's legal representative assisted by the dispensary, including a visiting qualifying patient, and the patient's designation card.
- 1. Disclosure; privacy protection.** The dispensary must ensure a level of privacy protection for patients. Unless stated otherwise in statute or rule, principal officers, board members and employees of dispensaries may not disclose patient information, including designation cards without signed patient consent.
- D. Patient rescinds designation.** A qualifying patient may rescind his or her designation of a registered dispensary by signing and dating the rescission section of the form and providing the rescinded designation form to the registered dispensary. Within ten days of receipt of notice, the dispensary must return the designation card to the patient and, unless the former patient is replaced with a new patient, notify the Department of the change.
- E. Registered dispensary may accept, refuse or discontinue designation.** A registered dispensary may accept, refuse or discontinue the designated relationship with a qualifying patient. The Department-approved designation form signed by the qualifying patient must also be signed and dated by the registered dispensary clearly indicating acceptance, refusal or discontinuation of the designated relationship.

1. **Dispensary discontinues designated relationship.** A registered dispensary discontinues the designated relationship with a qualifying patient in accordance with the following:
 - a. Signs and dates the qualifying patient's original designation form indicating that the dispensary discontinues the designation relationship.
 - b. Returns the designation card to the qualifying patient the same day the dispensary signs and dates the form.
 - c. The conduct protected by this rule and the statute expires ten days after the qualifying patient's designation is discontinued.
- F. Authorized conduct; registered dispensary.** The authorized conduct of a registered dispensary is governed by this rule and the statute. A registered dispensary may be designated by a qualifying patient to provide the following:
1. **Assist and cultivate.** Assist any qualifying patient who designated the registered dispensary to cultivate marijuana for the medical use and assist the patient with the administration of marijuana.
 2. **Dispense.** Dispense prepared marijuana to a qualifying patient or to a primary caregiver on behalf of a qualifying patient in accordance with statute.
 3. **Dispose.** Dispose of excess marijuana in accordance with this rule and the statute.
 4. **Acquire.** Acquire marijuana in accordance with this rule and the statute.
 - a. When acquiring excess marijuana from an authorized source, the dispensary must verify the person's authority to possess and furnish the medical marijuana.
 - b. Acquisition of marijuana or marijuana product from a registered primary caregiver or other dispensary requires prior approval by the Department. The dispensary must submit the Department-approved form to request approval from the Department, prior to acquiring excess marijuana from a registered primary caregiver or dispensary.
 5. **Other.** Other services authorized by this rule and the statute.
- G. Dispensary prohibitions.** The following prohibitions apply to registered dispensaries:
1. A registered dispensary may not possess more than six mature marijuana plants for each qualifying patient who has designated the registered dispensary to cultivate marijuana for the qualifying patient's medical use.

2. A registered dispensary may not dispense, deliver or otherwise transfer marijuana to a person other than a qualifying patient who has designated the dispensary to cultivate marijuana for the qualifying patient or to the patient's primary caregiver
3. Except as provided by the statute and this rule, a registered dispensary may not acquire prepared marijuana or marijuana plants except through the cultivation of marijuana by that dispensary either at the location of the retail dispensary or at the dispensary's grow location, if different.
4. A registered dispensary may not contract for the cultivation of seeds, seedlings or small plants or the cultivation, production or preparation of marijuana or goods containing marijuana for medical use. The cultivation and production of marijuana for medical use is restricted to the dispensary's approved location(s).
5. A registered dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist qualifying patients who have designated the dispensary to cultivate marijuana for them.
6. No more than 30 mature plants may be cultivated by a registered dispensary in an enclosed outdoor area.

H. Dispensary registry identification cards required. The dispensary must obtain registry identification cards for its principal officers, board members, and employees in accordance with this rule and the statute. A dispensary may not apply for a registry identification card for a principal officer, board member or employee who is not a Maine resident or who has been convicted of a disqualifying drug offense. A dispensary may not employ a person under the age of 21.

1. **Application criteria.** An applicant must submit a completed application for a registry identification card which includes, but is not limited to, the following information:
 - a. Residency information required for a criminal history record check;
 - b. Social Security Number or sales tax ID number for tax reporting purposes; and
 - c. Cultivation location, if applicable.
2. The Department may deny an application for a registry identification card if the applicant failed to provide required information or provided false information.

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- I. Inspections.** Registered dispensaries, including all retail and cultivation locations, are subject to inspection at least annually by the Department in accordance with this rule and the statute.
1. Submission of an application for a dispensary registration certificate constitutes permission for entry and inspection of the dispensary location(s).
 2. Failure to cooperate with required inspections may be grounds to revoke the dispensary's registration certificate.
 3. During an inspection, the Department may identify violations of this rule, the statute and the dispensary's policies and procedures. The dispensary shall receive written notice of the nature of the violations. The dispensary shall notify the Department in writing with a postmark date within ten business days of the date of the notice of violations and identify the corrective actions taken and the date of the correction.
- J. Quality control.** To ensure the safety of qualifying patients, the registered dispensary shall provide samples to the Department upon request during announced and unannounced inspections for product quality control.
- K. Sample collection and labeling.** During an inspection of the registered dispensary, the Department shall:
1. Collect soil and plant samples, and samples of products containing marijuana prepared at the dispensary;
 2. Place the dispensary's registration number on each sample container;
 3. Label the sample containers with the description and quantity of its content;
 4. Seal sample containers; and
 5. Have dispensary and Department staff initial each sample container.
- L. Chain of custody of samples.** Chain of custody documentation shall be maintained by the Department.
1. The Department shall provide a receipt for the collected samples to the dispensary's representative.
 2. The Department shall maintain an accounting of all collected sample containers for control purposes.

- M. Sample testing.** The Department shall test samples for pests, mold, mildew, heavy metals and the presence of pesticides. Additional testing may be conducted. Written results shall be reported to the dispensaries.
- N. Dispensary security: protection of premises and persons.** Registered dispensaries must implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered dispensary and the grow location for the cultivation of marijuana, if any. Security measures to protect the premises, the public, qualifying patients, primary caregivers and principal officers, board members and employees of the registered dispensary must include, but are not limited to, the following:
1. On-site parking.
 2. Exterior lighting sufficient to deter nuisance activity and facilitate surveillance, but not disturb neighbors.
 3. Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device to detect an unauthorized intrusion.
 4. Interior electronic monitoring, video cameras, and panic buttons. Electronic monitoring and video camera recording records must be maintained by the dispensary for at least 14 days.
 5. Consistent and systematic prevention of loitering.
- O. Dispensary policies, procedures and records.** The operating documents of a registered dispensary must include procedures for the oversight of the registered dispensary and procedures to ensure accurate record keeping. Dispensaries must develop, implement and comply with dispensary policies and procedures. When changes are made to its policies or procedures, the dispensary must notify the Department in writing at least ten days before implementation of the change, except when immediate implementation is required, in which case, the dispensary must simultaneously notify the Department when it implements the changed policy or procedure. The written simultaneous notice must include an explanation of why it was necessary to implement the change before giving the Department at least ten days' notice. The dispensary policies, procedures, and records must be available for inspection by the Department, upon request. Dispensary records subject to inspection include, but are not limited to:
1. **Residency requirement policy.** All employees, principal officers and board members of a registered dispensary must be residents of the State of Maine.
 - a. Documentation of current State of Maine residency shall be maintained in the personnel files of employees, principal officers and board members

and shall include, but not be limited to, a copy of a Maine driver's license or other Maine-issued photo identification and physical home address (not mailing address) in Maine.

- b. To maintain Maine residency status, each employee, principal officer and board member of the dispensary must have a physical street home address in Maine and, in the aggregate, spend more than 183 days of the year in Maine.

2. **Board members; avoid conflict of interest policy.** Board members shall carry out their board duties with the proper use of their authority, and in a professional and ethical manner. Board members shall avoid conflicts of interest, including direct and indirect gains which could accrue to the member as a result of actions or decisions made in the capacity of board authority. Examples of potential conflict of interest include:

- a. A board member makes a decision motivated by considerations other than the best interests of the registered dispensary.
- b. A board member or family member personally enters into a contract with the registered dispensary.
- c. A board member learns of and acts on an opportunity for profit which may be valuable to him or her personally or to another organization of which he or she is a member.
- d. A board member assists a third party in his or her dealings with the registered dispensary where such assistance could result in favorable or preferential treatment being granted the third party by the registered dispensary.
- e. A board member receives gifts or loans from the registered dispensary.

3. **Job description and employment contract policies.** The policy regarding job descriptions and employment contracts shall include duties, authority, responsibilities, qualifications, supervision, training in, and adherence to, confidentiality requirements, periodic performance evaluations and disciplinary actions.

4. **Patient education.** Dispensary policies must include a provision that requires dispensaries to provide educational materials about marijuana to qualifying patients and their primary caregivers. Each dispensary must have, available for distribution, an adequate supply of up-to-date education material that assists the patient or primary caregiver in the selection of prepared marijuana appropriate for the patient. Educational materials must be available for inspection by the

Department upon request. The educational material must include, at a minimum, the following:

- a. Information about the typical and potential effects of different strains of marijuana preparations, and methods of administration. Dispensaries shall provide “tracking sheets” to qualifying patients and primary caregivers who request them to keep track of the strains used and their effects.
- b. Information on how to achieve proper dosage for different modes of administration must be shared. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained.
- c. Information on tolerance, dependence and withdrawal must be provided.
- d. Information regarding substance abuse signs and symptoms must be available, as well as referral information.
- e. Information on whether the dispensary’s marijuana and associated products meet organic certification standards must be provided.

5. Alcohol and drug-free workplace policy. The registered dispensary is subject to provisions of 26 M.R.S., Chapter 7, Subsection 3-A, this rule and the statute. A registered dispensary must have and adhere to a written alcohol and drug-free workplace policy. The policy must be available to the Department upon request. The policy must include at least the following provisions:

- a. **Applicants: substance abuse testing.** Applicants who have been offered employment by the registered dispensary must submit to a substance abuse test. The offer of employment must be conditioned on the applicant receiving a negative test result. Substance abuse testing must comply with 26 M.R.S, Chapter 7, Subchapter 3-A. This does not apply if an applicant, who is also a qualifying patient, fails the drug test solely because of the presence of marijuana in a confirmed positive test result.
- b. **Employees: substance abuse testing.** The registered dispensary must have a policy providing for probable cause substance abuse testing consistent with 26 M.R.S, Chapter 7, Subchapter 3-A. Substances or groups of substances shall include amphetamine/methamphetamine, barbiturates, cannabinoids, benzodiazepines, cocaine and/or metabolites, phencyclidine, opiates, methaqualone, methadone and alcohol.
- c. **Testing for specific substances of abuse.** The registered dispensary shall request a report from the qualified testing laboratory disclosing the presence or absence of, minimally, the following specific substances of abuse:

- i. Marijuana, except that the dispensary policy may specify that the reporting of the presence of marijuana for an employee who possesses a valid written certification is not required and the employee's status as a qualifying patient is confidential.
 - ii. Cocaine.
 - iii. Opiates – opium and codeine derivatives.
 - iv. Amphetamines – amphetamines and methamphetamines.
 - v. Phencyclidine – PCP.
- d. **Notify Department: failed drug test.** The registered dispensary must notify the Department within one business day of receipt of a confirmed positive result to a lawfully administered substance abuse test of its employees.
- e. **Repeat failure of drug test.** The Department shall refuse to issue or renew a registry identification card to a person who within the 12 months prior to the date of application has had a confirmed positive result to a lawfully administered substance abuse test that occurred within 12 months of another confirmed positive result. This does not apply if that individual failed the drug test solely because of the presence of marijuana in the confirmed positive test result and that person is a qualifying patient.
- f. **Employee assistance program.** To provide opportunities to assist an employee with a substance abuse problem, the registered dispensary must have a contract with an approved Maine employee assistance program (EAP).
6. **Personnel Files.** The registered dispensary must maintain a confidential personnel file on each principal officer, board member and employee. The personnel files shall include at least the following information:
- a. Documentation of State of Maine residency for each employee, principal officer and board member.
 - b. Copy of current dispensary registry identification card and copy of a Maine driver's license or other Maine- issued photographic identification card.
 - c. Employment application and required documentation.
 - d. Documented verification of references.

- e. Documentation of background checks.
 - f. Job description or employment contract.
 - g. Documentation of training, including training regarding confidentiality requirements.
 - h. Documentation of periodic performance evaluations.
 - i. Documentation of disciplinary actions.
 - j. Documented results of drug tests.
7. **Business records.** Registered dispensaries must maintain business records including manual or computerized records of assets and liabilities, tax returns, contracts, board meeting minutes reflecting actions of the board, monetary transactions, various journals, ledgers, and supporting documents, including agreements, checks, invoices and vouchers which the dispensary keeps as its books of accounts. All business records must be available upon request by the Department and maintained and retained for six years.
- a. **Transaction record.** Business records include the sales record that indicates the name of the qualifying patient or primary caregiver to whom marijuana has been distributed, sold or donated, including the quantity and form. The sales record must indicate the sale price of the product.
 - b. **Record of acquisition.** The dispensary records must include the marijuana and marijuana products acquired by the dispensary as set out in statute and rule.
 - c. **Record of samples.** The dispensary must maintain record of samples provided for quality control, testing or research and development purposes.
 - d. **Record of disposal of marijuana.** The registered dispensary must create and maintain records of the disposal of marijuana including marijuana not distributed by the dispensary.
8. **Record of current patients.** The registered dispensary must keep on file and available for Department inspection, upon request, a copy of each current patient's registry identification card or, for non-registered qualifying patients, a copy of the medical provider written certification and the Department-approved dispensary designation form, and the following:
- a. A Maine driver's license or

- b. Other Maine-issued photographic identification, and
- c. Verification of the patient's designated primary caregiver, if applicable, and other documents required to ensure compliance with this rule and the statute.

P. Inventory. A registered dispensary is authorized to have the amount designated to the registered dispensary by the qualifying patient, that is, up to six mature marijuana plants and an incidental amount of marijuana per qualifying patient. The dispensary's usual inventory supply must be based on the dispensary's own cultivation and production, and the needs of qualifying patients who have designated the dispensary to cultivate. The Department will not consider the absence of marijuana strains or products containing marijuana as an inventory interruption if the marijuana or marijuana product has not been produced by the dispensary as usual inventory. The dispensary must disclose to the qualifying patient if the patient is provided marijuana that was not cultivated or produced by the dispensary.

1. **Start-up Inventory.** During the first 60 days after initial authorization, in order to build initial inventory, a newly-registered dispensary without any qualifying patients, may have 24 mature marijuana plants, and the amount of incidental marijuana and nonflowering plants that is permitted for a maximum of five patients.
2. **Inventory reduction.** When there is a decrease in the number of patients who have designated the dispensary to cultivate marijuana, the dispensary shall have ten business days to adjust the inventory to meet the requirements of this rule and the statute.
3. **Daily inventory.** Prepared marijuana must be kept under double lock and inventoried daily by two cardholders.
4. **Dispensing inventory.** Quantities of prepared marijuana must be weighed, logged in and signed out by two cardholders when dispensed.

Q. Trip tickets. Distribution of marijuana for medical use to a qualifying patient or a primary caregiver for use by a qualifying patient must be labeled with a trip ticket to identify the dispensary, the MMMP patient number if the patient is registered or a unique identifier assigned by the dispensary to non-registered qualifying patients, or the MMMP caregiver number if the caregiver is required to be registered or a unique identifier assigned by the dispensary if the primary caregiver is not required to be registered, the product, the amount and form, the time and date of origin, and destination of the product.

1. Persons authorized to transport marijuana on behalf of a patient shall take reasonable steps to deliver the product directly to the qualifying patient as a safety precaution and to alleviate concerns about drug diversion. The required trip ticket must identify the written certification number of the patient to whom the

marijuana is being furnished; the source providing the marijuana; the registry identification number of the primary caregiver, if applicable; the amount of marijuana and form; the time, location and date of departure; and destination of the product.

2. A dispensary with a cultivation site that is not located with the retail dispensary must label the marijuana that is being moved between the cultivation site and the retail dispensary with a trip ticket that identifies the name and address of the dispensary, the address of the cultivation site, the time, date, origin and destination of the material being transported, and the amount and form of marijuana and marijuana material that is being transported.
- R. Inventory supply records.** The dispensary shall report the dispensary's inventory supply. The dispensary shall record the marijuana strains cultivated by the dispensary and the marijuana products produced and furnished by the dispensary. The registered dispensary shall identify the marijuana strains and the marijuana products that are acquired and did not originate from the dispensary's own cultivation and production. Inventory supply records must be available upon request by the Department.
- S. Patient designation reporting.** The registered dispensary must submit a monthly report of the total number of patients who have designated the dispensary. This report is due to the Department before the tenth day of the each month. The report must include the unique numeric patient identifier that appears on the patient's valid written certification, date of designation and, if applicable, date of rescission.
- T. Incident reporting.** A registered dispensary must submit a Department-approved incident report form on the next business day after it discovers a violation of the requirements set out in this rule and the statute regarding the operation of dispensaries. The report must indicate the nature of the breach and the corrective actions taken by the dispensary. For the purposes of this rule, an incident includes:
1. Confidential information accessed or disclosed in violation of this rule and the statute;
 2. Loss of inventory by theft, diversion or any other means;
 3. Intrusion of the retail dispensary or the cultivation site, if marijuana is not cultivated at the retail site; and
 4. Any other violations of this rule or the statute governing operation of the dispensary.
- U. Illegal activity reporting.** Any suspected illegal activity involving dispensary operations must be reported within 24 hours of suspicion to law enforcement and the Department. The dispensary must submit a written report to the Department using the dispensary's incident report form.

- V. **Competitive selection process to add new dispensaries.** The Department employs a competitive selection process when adding new dispensaries. A dispensary selected to be issued a registration certificate must comply with applicable the statute and this rule. During the first year of operation of dispensaries, the Department may not authorize more than one dispensary in any of the eight Public Health Districts of the Department.
1. **Not-for-profit corporation.** To be issued a dispensary registration certificate, a dispensary is required to incorporate pursuant to 13-B M.R.S. and to maintain the corporation in good standing with the Secretary of State. The dispensary must operate on a not-for-profit basis for the mutual benefit of qualifying patients who have designated the dispensary to cultivate marijuana.
 - a. **By-laws.** The bylaws of the dispensary and its contracts with qualifying patients must contain such provisions relative to the disposition of revenues and receipts as may be necessary and appropriate to establish and maintain its not-for-profit status.
 - b. **Not required to be tax-exempt.** A dispensary is not required to be a tax-exempt organization under 26 United States Code, Section 501(c)(3).
 2. **Notice of open application.** The Department shall publish a notice of open application for dispensary registration certificates that includes the application requirements. Notices will appear, at a minimum, in the Kennebec Journal and on the Maine Medical Use of Marijuana webpage. Applicants may apply for one or more Districts, but must specify which Districts. The notice will contain the deadline for receipt of applications and the process for obtaining application material.
 3. **Scoring applications.** A panel shall be convened by the Department to evaluate and score each application. The maximum point value is based on the quality of the applicant's submission. The maximum points for each criterion are indicated in this rule. To be considered responsive, an application must have at least 70 points. The panel shall set forth through consensus comments the basis of the scoring decision for each criterion. A certificate of registration shall be issued in response to the application in a Public Health District with the highest score, as long as the application meets all criteria and the minimum score. In case of a tie, the panel reserves the right to seek supplemental information through written questions of the applicants and to raise or lower the applicants' scores based upon the supplemental information.
 4. **Application fee.** Applicants must submit an application fee of \$12,000 for each District included in the application for the application to be considered by the panel. Unsuccessful applicants are assessed a \$1,000 fee. Application requirements are set forth in this rule.

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5. **Selection criteria.** Each application shall address all criteria and measures, even when no point values are assigned. Failure to address all of the criteria and measures will result in the application being considered non-responsive and not accepted for review.
6. **Criterion 1: Submission of Required Information Regarding Applicant and Facility (up to 25 points)**
- a. The applicant shall provide the legal name of the corporation, a copy of the articles of incorporation and by-laws of the corporation. [no points assigned]
 - b. The applicant shall provide the proposed physical location of the retail dispensary and if marijuana is not cultivated at the retail site, the one site where marijuana may be grown, if a precise address has been determined.
 - i. For each proposed physical address, provide legally binding evidence of site control sufficient to enable the applicant to use and possess the subject property.
 - ii. If the applicant indicated that a precise address has not been determined, the applicant has at least identified the general location(s) where the facilities will be sited, and when. [up to 5 points]
 - c. The applicant shall provide evidence of compliance with local codes and ordinances for each physical address which will be used for dispensing and growing cultivating marijuana under the MMMP, and that neither location is within 500 feet of a preexisting public or private school boundary. A school in this context is interpreted to mean an entity that satisfies Maine's compulsory education requirements. [no points assigned]
 - d. The applicant shall describe the enclosed, locked facilities that will be used in the growing, cultivation and sale of marijuana, the security measures and whether it is visible from the street or other public areas. [up to 5 points]
 - e. The applicant shall provide the name, address and date of birth of each principal officer and board member of the dispensary, along with a photocopy of their Maine driver's license or other Maine-issued photographic identification card. Temporary new driver's licenses are not acceptable. [no points assigned]
 - f. The applicant shall provide a list of all persons or business entities having direct or indirect authority over the management or policies of the dispensary, and a list of all persons or business entities having 5% or more ownership in the dispensary, whether or not the interest is in the land or

buildings, including owners of any business entity which owns all or part of the land or building. [no points assigned]

- g.** The applicant shall provide the identity of any creditor holding a security interest in the premises, if any, and the terms of that agreement. The applicant shall identify any principal officer or board member of the dispensary who is a creditor and disclose the terms and conditions. [no points assigned]
- h.** The application shall include the required signed cover letter, and the completed application form supplied by the department. [no points assigned]
- i.** The applicant shall describe how the dispensary will operate on a long-term basis as a non-profit organization and a business plan that includes, at a minimum, the following: [up to 15 points]

 - i.** A detailed description about the amount and source of the equity and debt commitment for the proposed dispensary that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs; and the financial capability to undertake the project.
 - ii.** A copy of the proposed policy regarding marijuana that is furnished without anything of value provided in return.
 - iii.** The application indicates whether the applicant will accept unused excess marijuana from qualifying patients or primary caregivers, the process for assuring that the marijuana is not adulterated (how it will be tested) and how it will be redistributed (cannot be sold) to patients.
 - iv.** Projected income statements for the first three years after implementation (forms to be supplied by the Department).
 - v.** The applicant provides evidence that salaries are in line with the non-profit sector.
 - vi.** Control of the organization is exercised by a governing body.
 - vii.** There are sufficient board members to fire an executive or to remove board members.
 - viii.** Plans for distribution of net revenues annually.

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7. **Criterion 2: Overall Health Needs of Registered Patients and Safety of the Public**
[up to 75 points]
- a. The applicant demonstrates their proposed location and services will be convenient for qualifying patients and caregivers. [up to 10 points]
 - b. The applicant demonstrates a steady supply of marijuana for medical use will be available to the projected number of registered patients. [up to 10 points]
 - i. There is a start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates.
 - ii. The applicant demonstrates knowledge of organic growing methods to be used in their growing and cultivation of marijuana.
 - iii. The applicant demonstrates that steps will be taken to ensure the quality of the marijuana, including purity and consistency of dose.
 - iv. The applicant discloses the various strains of marijuana to be dispensed and for which conditions and the form(s) in which marijuana will be dispensed.
 - c. The applicant demonstrates the knowledge and ability to manage a non-profit organization or other business. [up to 10 points]
 - i. Personnel.
 - ii. Fiscal (payroll, bookkeeping case management).
 - d. The applicant demonstrates that its plan for record keeping, inventory, quality control and security and other policies and procedures will discourage unlawful activity. [up to 20 points]
 - e. The applicant fully describes a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding the cultivation sites and the identity of patient information. [up to 20 points]
 - f. The application indicates consent to pay for State and federal background checks for all proposed and future registry card holders. [no points assigned]

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- g. The application reflects a strong patient education component which addresses the diversity of qualifying medical conditions. [up to 5 points]
8. **Award decision.** The award decision shall be made in writing to the successful applicants.
- a. **Department determination.** Subject to the limitations on the number and location of dispensaries, within 30 calendar days of receipt of a completed application form with a score of at least 70 points and with all required documents and required fees, the department shall register a dispensary and issue a certificate of registration to the highest scored person or entity that complies with the certificate of registration requirements set out in these rules and has the highest number of points of the applicants for the District.
- b. **Award is void.** Failure of the award recipient to secure a certificate of registration within 120 days of receipt of the Department's award decision may, at the discretion of the Department, render the award void. When an award is voided, the Department shall issue a written decision to void an award to operate a dispensary. The Department's written decision to void an award to operate a dispensary is considered final agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.
- c. **Notice of denial.** The Department shall send a written notice of denial to non-selected applicants. Written notice of denial of an application or non-selection is considered final agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.
- d. **Record.** The record for review is the applications and any attached supporting documents, any other documents relied upon by members of the scoring panel in its decision, consensus comments of the panel, notices of denial and acceptance, and any other written communications between the Department and the applicants related to the decision.
- W. **Application for dispensary registration certificate.** When the application period is open, a Dispensary Registration Certificate Application form may be available by request to the Department. The applicant must submit a completed Department-approved application form with all required documentation and the required fees. The application for a dispensary registration certificate must include, at a minimum, the following:
1. The legal name of the dispensary and the DBA (doing business as) name of the dispensary;

2. The physical address of the retail dispensary and the physical address of the location where marijuana will be cultivated for qualifying patients who have designated the dispensary to cultivate marijuana for them;
3. The distance to the closest school from the dispensary;
4. A copy of the dispensary's articles of incorporation and bylaws, and evidence that the corporation is in good standing with the Secretary of State;
5. The name, address, proof of residency and date of birth of each principal officer and board member of the dispensary;
6. The name, address, proof of residency and date of birth of any person who is employed by the dispensary;
7. A copy of the dispensary's policies and procedures;
8. A copy of the dispensary's liability insurance policy;
9. A business plan demonstrating the on-going viability as a non-profit organization; and
10. Narrative describing how the applicant will meet all the selection criteria specified in this rule.

X. Renewal of dispensary registration certificate. The annual renewal of a dispensary registration certificate must comply with this rule and the statute.

1. A registered dispensary must submit a completed Department-approved application for the renewal of a current registration certificate-with all required documentation and the required fees 60 days prior to the expiration date. The dispensary registration certificate renewal application is available upon request made by a registered dispensary to the Department. Failure to submit a timely, complete renewal packet may be grounds for denial of the renewal and may result in expiration of the registration certificate to operate the dispensary.
2. When submitting for a renewal of the registration certificate, registered dispensaries must update, as needed, all information submitted by the dispensary on its initial application or previous renewal for a dispensary registration certificate. Failure to submit all current, up-to-date information timely may be grounds for denial of the renewal and may result in expiration of the registration certificate to operate the dispensary.
3. Within ten days of its decision to approve or deny the renewal, the Department shall issue a written decision that either includes the renewed dispensary registration certificate or the grounds for denial and statement of deficiency.

4. When the dispensary submits a complete and timely application for renewal, the registration certificate remains in good standing until the Department issues a new registration certificate, a statement of deficiency or a denial.

SECTION 8 FEES

- A. Fees submissions.** Fees must be payable to the *Treasurer, State of Maine*. Payment may be made by bank check, money order, or electronically if an electronic payment method is available.
- 1. Nonrefundable.** An unsuccessful dispensary registration certificate applicant is refunded the amount of the application fee, less \$1,000. All other fees are nonrefundable.
 - 2. Application fee reduction.** The Department may apply fees that are less than the amounts specified in this section when the reduction of application fees is in conformity to the statute and this rule.
 - a.** The percent in reduction of fees shall be applied equally across cardholders, but may not be less than the minimum fee required by statute.
 - b.** The Department shall revise application forms to reflect any change in the fee required for the calendar year that follows a requisite review of the MMMP budget.
- B. Registered patient fee.** A qualifying patient may voluntarily register with the Department to secure a registry identification card for the lawful medical use of marijuana. There is no fee for a qualifying patient to apply for or renew a Department-issued registry identification card.
- C. Registered primary caregiver fees.** Registered primary caregiver fees are governed by this rule and the statute. The registered primary caregiver is required to submit the fees as follows, except that when a lesser amount is indicated on the Department-approved application forms, the applicant shall pay the lesser amount indicated on the Caregiver Application and, if applicable, the Employee/Board Member/Principal Officer Application.
- 1. Application and annual renewal fee; cultivation.** The primary caregiver designated to cultivate marijuana must submit an application fee and an annual renewal fee of \$240 per registry identification card with the completed application and renewal form for a registry identification card.
 - a. Hospice inpatient program and nursing facilities designated as primary caregivers: no fee.** There is no fee for hospice inpatient programs and nursing facilities designated as non-cultivating primary caregivers by a qualifying patient.
 - 2. Discontinued patient designation.** The designation represents the choice of the qualifying patient and the primary caregiver's commitment to assist the patient for

the duration of the patient's medical use. When a patient designation is discontinued or rescinded, the registered primary caregiver may accept a designation by a new qualifying patient in place of the former qualifying patient so long as that occurs within ten days of the rescission or discontinuance. The primary caregiver must comply with reporting required by this rule and the statute regarding changes to the registry identification cards and patient designations. Unless the registered primary caregiver possesses five registry identification cards at the time the patient designation is discontinued, the primary caregiver's application for a registry identification card must be filed before the caregiver may assist a new patient.

- a. Pro-rate registration fee.** The Department shall prorate the registration fee paid by the primary caregiver for a registry identification card for the *new* qualifying patient by reducing it by \$20 for each month left on the primary caregiver's unexpired registry identification card for the *former* qualifying patient.
 - b. Caregiver registration status.** When the primary caregiver complies with this section of this rule and the statute, the primary caregiver's registration status continues in full effect without interruption.
 - 3. Per patient fee paid annually.** Instead of paying the fee at the time of designation by a qualifying patient, a primary caregiver may choose to submit an annual fee equal to \$1,200, based on \$240 per patient that allows the registered primary caregiver to change the qualifying patients who designate them to cultivate marijuana throughout the year without submitting the per-patient fee at the time of the change. The primary caregiver may be designated to assist up to the maximum number qualifying patients at any one time in accordance with this rule and the statute.
 - 4. Criminal history record check fees.** Each primary caregiver application or renewal for a registry identification card or application for a caregiver employee must submit payment for \$31 payable to the *Treasurer, State of Maine* for the cost of criminal background checks. The background check fee is assessed on each registry identification card application or renewal including applications or renewals submitted by primary caregivers who are exempt from the application or renewal fee. The Department may waive this requirement for a cardholder applying for an additional registry identification card within 12 months of the cardholder's completed background check.
- D. Registered dispensary fees.** Registered dispensary fees are governed by this rule and the statute. The registered dispensary is required to submit the fees as follows, except that when a lesser amount is indicated on the Dispensary Registration Certificate Application and Employee/Board Member/Principal Officer Application, the dispensary shall pay the lesser amount.

1. **Dispensary registration certificate application fee.** The \$12,000 registration fee must be submitted with the dispensary's completed registration certificate application.
 2. **Dispensary registration certificate renewal fee.** The \$12,000 registration renewal fee must be submitted annually with the dispensary's completed registration renewal form. The annual renewal fee is non-refundable.
 3. **Dispensary registry identification card fee.** The registered dispensary shall be assessed a \$25 fee for each dispensary registry identification card issued for each principal officer, board member and employee of the registered dispensary.
 4. **Dispensary registry identification card; renewal fee.** The registered dispensary shall be assessed a \$25 fee for the annual renewal of each dispensary registry identification card issued for each principal officer, board member and employee of the registered dispensary.
 5. **Criminal history record check.** Each principal officer, board member and employee of the registered dispensary is required to have a criminal history record check at least annually. The registered dispensary must include a check for \$31 payable to the "*Treasurer, State of Maine*" for the cost of criminal background checks with each application or renewal for a registry identification card for each principal officer, board member and employee of the registered dispensary. The Department may waive this requirement for a cardholder applying for an additional registry identification card within 12 months of the cardholder's completed background check.
 6. **Change of location fee.** A registered dispensary that changes its physical location or its cultivation location is required to submit a completed Department-approved change in location form to secure a new dispensary registration certificate. The Dispensary/Cultivation Change in Location Application is available by request. The dispensary shall be assessed a fee of \$4,000 for each change of the dispensary's physical location or its cultivation location.
- E. **Processing fee: reissued card.** A processing fee of \$10 shall be charged to registered cardholders for reissuing a lost card or a card reissued by the Department due to changes regarding the information on the registry identification card, such as an address change.
- F. **Laboratory testing fees.** Registered dispensaries are responsible for the cost of required laboratory testing. A registered primary caregiver or registered dispensary will be responsible for the minimum testing fee required by statute and for laboratory charges not exceeding \$300 per test specimen for each sample collected by the Department for compliance purposes.

SECTION 9 REGISTRY IDENTIFICATION CARD

- A. Registry identification card required.** Persons who are required to register pursuant to statute and this rule, must possess a valid registry identification card issued by the Department and Maine-issued photographic identification to establish proof of authorized conduct. Registry identification cards are issued to the applicant to serve as proof of conduct authorized by the Department and protections do not extend beyond the approved cardholder. Only the approved cardholder may possess the registry identification card issued and the registry identification card may not be transferred. Applicants must complete the applicable application form and submit the required fees. The Caregiver Application and the Employee/Board Member/Principal Officer Application forms are available on the Department's website at <http://www.maine.gov/dhhs/mecdc/public-health-systems/mmm/index.shtml> .
- 1. Primary caregiver required to register.** A primary caregiver who assists a patient who is not a member of the primary caregiver's family or household is required to register and obtain a registry identification card for each patient. A registered primary caregiver may be issued up to a maximum of five registry identification cards.
 - a.** An inpatient hospice or nursing home facility that assists a qualifying patient with the medical use of marijuana is required to register with the Department.
 - 2. Primary caregiver not required to register.** A primary caregiver who assists only patients who are family or household members is not required to register. A primary caregiver who is not required to register may voluntarily register with the Department to obtain a registry identification card for each patient the caregiver assists up to the maximum permitted by statute.
 - 3. Qualifying patient is not required to register.** A qualifying patient may voluntarily register with the Department and obtain a registry identification card. A qualifying patient who is not registered must possess the required written certification and a valid photographic identification in accordance with statute.
 - 4. Principal officer, board member or employee required to register.** A registered primary caregiver's employee and a principal officer, board member or employee of a registered dispensary are required to register with the Department.
 - 5. Denial of application.** The Department may deny an application or renewal in accordance with the statute and this rule. Written notification of the Department's decision to deny an application for or renewal of a registry identification card and the reason for the denial shall be sent to the applicant within 30 days of receipt of the completed application.

B. Voluntary patient application for a registry identification card. A qualifying patient may voluntarily register with the Department to secure a registry identification card for the lawful medical use of marijuana by submitting a completed Department-approved - Patient Voluntary Registration Application form with required documentation. There is no fee for a qualifying patient who voluntarily registers with the Department. A criminal history record check is not required prior to issuing a patient a registry identification card. The Department shall issue a registry identification card to a patient who submits a completed application in accordance with 22 M.R.S. §2425 (1) and the application shall include, at a minimum, the following information:

1. Name, address and date of birth of the patient.
2. A copy of the written certification issued by the qualifying patient's physician for the medical use of marijuana.
3. A copy of the patient's Maine driver license or other state-issued photographic identification.
4. The patient who elects to cultivate some or all of the maximum allowed amount of marijuana for his or her own medical use must indicate that choice on the application and report the location of the patient's cultivation area. The application must include the requested information regarding the primary caregiver or dispensary if one is designated to assist the patient.
5. Other information required by the Department.

C. Primary caregiver application for a registry identification card. A primary caregiver who is required to register must submit a completed Department-approved Primary Caregiver Application. A primary caregiver who is not required to register may voluntarily register. The application must include the required documentation and the registration fee, for each registry identification card, as applicable, up to a maximum of five registry identification cards. The application shall also include, but is not limited to the following information:

1. Name, address and date of birth of the primary caregiver;
2. A copy of the primary caregiver's Maine driver's license, or other Maine-issued photographic identification in compliance with this rule and the statute;
3. Name of the property owner and location of the primary caregiver's cultivation location;
4. Personal identification number for purpose of filing taxes; and
5. Other information required by the Department.

- D. Employee of a registered primary caregiver registry identification card.** An employee of a registered primary caregiver must have a registry identification card. A completed Department-approved employee application form must be submitted with the required documentation and the registration fee for a registry identification card. The application shall include, at a minimum, the following information:
1. Name, address and date of birth of the applicant;
 2. A copy of the applicant's Maine driver's license, or other Maine-issued photographic identification; and
 3. Name of the applicant's employer and location of that employer's cultivation area; and
 4. Other information required by the Department.
- E. No work prior to issuance of card.** Prior to receipt of a registry identification card, a primary caregiver who is required to register and the employee of a registered primary caregiver may not accept a designation form from a qualified patient, assist a qualified patient or possess or cultivate a patient's marijuana for medical use.
1. **Expedited determination: hospice or nursing facility.** After verifying the information, the Department will approve or deny an application for or renewal of a registry identification card submitted by a hospice provider or nursing facility within five business days of the date the Department received the completed application for or renewal of a registry identification card with all required documents.
- F. Notice to Department when employment or affiliation ceased.** A primary caregiver must notify the Department within ten days of the date that the primary caregiver's employee ceases to work for the primary caregiver.
1. **Card expires after notice to Department when employment or affiliation ceased.** The registry identification card of the registered primary caregiver's employee expires when person ceases to work for the primary caregiver.
- G. Card surrendered to Department.** A primary caregiver must surrender to the Department any primary caregiver registry identification card that is no longer eligible for valid use, including the registry identification card of a primary caregiver's employee.
- H. Dispensary registry identification cards.** The dispensary is required to obtain a registry identification card for each qualified principal officer, board member and employee of the registered dispensary. The registered dispensary must comply with provisions set forth in this rule and the statute.

1. **Application form.** The dispensary shall submit a completed Department-approved Employee/Board Member/Principal Officer Application for each registry identification card with the required documentation and the registry identification card fee. The application shall also include but is not limited to, the following information:
 - a. Name, address and date of birth of the qualified principal officer, board member, or employee;
 - b. A copy of the qualified principal officers', board members', or employees' current Maine driver's license or other Maine-issued photographic identification; and
 - c. Other information required by the Department.
 2. **New principal officers, board members and employees: application required.** Each time the dispensary has a new principal officer, board member or employee, it must submit an application form for a dispensary registry identification card for that new principal officer, board member or employee in compliance with this rule and the statute.
 3. **No work or affiliation prior to issuance of card.** No principal officer, board member or employee may begin to work at or affiliate with the registered dispensary before he or she is issued a dispensary registry identification card.
 4. **Notice to Department when employment or affiliation ceased.** The registered dispensary must notify the Department within ten days of the date that a principal officer, board member or employee ceases to work at or be affiliated with the registered dispensary.
 5. **Card surrendered.** The registered dispensary must surrender to the Department any registry identification card that is no longer valid.
 - a. **Dispensary action after repeat positive test result.** The registered dispensary must require a principal officer, board member or employee to turn over his or her registry identification card if that person has confirmed positive results from two lawfully administered substance abuse tests within 12 months.
- I. **Annual renewal of card required.** A completed Primary Caregiver/Employee/Board Member/Principal Officer Application, or a Qualifying Patient Voluntary Registration Application with all required documentation and the renewal fee must be submitted to the Department at least 30 calendar days before the registry identification card expiration date. The Department shall approve or deny the application in accordance with this rule and the statute.

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- J. Notification of change in cardholder's status.** The Department must be notified within ten days of a change in status or card information in accordance with the statute and this rule. A cardholder who fails to provide required notification may be subject to fines up to \$150 per incident.
- 1.** The patient's primary caregiver or dispensary must notify the Department of a change in status as a patient's designee in accordance with reporting requirements specified in this rule and the statute.
 - a.** A registered primary caregiver must notify the Department within ten days of a change in patient designation, unless the caregiver has registered with a \$1,200 annual fee and a new patient designates the primary caregiver within ten days of the rescinded patient designation.
- K. Surrender old card or new card voided.** The registry identification card with outdated information must be surrendered by returning it to the Department. It must be mailed or delivered to the Department within ten business days of the person's receipt of the new registry identification card. Failure to timely surrender the superseded card to the Department may result in the Department voiding the newly issued card.

SECTION 10
COMPLIANCE and ENFORCEMENT

- A. Compliance and enforcement.** Compliance and enforcement are governed by this rule and the statute. The Department may refer criminal activity that is outside the scope of this rule and the statute to law enforcement.
1. An individual who engages in conduct authorized by this rule is subject to a review conducted by the Department to assess compliance with statute and rule.
 2. Submission of an application for a registry identification card constitutes permission for a criminal history record check and on-site assessments which may include inspections to ensure compliance.
 3. Any patient, primary caregiver or cardholder must comply with the Department's request for evidence of authorized conduct and to inspect the premises and records, as appropriate, to assess compliance with this rule and the statute.
 4. Failure to comply with provisions of statute and rule may result in remedial action up to, and including, directed corrective action; suspension, revocation and denial of a registry identification card or registration certificate; civil penalties; and referral to the appropriate agency, department or entity if the conduct is determined to be outside the scope of MMMP, is not appropriate for agency directed corrective action, or has not been rectified through correction action.
- B. On-site assessment.** The Department may initiate an on-site assessment, in accordance with the statute and this rule to ensure compliance prior to issuing a registry identification card, as a routine review, in response to an allegation of non-compliance or as part of a plan of correction.
1. During an on-site assessment, the primary focus of the Department will be:
 - a. Verifying information submitted in an application;
 - b. Reviewing records for all required documents, including, but not limited to designation forms, registration, and licenses, labeling and employee records, as applicable;
 - c. Conducting interviews;
 - d. Entering areas used for conduct authorized by this rule and the statute to ensure any marijuana, including plants, usable marijuana and incidental marijuana cultivated for medical use, is within the specified limit and is identifiable and maintained as required;

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- e. Taking samples of marijuana cultivated for medical use and products containing marijuana for medical use; and
 - f. Assessing conduct for compliance with the rule and statute.
2. **Notification of an on-site assessment.** No prior notice is required for the Department to initiate an on-site assessment to determine compliance.
 3. **Entry to inspect premises during an on-site assessment.**
 - a. **Inspection of a registered dispensary.** In accordance with 22 M.R.S. §2428 (5), the Department may enter the dispensary and the one permitted additional location at which the dispensary cultivates marijuana at any time, without notification, to carry out an inspection.
 - b. **Inspection of a registered primary caregiver.** When the Department wants entry into an area reportedly used by a registered primary caregiver for conduct authorized by this rule to carry out an on-site assessment, the Department is not required to provide prior notification to the registered primary caregiver, including those who elect to cultivate at his or her residence.
 - i. **Exception: registered inpatient hospice facility or nursing facility.** The Department will provide a minimum of 24 hours' notice before entering an inpatient hospice facility or nursing facility registered as a primary caregiver.
 - c. **Inspection of a residence.** When the Department determines entry into and inspection of areas within a person's residence reportedly used for conduct authorized by this rule is necessary to ensure compliance, the Department will provide a notice of at least 24 hours prior to conducting an inspection of the person's residence if that person is not required to register.
 4. **Prior to entry.** The Department will show proof of identity when requesting entry to conduct an on-site assessment and to inspect an area reportedly used for conduct described under this rule and the statute. The Department will also provide the reason for the on-site assessment in standard written form developed by the Department prior to entry.
 5. **Precautions during on-site assessment.** The Department will take measures to reduce potential disruption and contamination to the cultivation area during an on-site assessment.
 6. **Evidence.** The Department may take samples, photographs or electronic copies during an on-site assessment to determine compliance.

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7. **Refusal of entry.** If entry into an area reportedly used for conduct authorized by this rule and the statute is refused when the Department is conducting an on-site assessment, the Department will consider such action a failure to comply with provisions of this rule.
 - a. Upon refusal, the Department may refer to law enforcement as a progressive enforcement action when compliance cannot be determined.
 - b. Additionally, if denied entry by a cardholder, the Department may also take action to revoke the registry identification card or dispensary registration certificate.
 8. **On-site assessment report.** An on-site assessment report will indicate whether any violation was identified and, if corrective action was taken, the outcome of that.
 - a. **No action required.** The Department will provide a report to the subject of the on-site assessment within 30 days of initiating the on-site assessment during which the Department did not identify a finding of non-compliance and no action was required.
 - b. **Finding of non-compliance; enforcement action taken.** The Department will provide a report within 30 days of initiating the on-site assessment during which the Department makes a finding of non-compliance, and may request a plan of correction.
 - c. **Immediate enforcement action.** The Department will document justification for any immediate enforcement action taken to suspend or revoke a registration certificate.
- C. **Allegations of non-compliance.** The Department, upon receipt of a report alleging a participant's conduct is in violation of this rule or the statute, will record the allegation and may conduct an on-site assessment to ensure compliance.
1. **Department response to allegations of non-compliance.** Responses to reports alleging non-compliance are determined by the Department and may include the following: an on-site assessment which may include an interview, a paper review, and an inspection of premises; suspension or revocation of a registry identification card or certificate; and referral to the appropriate agency, department or entity when the allegation or reported conduct is not within the scope of the MMMP or has not been resolved through Department directed corrective action.

- a. Documentation of report.** The Department will document reported allegations of non-compliance that result in an on-site assessment. Documentation will include the following:
- i.** Date of the report of alleged violation;
 - ii.** The identity of the subject of the report; and
 - iii.** The related provision of rule or statute.
- D. Plan of correction.** If a plan of correction is requested by the Department, the plan must be sent within five business days of receipt of the notice of non-compliance. The Department will provide notice of approval or denial of the plan of correction within five business days of receipt. The Department may issue a directed plan of correction if the Department does not receive a timely, acceptable corrective action plan, or the plan is not completed satisfactorily. Failure to submit a timely plan of correction or to comply with the approved plan of correction may result in further enforcement action by the Department up to and including revocation and referral of criminal activity to law enforcement. An acceptable plan of correction must include the following:
- 1.** Action steps to correct any finding, violation or deficiency noted by the Department in the notice of non-compliance;
 - 2.** Specific deadlines for each corrective action step; and
 - 3.** Steps to reduce potential future violation.
 - 4.** The Department is not obligated to remediate non-compliance with a corrective action plan and may take action for immediate registration revocation or other enforcement action.
- E. Progressive enforcement.** The Department may take progressive enforcement action when the Department is unable to determine compliance when conducting an on-site assessment, or when a finding of non-compliance is not resolved through technical assistance provided on-site or through other remedial action. Progressive enforcement action may include fines or penalties, required plan of correction, registration denial or revocation, and referral to law enforcement.
- F. Court ordered fines.** The Department may seek a court order imposing fines in accordance with this rule and the statute.
- G. Denial of application or renewal for a registry identification card.** The Department may deny an application or renewal for a registry identification card for the reasons stated in 22 M.R.S. §2425(3). The effective date of denial of an application or request for renewal for a registry identification card is the date shown on the Department's written notice that is sent to the applicant's or cardholder's last known address. The notice issued

by the Department will include the date of receipt of the application or request for renewal and reason for denial. When a request for renewal is denied, the registry identification card is void, unless timely appealed.

1. The Department may determine an applicant does not qualify for a registry identification card for reasons including, but not limited to, the following:
 - a. The applicant has failed to demonstrate compliance with this rule and the statute; and
 - b. The applicant is/will be using a location for conduct authorized by this rule and the statute where such conduct is prohibited by the host municipality's local codes and ordinances. Reapplication for a registry identification card.
2. **Reapplication for a registry identification card.** When an application or renewal has been denied, the person may reapply for a registry identification card after 30 days from the date of denial. The person must demonstrate compliance with this rule and the statute, including those provisions that were the basis for the denial, and submit a completed Caregiver Application or Employee/Board Member/Principal Officer Application, all required documentation and required fees.

H. Revocation of registry identification card. The Department may revoke a registry identification card. The effective date of revocation of a registry identification card is three days after the date shown on the Department's written notice that is sent to the cardholder's last known address. A revoked registry identification card is void unless timely appealed.

1. **Revoked card: no dispensary employment or affiliation.** A principal officer, board member or employee of a registered dispensary whose card has been revoked by the Department is disqualified from serving as a principal officer, board member or employee of a registered dispensary.

I. Grounds for revocation of registry identification card. Grounds for revocation of a registry identification card are governed by this rule and the statute and include, but are not limited to, the following:

1. The Department determines the cardholder is non-compliant with this rule or the statute, including failure to cooperate with on-site assessment or allow entry for inspection.
2. The cardholder is convicted of a disqualifying drug offense.
3. The cardholder knowingly violates the confidentiality of information protected by the statute.

4. The cardholder commits, permits, aids or abets any illegal practices or unauthorized conduct related to the cultivation, processing, acquisition, dispensing, delivering or transfer of marijuana.
 5. The cardholder no longer lives in Maine and the card is not surrendered to the Department. For the purposes of these rules, “living in Maine” means having a physical home address in Maine and living, in the aggregate, more than 183 days of the calendar year in Maine.
 6. The cardholder fails to pay required State and local taxes, in accordance with 36 M.R.S. §175.
 7. A cardholder commits a civil violation for fraudulent misrepresentation regarding authorized conduct, possession of prepared marijuana in excess of specified limits or failure to provide required notifications to the Department.
 8. A cardholder has repeat forfeiture of excess marijuana.
 9. A cardholder has been issued finding of repeated non-compliance, has failed to comply with the plan of correction or is no longer eligible for a registry identification card.
- J. Failure to surrender a void registry identification card.** A void registry identification card that is not surrendered to the Department is inactive and no longer valid.
- K. Grounds for voiding a registry identification card and authorized conduct.** The registry identification card is voided by the Department when any of the following occurs:
1. A new card is issued to a dispensary cardholder based on a change in status, and the superseded card is not surrendered to the Department.
 2. A person is no longer employed by or affiliated with a dispensary, a registered primary caregiver or facility including a hospice provider or nursing facility and the card is not surrendered to the Department.
 3. A person within 12 months has confirmed positive results from two lawfully administered substance abuse tests and the card is not surrendered to the Department.
 4. A patient’s certifying medical provider notifies the Department in writing that the qualifying patient has ceased to suffer from a debilitating medical condition.
 5. A request for registry identification card renewal is denied, and the card is not surrendered to the Department.
 6. A revoked registry identification card is not surrendered to the Department.

- L. Date card is void.** The registry identification card is void ten days after the date shown on the Department's written notice that is sent to the last known address of the cardholder and the dispensary, if applicable.
- M. Termination of dispensary registration certificate.** The termination of a dispensary registration certificate is governed by this rule and the statute. The Department may seek a district court order terminating a dispensary-registration certificate.
1. The date of the termination is the date designated in the court order or the date appeal rights are exhausted, whichever is later.
- N. Grounds for termination of dispensary registration certificate.** Grounds for termination of a dispensary registration certificate include the following:
1. Failure to cooperate with required inspections, including failure to allow entry or interference with entry;
 2. Violations of this rule, the statute or dispensary policies and procedures that govern the operation of a dispensary;
 3. Committing, permitting, aiding or abetting any illegal practices in the operation of the dispensary;
 4. Conduct or practices that are detrimental to the safety and welfare of qualifying patients or primary caregivers;
 5. Providing information that is materially inaccurate or incomplete; and
 6. Failure to pay required State and local taxes.
- O. Emergency suspension of dispensary registration certificate.** The Department may suspend a dispensary registration certificate on an emergency basis when the Department determines that the conduct of the dispensary threatened or may pose an immediate threat to the health or safety of a person or the public. In accordance with 5 M.R.S. §§ 10004(3) and (4) such suspension may not exceed 30 days. A threat to public health and safety, includes but is not limited to, providing product containing an unsafe level of a contaminant or pesticide.
- P. Final agency action.** The Department's action pursuant to Section 10(G) or 10(H) is considered final agency action, as defined in 5 M.R.S. §8002(4), and subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.

- Q. Evidentiary record.** The record for review is the Department's file for that person, cardholder or dispensary for the period in question, any other documents relied upon by the Department in taking the action, the Department's notice of the action, and other communications between the Department and the person, cardholder or dispensary regarding the action.
- R. Notice and receipt of written notice.** Prior to taking action under Section 10(G) or 10(H) the Department shall issue a written notice that includes the reason for the action, and the applicable rule or statute; the date the Department's action takes effect; and the right to appeal the Department's action. A person is deemed to have received written Department notification on the earliest of the following dates:
1. The date the person signs for receipt of the notice; or
 2. The date that is three calendar days after the date the Department sends the notice by first class mail to the person's last known address.

SECTION 11 INPATIENT HOSPICE AND NURSING FACILITIES

- A. Voluntary participation of facility.** Inpatient hospice providers and nursing facilities may voluntarily participate in the Maine Medical Use of Marijuana Program, in accordance with this rule and the statute to assist qualifying patients who use marijuana for medical purposes. Nothing in this rule compels an inpatient hospice program or nursing facility to permit marijuana for medical use at the facility by a qualifying patient. Only the inpatient hospice program or nursing facility assisting the patient with the administration of marijuana for medical use is required to be designated by the patient and register as a cardholder.
- 1. Home hospice programs.** Home hospice programs are not subject to this rule and the statute. Only inpatient hospice programs are permitted to be a designated MMMP primary caregiver. However, in accordance with this rule and the statute, a qualifying patient may designate the individual home hospice employee who provides hospice care to the patient to also be his or her MMMP-designated primary caregiver, if the employer's policies allow.
 - 2. MMMP participation provisions are separate from licensing provisions.** The requirements for MMMP participation are subject to the *Maine Medical Use of Marijuana Act* and this rule, not facility licensing laws.
 - a. MMMP and licensing documentation kept separate.** MMMP documentation shall not be included in the medical record, chart or medication administration record (MAR) that is required under facility licensing laws. A qualifying patient's MMMP record must be maintained at the facility as a separate record and shall include, but is not limited to, the inventory record, and documentation of marijuana administration.
 - 3. Facility registration required** Prior to assisting a patient residing in the facility, inpatient hospice providers and nursing facilities must submit a Department-approved Primary Caregiver Application form to become a registered primary caregiver in the Maine Medical Use of Marijuana Program.-There is no application or renewal fee.
- B. A qualifying patient in a hospice or nursing facility.** A qualifying patient while in an inpatient hospice program or a nursing facility may participate in the Maine Medical Use of Marijuana Program in accordance with this rule and the statute. The facility's policy may require the patient to disclose possession when the patient is using or storing marijuana for medical use.
- C. Designated primary caregiver is the facility.** It is the inpatient hospice provider or the nursing facility, not their staff, that is designated a registered primary caregiver and must comply with applicable provisions of these rule and statute.

- 1. Not required to accept designation as caregiver.** An inpatient hospice provider or nursing facility is not required to accept a qualifying patient's designation as the patient's primary caregiver. A facility may not assist the patient with the medical use of marijuana unless designated by the qualifying patient.
- D. Registry identification cards for staff members.** Designated inpatient hospice providers and nursing facilities must apply for registry identification cards for each individual staff member assigned to assist qualifying patients. A registry identification card is issued only to a staff person who is at least 21 years of age and not convicted of a disqualifying drug offense. The application process for a registry identification card is set out in this rule and the statute.
- E. Criminal history record check.** The designated facility must include the copy of a criminal history record check on each staff member for whom the facility submits a registry identification card application or renewal. The criminal history record check submitted by the facility must have been secured within the past 12 months. If the facility does not have the required criminal history record for an individual staff member, the facility must pay for and secure a criminal history record check to submit with the application for a registry identification card.
- F. Facility registration and staff cards required prior to assisting patients.** Prior to assisting qualifying patients, the designated hospice provider or nursing facility must be registered as a primary caregiver and MMMP registry identification cards issued to facility staff who will assist with the patient's medical use of marijuana. No staff member should remove a registry identification card from the facility, except when the authorized staff member is transporting marijuana outside the facility to deliver to the patient or to legally dispose of the marijuana.
- G. Qualifying patients in facility may not cultivate.** Qualifying patients in a hospice inpatient program or a nursing facility may not cultivate their own marijuana.
- H. Designate a second primary caregiver or dispensary to cultivate.** The qualifying patient may either designate an individual, who is not a facility staff member, as a second primary caregiver to cultivate marijuana for the patient's use or the patient may designate a dispensary to cultivate marijuana for medical use.
- I. Marijuana acquisition: from dispensary or cultivating caregiver.** A qualifying patient who is in an inpatient hospice program or a nursing facility may acquire marijuana for medical use in accordance with this rule and the statute. The facility shall document acquisition in the patient's MMMP record.
 - 1. Dispensary.** A designated facility acquires marijuana from a dispensary by either sending a facility staff member with a registry identification card to the dispensary to pick up the marijuana or the dispensary delivers the marijuana to the facility.

2. **Cultivating caregiver.** When the qualifying patient has not designated a dispensary to cultivate, the patient may designate a cultivating primary caregiver to cultivate the marijuana for the patient's use.
 3. **Products containing marijuana must be purchased.** A facility may not possess, administer or furnish any other types of marijuana except prepared marijuana in an amount of two and a half ounces or less per qualifying patient that has designated the facility. A facility may not make marijuana into products to be ingested. Such products must be acquired or purchased from the designated dispensary or primary caregiver.
 4. **Trip tickets.** The facility must retain the marijuana trip ticket from the dispensary or the cultivating caregiver with the marijuana during transport.
 5. **Storage of marijuana for medical use.** Special storage consideration is required for marijuana and foods containing marijuana such that access is limited to only the patient and those authorized to assist the patient with the medical use of marijuana.
- J. Inventory control.** When the designated facility stores and maintains the inventory of medical use marijuana for a qualifying patient, the facility shall have a policy that addresses how inventory is recorded and access monitored.
1. **Access to inventory.** When marijuana is removed from the facility's inventory, the cardholder must document this in the patient's MMMP record.
 2. **Daily inventory.** Prepared marijuana must be stored in accordance with the provisions for storing controlled substances and inventoried daily by two staff persons who have MMMP registry identification cards.
- K. Assisting administration of marijuana.** A facility assisting a qualifying patient with the medical use of marijuana shall have protocols in place that are consistent with this rule and the statute to address the storage, inventory monitoring and patient access and use. When the designated facility administers medical use marijuana for a qualifying patient, the facility is subject to the following provisions.
1. **Facility staff.** A medication technician or a nurse may administer marijuana as long as he or she has been issued a registry identification card for the designated facility. Designated facilities should limit the number of individual staff members who can assist the qualifying patient with marijuana for medical use.
 2. **Administration of marijuana in a facility.** Only an authorized cardholder may assist a qualifying patient residing in a facility with the medical use of marijuana.
 3. **Disposal of unused marijuana.** The designated facility must comply with this rule and the statute regarding the disposal of unused medical use marijuana.

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- 4. Facility smoking policy.** The designated facility shall establish and maintain a policy for the administration of marijuana for medical use that includes smoking, vaporizing and using non-smokable forms of medical marijuana.
- L. Confidentiality.** The fact that a patient is participating in the Maine Medical Use of Marijuana Program is confidential and each facility serving MMMP patients must develop “need to know” protocols.
- M. Discharge from facility.** A resident may not be discharged solely because the patient is a qualifying patient in the Maine Medical Use of Marijuana Program.
- N. Protected conduct: hospice providers, nursing facilities, and staff.** The protections and requirements of this rule and the statute are for conduct that is expressly authorized for hospice providers, nursing facilities and their staff that provide care for a qualifying patient in accordance with this rule and the statute.
- O. Reimbursement.** This rule and statute do not affect whether the facility may be reimbursed by other than private money for assisting a qualifying patient with the medical use of marijuana.

Statutory Authority

22 M.R.S. Chapter 558-C

22 M.R.S. §42

22-A M.R.S. §205

P.L. 2011, Ch. 383(6)

History

In November 2009, voters approved an initiated bill that changed Maine's medical use of marijuana laws (IB 2009, c.1, §5). See 22 M.R.S.A. Chapter 558-C.

The Maine Legislature amended the initiated bill. See Public Law 2009, Chapter 631 (Emergency Preamble) that took effect April 9, 2010.

Emergency Rules (filing 2010-174) took effect May 5, 2010 for 90 days.

ADOPTED

(NEW) 10-144 C.M.R. Chapter 122, Rules Governing the Maine Medical Use of Marijuana Program

EFFECTIVE DATE:

August 4, 2010 – filing 2010-317

AMENDED:

December 31, 2012 – filing 2012-353

June 19, 2013 – 2.7.1.2 added, 2.7.4.2 removed, filing 2013-142 (Emergency)

AMENDED: (limited use of pesticides)

September 17, 2013 – filing 2013-221

AMENDED:

February 1, 2018 – filing 2017-168

TRANSFERRED:

2019 – from the Department of Health and Human Services to the Department of Administrative and Financial Services, Office of Marijuana Policy