

**PROPOSED AMENDMENT TO:
ORDINANCE PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS AND
RETAIL MARIJUANA SOCIAL CLUBS IN THE TOWN OF HOPE, MAINE**

Section 1. Authority

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S. c. 417, as amended; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S § 3001.

Section 2. Definitions

For purposes of this ordinance,

- (a) Retail Marijuana Establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S. § 2442.
- (b) “Grandfathered caregiver” means any person or entity who was a registered caregiver prior to January 1, 2021 in Hope, Maine.
- (c) “Grandfathered cultivation facility” means any Tier 1, Tier 2, or Tier 3 cultivation facility operated by one or more grandfathered caregivers and which was established for the cultivation of medical use of marijuana.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs

Retail marijuana establishments, including retail marijuana stores, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a marijuana product, as defined in 7 M.R.S. § 2442

Exceptions. The following shall be exceptions to the general prohibitions specified by this Section 3:

- i. Grandfathered cultivation facilities are permitted to cultivate marijuana flower in this municipality in a manner that is not inconsistent with the Marijuana Legalization Act.
- ii. Grandfathered caregivers are permitted to develop or operate a business that engages in wholesale sales of marijuana flower in this municipality in a manner that is not inconsistent with the Marijuana Legalization Act.

Nothing in this ordinance is intended to prohibit any other lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S. c. 558-C.

Section 4. Effective Date; Duration

This ordinance shall take effect immediately upon enactment by the Voters of the Town of Hope unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452. The Town may seek reasonable attorney fees and costs in any related enforcement action and may seek such injunctive relief as is reasonably necessary.

This amendment will be effective upon voter approval during the June 8, 2021 election.

PROPOSED AMENDMENT