



ECONOMIC DEVELOPMENT COMMITTEE

DATE: Tuesday, February 25, 2020

TIME: 5:30 PM

LOCATION: City Council Chamber, 2nd Floor - For Joint EDC/Health and Human Services Committee

1. Review and vote on Minutes of previous joint meeting held on February 4, 2020.

- a. See attached draft Minutes.

2. Review, discussion, public hearing, and possible vote on a recommendation to the City Council regarding proposed City of Portland Chapter 35 Draft Marijuana Regulations.

- a. Discuss matrix, determine categories, and assign point values succinctly.
- b. Councilors present potential amendments, if any, briefly so the public will know if additional changes are being considered.
- c. Public Hearing.
- d. Discussion, debate, and vote.

See enclosed attachments:

- Revisions to Proposed Chapter 35 - p. 1
- Alternative Licensing Matrix - p. 25
- Proposed Revisions to Chapter 11/Food and Food Handlers - p. 35
- Proposed Revisions to Chapter 15/Licenses and Permits - p. 40
- State Regulations on Advertising Marijuana Stores - p. 53
- State Regulations on Advertising Liquor Stores - p. 55

Councilor Belinda Ray/Chair of the Health and Human Services and Public Safety Committee

Councilor Justin Costa/Chair of the Economic Development Committee



**Health & Human Services and Public Safety Committee
&
Economic Development Committee**

Tuesday, February 4, 2020 5:30pm, Council Chambers, City Hall

Health & Human Services and Public Safety Committee Attendance:

Belinda Ray, Chair (District 1), Tae Chong (District 3),

Economic Development Committee Attendance:

Justin Costa, Chair (District 4), Nicholas Mavodones (At-Large), Tae Chong (District 3),

City Staff: Kristen Dow, Health and Human Services Director; Greg Mitchell, Portland Economic Development Director; Jessica Hanscombe, Licensing and Housing Safety Manager; Anne Torregrossa, Associate Corporation Counsel; Jim Sweatt, Commander of the Portland Police Department; Mike Thompson, Fire Department Division Chief; Adam Harr, Social Services Executive Assistant; Bridget Rauscher, Chronic Disease Prevention Program Coordinator.

Meeting called to order at approximately 5:37 PM.

AGENDA ITEM 1 – Announcements and Approval of Minutes

Councilor moved to approve the minutes, Councilor seconded and the minutes as amended were approved unanimously.

- Councilor Chong is a member of both committees.

AGENDA ITEM 2 – Marijuana Business Licensing

Chair Ray sent a matrix to the committee and noted the City Manager has a memo in the meeting's packet explaining that there are compulsory items that would automatically give people ten points for being complete.

- Chair Ray is concerned that offering so many points may lead to applicants that are tied and need to be decided by lottery.
 - Possibly give more points to core elements of an application to help differentiate.
 - She understands wanting to weigh favorable points for different populations such as Maine residents but cautions of having too many points that do not differentiate applicants.
- Councilor Mavodones understands the concern and would like concise objective criteria.
- Councilor Chong favors business experience over socially disadvantaged backgrounds and similar point categories.

- Councilor Chong emphasized security experience in their business plan, specifically HR with things like background checks. Other operations experience within a business plan he is interested in:
 - Management experience;
 - Cash flow experience;
 - Maintenance experience
 - Security system experience.
- Chair Costa asked Police and Fire if applicants not having business management experience (doing background checks) raises concerns.
 - Police: background checks on employees is not required as it is worth ownership. Providing merit for that would be complex. Someone who has managed individuals and run the same amount of cash flow would help, but oversight of employees to mitigate diversion of product is a greater concern from the Police and public safety perspective.
- Corporation Council: Anne Torregrossa said she understands Councilors Ray's view that too many points leading to ties may lead to ties broken by lottery could defeat the purpose of the point system.
 - Establishing points tied to what will set people up for success and comprehending the regulations: points for X years of experience managing Y dollars in annual revenue, experience in highly regulated industry, etc.
 - Instead of on a subjective scale, use objective criteria that are a yes or a no.
- Chair Costa asked what is both relevant and easy to quantify?
 - Anne: EDC loans but not in licensing.
 - Greg Mitchel, Portland Economic Development Director: in the Portland Development Corporation, the city is investing in industry through their programs, unlike those investments, the City is regulating the industry.
 - Regulation needs a more objective process.
- Chair Costa questioned how easy it is to determine analogous experiences.
- Chair Ray: "the applicant has previously been licenses in the state of Maine:" what are the licenses?
 - 75 licenses from the City, more from the State, so many to get the point that Chair Ray questions this point.
 - Anne said a possible benefit is that if you are regulated, someone is watching.
 - Retail isn't licensed.
- Councilor Mavodones agrees that licensing would show if there are violations. He is ok with awarding points for licenses just from Portland.
- Chair Ray confirmed her understanding that Chair Costa wants objective criteria to avoid needing to verify applicant resumes aren't padded.
 - Could number of years be considered?
 - How could someone verify they have been doing business in Portland without a license?
 - Certificate of occupancy or a lease.
 - Sales tax records.

- Active incorporation with the state.
 - Personal property taxes in Portland.
- Chair Ray is interested awarding points for applicants who demonstrate a successful business history.
- Councilor Chong gave an example of opening a restaurant requiring a business plan demonstrating cashflow; restaurants also require serve safe certification and other safety measures.
 - If we don't find a way to get at HR experience, we will have people that don't have this type of experience.
 - He is looking for ways to award points for past and present business experience.
- Chair Ray asked if a history of successful business important and the ways discussed suffice?
 - Councilor Mavodones doesn't want to overly complicate the prices. Demonstrating successful running of a business could be a good criterion but is not sure how to do thus in a simple and objective way.
 - He is cautious of using longevity of a successful business.
 - He is not sure how we measure success.
- Anne said tax returns are helpful for determining success or other things filed with the Secretary of State.
 - Annual Report consistently files with the Secretary of the State
 - Tax returns (losses?)
 - Easily verified records filed with a governing body works better then financial thresholds that could be padded.
- Chair Ray said incomplete applications have one week to complete and going over that week causes them to lose their place in line.
 - What makes a complete application?
 - It is complete when Business Licensing reviews every attachment and it includes each element.
 - Business Licensing is not reviewing the security plan, PD will do this as public works reviews the waste management plan.
 - Applicants are expected to move the process along in a timely manner.
 - Applicants are waiting during review and then have one year from receiving tentative approval.
 - Liquor must open one year from going to Council.
- When points are awarded?
 - All complete applications given tentative approval.
 - Councilor Chong says it is a lot like the restaurant process.
- Councilor Chong said loan officers have a guide with national averages for certain industries. This helps determine if someone is massaging their cash flow numbers.
 - A couple numbers can be looked at to determine if an application has an understanding and cashflow.
 - If someone doesn't have diversion training and can demonstrate experience, they shouldn't get the same point for buying a safe everyone else gets.

- o This will be easier once there are industry standards.
 - o He would like these types of indicators.
- Councilor Mavodones said there needs to be sufficient criteria and a screening process. If there will be points, they need to be clear and objective. Based on the communication from people who want to be in this industry, some have already invested large sums of money already. He has a sense that to get their foot in the door, some amount of capital is needed.
- Councilors Mavodones said in order to apply for a municipal license, you need to have a state license. An element of the state license is an IRS review. Does that help us?
 - o A hard part is that a lot of this proposal happened before the state released their regs. Originally, this would only be for medical because it was written before adult use.
 - o Medical retail does not require licenses, but adult use does. The challenge is the intersection of the medical and adult use licenses at the state level.
 - o Verifying payment of taxes can help.
- Chair Costa still does not see something he would support. He is not comfortable with Business Licensing understanding all of the different pieces to be able to verify and make an objective decision. He asked if there are any criteria wanted that are not listed here and then go point by point.
- Point categories Chair Ray would like to add:
 - o 1st point on ownership asked if they could add licensed caregiver for experience in the industry?
 - From legal perspective, there is not much oversight with caregivers. There are care givers who may not have much business experience and grows for one person.
 - This can be added as a separate box.
 - o Business plan committing to social equity policies.
 - o Unlicensed Business Experience.
- Councilor Mavodones asked about conditional licenses.
 - o Taken out the exception for retail, everyone needs conditional approval from the State.
 - o This is a requirement addressed elsewhere in the ordinance.
- Councilor Chong would weigh the point system differently. He may add more points to a longer-term lease, such as a 5-year commercial lease.

Elimination

- Chair Ray would like to limit the last two points.
 - o Committing to only selling marijuana products.
 - It limits the ability to diversify revenue streams.
 - It adds to the seediness aspect.
 - o \$150,000 in liquid assets.
 - If this were alcohol, we would get Anheuser-Busch and not a small business foundation.

- Chair Costa likely agrees with eliminating those two points.
- Councilor Mavodones is not ready to strike the \$150,000 in liquid assets. He wants to make sure business have the liquidity to do what they say they are going to do.
- Councilor Mavodones asked for a better sense on the marijuana only aspect.
 - Chair Ray could see other consumables or related items such as tea pots. She does not want to award a point for only selling marijuana.
 - The only thing that cannot be sold at the same establishment is alcohol.
 - Zoning: marijuana cannot be accessory to something else. An auto parts store cannot sell marijuana but a Marijuana business can sell some auto parts as long as it is not the main business.
 - Councilor Mavodones supports this being outside of the points structure but does not want consumables that would be confused with marijuana products sold alongside marijuana products.
- Councilor Chong does not agree with striking either point.
 - A restaurant would need a change of use to sell t-shirts in a gift shop.
 - He is looking at RSVP and Bow Street market that just sell alcohol.
 - He doesn't want a more generous rule for this industry.
 - He sees the liquid asset as a cashflow issue where businesses would make 160,000 per month based on average of 2 million in sales.
 - Chair Ray said that that is gross profit, not revenue and would not inform liquidity.
- Councilor Mavodones asks what liquidity includes.
 - A line of credit can be included and can be clarified in the ordinance.
- No existing points will be stricken.
- Chair Ray asked who are we trying to give an advantage to as some points appear to be in conflict.
 - The points are not necessarily mutually exclusive.
 - Socially and economically disadvantaged does not include the current investment.
 - People personally cannot not have more than \$200,000 in liquid assets excluding their home and the business investment.
- If Councilor Chong favors points for the business plan: demonstrates applicant understands how to run a business and be a good community partner that lifts this sector up for everyone.
- Councilor Mavodones agrees with Councilor Chong with the importance of an applicant demonstrating they can run a successful business
 - What does the state require in terms of Maine residence?
 - If we are going to include language around the conditional license, is this needed here?
 - Councilor Mavodones would accept Socially and Economically Disadvantaged remaining or being removed.
 - The distance from school requirement seems to be up to the neighborhood topography.
- Chair Costa would like pre-school to be defined.

- Other municipalities have required distance from sensitive use such as places of worship.
 - This wasn't done because places like pre-schools open and close quickly. This would be a snapshot and could see applicants getting the point and then a preschool opening next door. The focus is on public and private school for that reason.
- Chair Costa is less concerned with economic viability criteria and is less inclined to include them in scoring. He would like to see more bonus points given to people who have lived in Maine for at least 5 years and giving more bonus points for individuals operating a licensed marijuana retail store business in Maine versus one out of state to break ties.
- Chair Ray is concerned about the point for a dispensary and asked for other ways to demonstrate experience.
 - A history in highly regulated industry demonstrates an understanding of security requirements to tweak this criterion.
- Councilor Mavodones said a lack of violations does not demonstrate a good business and is not sure about awarding a bonus point for experience in a state regulated business.
 - Chair Ray agreed.
- Councilor Chong asked Jessica if applicants list prior experience in their applications. Liquor licenses require listing prior liquor licenses but no other.
 - Opening a restaurant requires convincing a landlord that that are able to have a successful one at that property.
 - Experience helps to expedite the licensing process and makes the inspection process less arduous.
 - He understands we want the process to be open to everybody but wants that weighted with the potential for success.
 - Applicants should be rewarded for knowing how to go through the complicated process.
- Chair Ray and Councilor Mavodones would like to eliminate this point altogether, Councilor Chong would like to keep it with Chair Costa wanting to emphasize a local preference, supporting to keep it for now and discuss it further later.
- Councilor Mavodones generally agrees with Councilors Chong's priority items but does not have weights for them, prioritizing business plans but does support eliminating prior marijuana retail experience as lacking violations does not demonstrate running a successful business.
 - He wonders why previously licensed business is limited to Portland versus having a State license.
 - Councilor Chong asked if our restaurant licensing is more robust than the State's.
 - Yes, Portland tends to have a higher standard than the state that includes more steps.
 - Portland health inspectors inspect for both the City and the State
 - Councilor Chong said succeeding through the various inspections and administrative requirements would indicate capacity to succeed.

- Councilor Mavodones said we should focus on specific standards and rules; having the rules and not having violations are not necessarily the same.
 - Chair Costa read this in terms of being able to run a business: approval from a government entity without issue with regulation that is closer to analogues.
- Chair Ray doesn't see this as a process that will give answers tonight and asked if everyone takes this home and comes back with their rubric with desired point values next time with a public hearing at the next meeting or ask for staff input?
 - Committee criteria with point values to staff by Friday that include:
 - Longer term lease (Councilor Chong)
 - Licensed care giver (Councilor Ray)
 - Business plan committing to social justice elements such as fair wages. (Councilor Ray)
 - People running any business with experience (Councilor Mavodones)
 - Staff will also assign point values for the next meeting.
- Red lines on:
 - Transferability: committee approves.
 - Page 22.
 - Security: committee approves.
 - Page 18 of ordinance (30 of overall packet)
- Performance Guarantee
 - Chair Ray asked why testing facilities are exempted but not retail stores?
 - Testing facilities will have a relatively small amount of product and the testing equipment is not highly specialized compared to manufacturing equipment. A manufacturing facility will have a larger performance guarantee. These are tied to the actual cost of disposal of product and equipment.
 - She does not want to be prohibitive or make entry hard for small actors.
 - She is not convinced there are large wind down expenses for retail and that retail needs a performance guarantee.
 - Councilor Mavodones asked what the cost would be for a performance guarantee? is it possible to give the committee example numbers of performance guarantees for the next meeting as is would give some indication of the costs to a large or small business?
 - Yes.
 - Councilor Mavodones does not want to change it tonight; he would change it he finds it to be onerous at the next meeting.
 - Chair Costa sees this as addressing safety concerns.
- Seating and Consumption.
 - Councilor Chong asked Jessica about Bow Street Markets Tasting room.
 - They are the same ownership but two separate LLCs.
 - Clearly divided spaces with separate point of sale systems.
 - He wants fairness amongst sectors.
 - No separate language for seating; it is assumed in on-premises consumption.

- Having tables and chairs may have been a proxy for consumption.
 - If you have 15 restaurant style tables and booths it would be presumed it is for consumption not be allowed.
 - Seating to rest is allowed.
- Chair Ray would like to remove the signage requirements. 35-43.
 - We have a sign ordinance that is being updated.
 - Anne said some of these are pulled from the adult use regulations because they would not apply for medical.
 - Chair Ray would like to include what the State but not more.
 - Councilor Mavodones would like to have the State language but is not ready to get rid of the rest yet.
 - Councilor Chong asked about liquor stores not having signs that specifically designate them as liquor stores.
 - Jessica will give committee members both state sign regulations.
- Medical use that may already be operating and stores in limbo:
 - Chair Ray wants someone who is currently operating and may be ‘grandfathered’ not jumping ahead of other applicants.
- Chair Costa suggested that Corporation Council speak to the proposed language of the documents handed out at this meeting that have yet to be uploaded. These will be redlined in the next ordinance draft.
 - Amendment would increase the businesses that are “grandfathered” in our ordinance that have received certificate of occupancy specify their use such as a dispensary. Previously it was just a site plan or change of use.
 - Amendment eliminating the 250-foot dispersal requirement from any business that is “grandfathered.”
- Chair Ray asked Commander Sweatt on Security (Page 18), mobile security: Vehicle for mobile operations requiring 2 individuals in a vehicle. Is the second person necessary in considering staffing costs?
 - This mostly considers diversion of product from staff.
 - 2 people is preferred as it is safer.
 - Councilor Chong asked about the standards for other sectors.
 - Pharmaceuticals uses bar codes for tracking product.
- Chair Ray asked about requiring two cameras: one for in and outside the vehicle. The police use \$6,000 high end equipment; there are more affordable options.
- Councilor Mavodones asked if it possible to fit another meeting before the next one or the first week in March?
 - This conversation will happen outside of this meeting.

Councilor Mavodones moved to adjourn; Councilor Chong seconded and the motion to adjourn passed unanimously.

Meeting adjourned at 7:46 PM.

CHAPTER 35.

ARTICLE I. ADMINISTRATIVE PROVISIONS

35-1. Definitions.

Except as otherwise specified, the definitions in Chapter 14 shall apply to this Chapter.

Disqualifying conviction shall mean any of the following: (1) any felony conviction where the conviction or completion of any sentence, whichever is more recent, has been completed within the last ten years; or (2) any conviction for a drug related crime other than a felony, but not including convictions for marijuana related crimes, where the conviction or completion of any sentence, whichever is more recent, has been completed within the last five years.

Disqualifying violation shall mean, within the previous five years, the non-payment or late payment greater than 30 days of any tax or fee; any citation for licensing, land use, life safety, building, fire, health, or similar violation that was not corrected within the timeframe required by the City; any suspension, revocation, or denial of any license or permit; any false statement on a City form or application; and any other significant failure to comply with City ordinances. Disqualifying violations shall not include parking tickets.

Manual processing shall include the extraction, processing, or manufacturing of marijuana using only mechanical methods that do not involve the use of chemicals or solvents other than water or ice; and the infusion of marijuana in typical cooking fats and food additives.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in 7 M.R.S. §2231(1), or a marijuana product.

Marijuana business shall mean any individual or entity cultivating, harvesting, manufacturing, processing, testing, selling or transferring, delivering, or otherwise engaging in any activity with respect to marijuana for profit within the City. This shall include registered dispensaries, but shall not include (1) individuals cultivating and processing marijuana for their personal consumption; or (2) caregivers who are not required to be registered pursuant to 22 M.R.S. Chapter 558-C.

35-2. Enforcement.

- a. This Chapter shall be enforced by the City Manager and his/her designee(s).
- b. Each day that a violation of this Chapter exists shall be a civil violation subject to the following:
 1. *Civil penalties.* Each violation of this Chapter shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the

violation has existed. However, the maximum amount of civil penalties may be increased where:

- (a) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or
- (b) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.

2. *Posting against occupancy.* In addition to any other remedies provided by this Code, the City may take all necessary steps to immediately shut down any marijuana business and post the business and the space that it occupies against occupancy for any of the following violations:

- (a) Operating a marijuana business without a valid City and state license;
- (b) Failure to allow entrance and inspection to any City official on official business after a reasonable request;
- (c) Allowing the use or consumption of marijuana or marijuana products on the premises of the marijuana business; and
- (d) Any other violation that the City determines has the potential to threaten the health and/or safety of the public, including significant fire and life safety violations.

c. The City Manager or his/her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Chapter.

d. If the City is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

35-3. Appeals.

Appeals of decisions made pursuant to this Chapter shall be as follows:

a. An appeal from a decision to issue, issue with conditions, deny, or revoke a license pursuant to Article 2 may be appealed to Superior Court pursuant to M.R. Civ. P. 80B by a party with standing.

b. An appeal from any notice of violation, suspension, revocation, or similar enforcement action under this Chapter may be appealed to the City Manager or his/her designee by a party with standing within ten business days of the written decision taking such action. An appeal from any decision of the City Manager may be appealed to Superior Court pursuant to M.R. Civ. P. 80B.

35-4. Reserved.

35-5. Reserved.

35-6. Reserved.

ARTICLE 2. REGULATION OF MARIJUANA BUSINESSES

DIVISION 1. APPLICABILITY

35-7. Applicability.

This Article will apply to the operation of any marijuana business, as defined, within the City.

35-8. Reserved.

35-9. Reserved.

35-10. Reserved.

DIVISION 2. GENERAL LICENSE REQUIREMENTS

35-11. Licensing Requirements.

- a. Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.
- b. Operating without a license prohibited. No individual or entity may operate a marijuana business within the City without first obtaining a license from the City.
- c. Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.

- d. Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.
- e. No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating a marijuana business is a privilege and not a right in the City.
- f. Licenses not transferable. Licenses issued pursuant to this Article are not transferable. However, retail and dispensary licenses shall be transferable in accordance with Sec. 35-42 until the effective date of federal legislation allowing federally regulated financial institutions to serve marijuana businesses, or the removal of the cap on marijuana retail stores and dispensaries in Sec. 35-42(i).
- g. Multiple licenses. An individual or entity may hold multiple licenses under this Article, except that an individual or entity may not hold more than one retail and/or dispensary license, or have an interest in an entity that holds more than one retail and/or dispensary license, until after January 1, 2025.

35-12. License Types.

The City has established the following license types for marijuana businesses:

- a. Cultivation – Tier 1. A tier 1 marijuana cultivation license shall allow the license holder to cultivate up to 500 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.
- b. Cultivation – Tier 2. A tier 2 marijuana cultivation license shall allow the license holder to cultivate up to 2,000 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.
- c. Cultivation – Tier 3. A tier 3 marijuana cultivation license shall allow the license holder to cultivate more than 2,000 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.
- d. Dispensary. A dispensary license shall allow a registered dispensary to sell marijuana in accordance with Title 22, Chapter 558-C of the Maine Revised Statute.
- e. Manufacturing – Manual. A manual manufacturing license shall allow the license holder to manufacture marijuana using manual processing only.
- f. Manufacturing – High Hazard. A high hazard manufacturing license shall allow the license holder to manufacture marijuana using chemicals and solvents in addition to manual processing methods.
- g. Retail – Medical. A medical marijuana retail license shall allow a registered caregiver to sell marijuana in accordance with Title 22, Chapter 558-C of the Maine Revised Statutes.

- h. Retail – Adult Use. An adult use marijuana retail license shall allow the license holder to sell adult use marijuana in accordance with Title 28-B of the Maine Revised Statutes.
- i. Small Scale Caregiver. A small scale caregiver license shall allow a registered caregiver to engage in the business of a small scale caregiver, as defined in Chapter 14, including cultivation, manual processing, and limited sales to patients, as defined.
- j. Testing. A marijuana testing license shall allow the license holder to engage in the business of testing medical and/or adult use marijuana for third parties.

35-13. Licensing Procedure.

- a. Applications submission. All applications for licenses under this Article shall be submitted to the Business Licensing Office on forms provided by the City, and shall include all required information, attachments, and fees. No application will be considered unless and until it is complete, as determined by the Business Licensing Office.
- b. Review and recommendation by City departments. The following City departments shall review all applications and recommend whether to issue, issue with conditions, or deny the permits applied for.
 - 1. The Permitting and Inspections Department shall review all applications for compliance with this Article, Chapters 6, 14, 10, and 15 of this Code, as applicable, and all other matters within its purview.
 - 2. The Police Department shall review the security plans submitted by each applicant, as well as any disqualifying convictions of the applicant and associated individuals, and all other matters within its purview.
 - 3. The Fire Department shall review all applications as to compliance with Chapter 10 of this Code, other fire and life safety concerns, and all other matters within its purview.
 - 4. Other City staff or departments shall review and provide recommendations on applications as necessary to adequately evaluate the applications.
- c. Hiring of third party professionals. Where the City determines that it is necessary for an applicant to hire a third party professional to complete any portion of the application, the City may require an applicant to hire a professional with qualifications sufficient to satisfy the City.
- d. City consultation with third party experts. Where the City determines that it is necessary for the City to consult with a third party expert on an application or portion of an application, it may do so and charge the costs of that third party expert consultation to the applicant. Before doing so, however, the City shall give notice to the applicant of its determination of need, including the basis for that determination; the third-party that the

City proposes to engage; and the estimated fee for the third-party consultation. The applicant shall have the opportunity to provide feedback to the City on its determination before the City engages the third party.

- e. Licensing decisions. Applications for any license shall be granted, granted with conditions, or denied by the City Manager or his/her designee. Conditions may be imposed on any license issued pursuant to this Article, as necessary to protect the health, safety, and welfare of the public.
- f. Allocation of retail licenses. Retail licenses shall be considered as follows:
1. The City Manager may establish multiple rounds of licensing as necessary to manage the workload of staff necessary to license all prospective retail stores, and the anticipated market demand.
 2. The City Manager shall establish an opening date and a closing date for applications for any given round of licensing.
 3. Upon submission of an application for a given round of licensing, the City will perform a completeness review and establish that the applicant has a complete application and meets the minimum qualifications.
 - i. If the application is complete and the applicant meets the minimum qualifications, the City will assign the application a numerical score based on the criteria outlined in subsection (f)(4) below.
 - ii. If the application is incomplete, the applicant will be notified of the incompleteness and given one week to correct any incompleteness. If the application is still incomplete after that time, the City will reject the application. The applicant may reapply, but any second or subsequent application will be treated as a new application.
 4. Each application shall be awarded points based on the following matrix. Except where otherwise stated, a particular qualification must be held by at least 26% of the individuals owning the entity to qualify for any points.

At least 51% owned by socially and economically disadvantaged individual(s), as defined further by regulations to be promulgated by the City Manager based off of the Small Business Association Section 8(a) regulations.	+1
At least 51% owned by individual(s) who have been a Maine resident for at least five years.	+1
Owned by individual(s) with experience running a licensed marijuana retail store or dispensary in Maine or another state with no history of violations or license suspensions or revocations	+1

Applicant has <u>Owned by individual(s) who have</u> previously been licensed by the State of Maine or the City for non-marijuana related business, with no history of violations or license suspensions or revocations for a minimum of 5 years	+1
Ownership or leasehold interest in proposed retail location by applicant for a minimum of 2 years <u>as of the date of application</u>	+1
Location greater than 500 feet from school property	+1 per additional 1,000 ft.
Business plan committing to annually contribute 1% net profits as a restricted donation to the City for youth education on substance use education and prevention	+1
Business plan committing to sell only marijuana products, CBD, and related paraphernalia	+1
Evidence of at least \$150,000 in liquid assets	+1

5. Applicants with the highest point totals shall be chosen first for tentative approval for a license.

Where two or more applicants have the same number of points, some or all of the applicants cannot be awarded tentative approval due to either the 250' dispersal requirement, the cap imposed by Sec. 35-42, or other limitations in this ordinance, tentative approval will be awarded, as between those two or more applicants, based on a lottery.

6. If the application is tentatively approved, the applicant will have one year from tentative approval to open the retail business, including obtaining all final state and local approvals, building permits and approvals, certificates of occupancy, and any other criteria. If the applicant fails to meet the one-year deadline, it forfeits its tentative approval. The applicant may reapply, but any second or subsequent application will be treated as a new application.
7. Any applicant with a complete application, but who is not awarded tentative approval, may choose to be placed on a wait list for a period of up to one year.
8. A licensee who has its license revoked, or who fails to timely renew its license, shall forfeit its right to renew its retail license. The licensee may reapply, but any second or subsequent application will be treated as a new application.
9. Except for licenses issued pursuant to Sec. 35-42(i)(1), licensees who have a medical marijuana retail license may convert to an adult use retail license, so long

as they meet the requirements for such license and pay the licensing fees. An applicant who chooses to convert its license will be treated as a renewal license, and not a new applicant for purposes of the dispersal requirement.

35-14. License Application.

Applications for all licenses under this Article shall be on forms provided by the City. In addition to any other information deemed necessary by the City, applicants shall provide the following information:

a. *General application.*

1. The name, mailing address, physical address, and phone number of the business, as well as any other available contact information, including email address, fax number, website, etc.
2. The name, mailing address, phone number, and email address of the following:
 - (a) The individual or corporate owner of the marijuana business;
 - (b) A community relations liaison, as described in Sec. 35-32;
 - (c) A person with a physical address in the City who is authorized to accept service of process on behalf of the marijuana business; and
 - (d) An emergency contact, as described in Sec. 35-32.
2. A general description of the business, including hours of operation, type of business, etc.
3. The license being applied for.

b. *Corporate entity supplement.* Where the marijuana business is a corporate entity, the applicant must disclose the name, mailing address, phone number, and email address of each and every individual or corporate owner, officers, directors, managers, general partners, shareholders, and/or other parties responsible for the marijuana business.

c. *Background check information and consent.* Where a background check of any kind is required by this Code, the applicant must provide all relevant information sufficient to conduct the background check, as well as any necessary consents.

d. *Landlord permission.* Notarized, written permission from the owner of the property where the marijuana business proposes to operate for the applicant to operate the marijuana business for which the applicant is applying, or a copy of a fully executed lease agreement specifically allowing the use of the leased space to be used as they type of marijuana business applied for.

- e. *State authorizations.* Applicants must provide evidence of all required state authorizations, including evidence of a caregiver registration in good standing, a conditional license pursuant to Title 28-B, food license, and any other required state authorizations. ~~Except that, for retail stores subject to the allocation provisions of Sec. 35-13(f), the applicant need not provide evidence~~
- f. *Security plan.* A security plan, which shall be kept confidential, and which shall be sufficient to prevent the diversion of marijuana and marijuana products, and to protect the health and safety of owner, patrons, City officials, and the public.
 - 1. The security plan shall, at a minimum, address all of the security requirements included in Sec. 35-35.
 - 2. The City may require any reasonable modifications to the security plan that it deems necessary to prevent diversion and protect the public safety.
 - 3. A copy of the approved security plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the security plan before or after licensing must be reviewed by the Police Department.
- g. *Waste disposal plan.* A waste disposal plan, which shall be sufficient to prevent diversion of marijuana or marijuana product, and shall be sufficient to prevent contamination of land, water, and sewer; and
 - 1. The waste disposal plan shall, at a minimum, address all of the waste disposal requirements included in Sec. 35-38, and all waste disposal requirements otherwise included in this Code, including, but not limited to, Chapters 24 and 32.
 - 2. The City may require any reasonable modifications to the waste disposal plan that it deems necessary.
 - 3. A copy of the approved waste disposal plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the waste disposal plan before or after licensing must be reviewed and approved by the City.
- h. *Odor mitigation plan.* An odor mitigation plan, which shall be sufficient to eliminate the smell of marijuana at the property boundary or at any adjoining use of the property, whichever is closer.
 - 1. The odor mitigation plan shall at a minimum, address all of the odor mitigation requirements included in Sec. 35-39.
 - 2. The City may require any reasonable modifications to the odor mitigation plan that it deems necessary, including requiring that the plan be designed by a qualified, licensed professional engineer.

3. A copy of the approved odor mitigation plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the odor mitigation plan before or after licensing must be reviewed and approved by the City.
- i. *License specific requirements.* A licensee must provide the additional information specific to the license being applied for, as described in Sec. 35-23 through 35-27.
- j. Any other information that the City Manager decides is necessary to evaluate an application under this Article.

35-15. Performance Guarantee Required.

- a. For all marijuana businesses, other than small scale caregivers and marijuana testing facilities, a performance guarantee shall be required in the amount of the cost of winding down the marijuana business, including proper disposal of all marijuana, marijuana plants, and marijuana product; disposal of chemicals and solvents; disposal of specialized equipment; and resolution of any outstanding compliance issues.
- b. The performance guarantee shall be supplied before the issuance of the final license.
- c. This requirement may be satisfied by surety bond, letter of credit, escrow account, or by evidence, acceptable to the City, of the financial and technical ability and commitment of the applicant or its agents to wind down the business in full compliance with all federal, state, and local requirements.
- d. At the sole discretion of the City Manager or his/her designee, the marijuana business may be released from its obligation to maintain the performance guarantee after three years of successful and responsible operation of the marijuana business in a manner acceptable to the City.

35-16. Fees and Costs.

- a. The initial application fee, annual licensing fee, and expiration date for licenses issued under this Article shall be as listed in Chapter 15 of this Code. Application fees shall be due only for the initial application, or any time that the applicant makes substantial changes to the licensed business and requires re-approval.
- b. Applicants shall also be responsible for paying the City's reasonable expenses associated with the review of an application, including:
 1. Any required criminal background checks;
 2. Any costs of notification; and

3. The cost of any independent, third-party review, where the City determines it is necessary to effectively evaluate an application.
- c. Application fees and any expenses charged pursuant to this section shall be non-refundable.
- d. Upon request of the applicant, the annual licensing fee may be refunded if the applicant 1) withdraws its application prior to the granting of the license; 2) is denied a marijuana business license; or 3) notifies the City that it is abandoning its license prior to opening the marijuana business. Refunds must be requested within 60 days of withdrawal, denial, or abandonment.

35-17. Minimum Qualifications for Individual Applicants.

All natural persons who apply for a license under this Article shall meet all of the following requirements:

- a. Be at least 21 years of age;
- b. Not have any disqualifying convictions or currently be subject to prosecution for any disqualifying conviction;
- c. Not have any disqualifying violations;
- d. Not have been an owner, officer, director, manager, general partner, shareholder, or other responsible party in any corporate entity with disqualifying violations within the past two years;
- e. Not have any revocation or suspension of a marijuana-related license, permit, certificate, or registration;
- f. Not be employed by any state agency or City department with regulatory authority over the marijuana business, including the City Executive Department, Police Department, Permitting and Inspections Department, Planning Department, Fire Department, and Corporation Counsel's Office; and
- g. Not be a law enforcement officer.

35-18. Minimum Qualifications for Corporate Applicants.

All corporate or other entities who apply for a license under this Article shall meet all of the following requirements:

- a. Be formed or organized under the laws of the State of Maine;

- b. Be in good standing with the Maine Secretary of State;
- c. Not have any disqualifying violations within the past two years; and
- d. Have all officers, directors, managers, and general partners be natural persons who meet the minimum requirements for an individual applicant in 35-17 above.

35-19. Suspension and Revocation.

- a. Grounds for suspension. In addition to the grounds for suspension enumerated in Chapter 15, the following shall be grounds for suspension of a license pursuant to this Article:
 - 1. Any event or condition that would have disqualified an applicant from obtaining an original license, until that disqualification is resolved to the satisfaction of the City;
 - 2. The licensee has failed to timely supplement its license information, as required;
 - 3. The licensee has failed to file any required reports or furnish any information, as required; and
 - 4. The licensee has knowingly permitted, encouraged, failed to prevent, or failed to remedy a violation of this Article.
- b. Length of suspension. Any first suspension pursuant to this Article may not exceed six months after the resolution of the condition that formed the grounds for suspension. Any second and subsequent suspensions may not exceed one year after the resolution of the condition that formed the grounds for suspension.
- c. Grounds for revocation. In addition to the grounds for revocation enumerated in Chapter 15, the following shall be grounds for revocation of a license pursuant to this Article:
 - 1. Failing to timely remedy any condition in (a) above;
 - 2. Repeated significant violations of this Article; and
 - 3. Any event that would have disqualified the license from initially obtaining a license.
- d. Length of revocation. Any license revocation shall prohibit the licensee from being an owner, officer, director, manager, general partner, shareholder, and/or otherwise responsible for any marijuana business for one year after the resolution of the condition that formed the grounds for revocation.
- e. Procedures for suspension or revocation. Suspension or revocation proceedings shall be conducted by the Permitting and Inspections Department pursuant to the following procedures:

1. Prior to suspension or revocation, a licensee shall be given notice of the reasons that the City is considering the action and an opportunity to be heard.
2. Where the reason for suspension or revocation could reasonably threaten health, safety, and/or welfare, a license may be suspended without notice and hearing, so long as notice and an opportunity to be heard is provided as soon as practicable.
3. Suspensions or revocations will be issued in writing.

35-20. Reserved.

35-21. Reserved.

35-22. Reserved.

DIVISION 3. SPECIFIC LICENSE REQUIREMENTS

35-23. Cultivation Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for any tier of cultivation license must also provide the following:

- a. The amount of plant canopy to be grown;
- b. Floor plans, including the location of mature, immature, and seedling plants, storage areas, office areas, etc.;
- c. Operations plan, including growing and fertilizing methodology, inventory control, transportation, overview of policies and procedures, and similar information;
- d. Quality control plan detailing the testing protocols and schedules to ensure the safety of the marijuana being cultivated;
- e. Disclosure of chemicals, fertilizer, pesticides, and similar substances - whether organic or synthetic - to be used in the cultivation process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation;
- f. Written certification by a qualified engineer that the cultivation facility, equipment, and operation meet all requirements of Chapter 38 of NFPA 1, as adopted by Chapter 10 of this Code; and
- g. Written certification by a Maine certified Master Electrician that the cultivation facility and operation meets all electrical standards adopted by the State of Maine and/or the City.

35-24. Manufacturing Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for a manufacturing license must also provide the following:

- a. Description of manufacturing processes to be used, including extraction methods;
- b. Floor plans, including the location of processing equipment, storage areas for marijuana, chemicals and solvents, and other items; office areas, etc.;
- c. Operations plan, including intake and inventory control, transportation, overview of policies and procedures, and similar information;
- d. Quality control plan detailing the testing protocols and schedules to ensure the safety of the products being manufactured;
- e. Disclosure of chemicals, solvents, and similar substances to be used in the cultivation process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation;
- f. Written certification by a certified professional engineer, licensed by the State of Maine, that the manufacturing facility, equipment, and operation meet all requirements of Chapter 38 of NFPA 1, as adopted by Chapter 10 of this Code;
- g. Written certification by a Maine certified Master Electrician that the manufacturing facility and operation meets all electrical standards adopted by the State of Maine and/or the City; and
- h. Where a licensee will manufacture food or food products, the licensee must also provide proof of licensing pursuant to the Maine Food Code and Chapter 11 of this Code.

35-25. Retail and Dispensary Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for a retail license must also provide the following:

- a. Total square footage of the facility under the control of the applicant and dedicated to the retail facility or dispensary and ancillary activities;
- b. Floor plans, including the location of retail space, storage areas for marijuana products, areas dedicated to the sale of non-marijuana products, office areas, etc.;
- c. Operations plan, including overview of policies and procedures, including policies and procedures to prevent sales to minors, and similar information; and
- d. Documentation that the marijuana retail facility or dispensary meets the dispersal requirements of Sec. 35-42.

35-26. Small Scale Caregiver License.

In addition to the requirements provided elsewhere in this Article, an applicant for a retail license must also provide the following:

- a. Total square footage dedicated to the small scale caregiver use;
- b. Total plant canopy;
- c. Floor plans, including the location of mature, immature, and seedling plants, storage areas, office areas, etc.;
- d. Quality control plan detailing the testing protocols and schedules to ensure the safety of the products being manufactured; and
- e. Operations plan, including overview of policies and procedures, including policies and procedures to prevent sales to minors and to ensure that the small scale caregiver operation does not exceed the five patients in one calendar month, and similar information.

35-27. Marijuana Testing License

In addition to the requirements provided elsewhere in this Article, an applicant for a retail license must also provide the following:

- a. Floor plans, including the location of testing equipment; storage areas for marijuana samples, chemicals and solvents, and other items; office areas, etc.;
- b. Operations plan, including intake and inventory control, transportation, overview of policies and procedures, and similar information; and
- c. Disclosure of chemicals, solvents, and similar substances to be used in the testing process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation.

35-28. Reserved.

35-29. Reserved.

35-30. Reserved.

DIVISION 3. PERFORMANCE STANDARDS.

35-31. Applicability.

Except where otherwise indicated, the performance standards in this Division shall apply to all marijuana businesses.

35-32. Cooperation with municipal officials.

- a. The City Manager's designees shall be permitted to enter any marijuana business during regular business hours for the purpose of making inspections, and examining and copying records.
- b. Each and every person responsible for the management or control of the marijuana business must afford free access to every part of such establishment and to render all aid and assistance necessary to enable the City to make a full, thorough and complete examination thereof to determine compliance with this Article.
- c. Each marijuana business shall designate a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.
- d. Each marijuana business shall designate an emergency contact who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.

35-33. Record retention Requirements.

In addition to those records required to be kept and maintained by the State of Maine, all marijuana business licensee shall also keep the following records:

- a. Invoices of all purchases for the previous two years demonstrating the source of those purchases;
- b. Receipts of all sales for the previous two years;
- c. Testing results, if any, for the previous two years;
- d. A copy of all current state and local licenses; and
- e. Information about each concern addressed to the community relations liaison, including the date and time of the contact; the substance of the concern raised; the contact information of the originator of that contact; the date and time of the licensee's response; and the substance of the response.

35-34. Compliance with Approvals.

All licensees under this Article shall comply with their approved plans, including security plans, waste disposal plans, operating plans, odor mitigation plans, and any other plans that are submitted to and approved by the City.

35-35. Security Requirements.

All marijuana businesses must implement the following minimum security requirements, which shall also be incorporated into a security plan.

- a. Building security. All fixed locations for a marijuana business shall have the following:
 1. Exterior lighting sufficient to deter nuisance activity and facilitate surveillance but not disturb neighbors.
 2. Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are connected to a new or existing AES system, and are professionally monitored and maintained in good working condition.
 3. Interior electronic monitoring, video cameras, and panic buttons. Electronic monitoring and video camera recording records must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.
 4. Exterior electronic monitoring and video cameras. Electronic monitoring and video camera recording records must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.
 5. Consistent and systematic prevention of loitering.
 6. Facilities approved by the Police Department or its third party designee for securing cash and all marijuana product packaged for sale as further detailed in regulations to be promulgated by the City Manager. Regulations shall require facilities sufficient to provide for the safety of employees and the public, and to prevent employee and third party theft and diversion.
 7. Any other security features that the Police Department deems necessary to ensure public safety and prevent theft and illegal transfer of marijuana.
- b. Mobile security. All mobile operations of a marijuana business, including pick-ups and deliveries of samples for testing, wholesale products, deliveries by small scale caregivers, and similar functions shall have the following security:

1. The vehicle may not have identifying marks associating the vehicle with a marijuana business;
2. The vehicle must have video cameras showing the interior of the vehicle, as well as the exterior of the vehicle, and recordings must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request; and
3. For mobile operations of a marijuana retail store, marijuana manufacturing and marijuana cultivation, the vehicle must have at least two individuals present in the vehicle.

35-36. Responsibility for Employees, Guests, and Customers.

- a. A marijuana business shall be responsible for all individuals on their premises.
- b. A marijuana business shall not sell any marijuana product to, or allow an individual to enter or to remain on their premises, who is
 1. Disorderly;
 2. Intoxicated;
 3. A threat to safety; or
 4. Has consumed or attempted to consume marijuana on the premises.

35-37. Information disclosure requirements.

- a. A copy of the business license issued pursuant to this Article must be prominently displayed at each location of the marijuana business.
- b. The business license number issued to each marijuana business must be clearly disclosed in all written advertising, marketing, and promotional materials.
- c. Each marijuana business must disclose the telephone number of its community relations liaison, after the statement, “For questions or concerns contact [number]” in all written advertising, marketing, and promotional materials; and must be prominently displayed at each location of the marijuana business.
- d. A sign, prominently displayed near the entrance to the marijuana business stating the minimum age to enter the business and, if a retail store, the minimum age to purchase products from the retail store.

35-38. Waste Disposal Requirements.

1. No marijuana, marijuana products, marijuana plants, or other marijuana waste may be stored outside, other than in secured, locked containers.
2. No marijuana, marijuana products, marijuana plants, or other marijuana waste may be disposed of unless and until it has been modified such that it is not useable.
3. All waste and wastewater from any marijuana facility must be treated such that it will not create excessive odors, contamination, or pollution.
4. No waste from a marijuana business may be disposed of in residential trash.

35-39. Odor Mitigation Requirements.

The smell of marijuana shall not be detectable at the property boundary and/or at any adjoining use of the same property. A marijuana business licensee is responsible for taking any and all measures necessary to ensure that this standard is met.

35-40. Labeling.

Any marijuana business that sells marijuana or marijuana products at retail, must label all products as follows:

- a. All marijuana must be in labeled containers meeting the requirements of this section.
- b. All required statements must be in a font and size that is readily legible to the average person.
- c. Where applicable, the label must contain the following:
 1. A statement that the marijuana or marijuana product contains THC;
 2. If the marijuana or marijuana product has been tested for quality, purity, or potency, and any such representations are made about the marijuana or marijuana product, the following must be disclosed in close proximity to that representation:
 - i. The name, location, and license number of the testing facility; and
 - ii. The date of the test results.
 3. If the marijuana or marijuana product has not been tested for quality, purity, and/or potency by an independent third party, a statement that the product has not been tested for quality, purity, and/or potency.

35-41. Limitations on the Production and Sale of Marijuana Food Products.

The following limitations apply to the manufacture and sale at wholesale or retail of food or beverage products containing marijuana:

- a. Marijuana products may not be manufactured or sold in a shape or design that is intended to appeal to minors;
- b. Marijuana or marijuana derivatives may not be added to commercially available products that do not otherwise contain marijuana; and
- c. Marijuana food and beverage products may not be manufactured, processed, or packaged in the same kitchen or room, or using the same equipment, as non-marijuana food and beverage products.

35-42. Additional Retail Store and Dispensary Requirements.

Retail stores and dispensaries licensed pursuant to this Article must also meet the following performance standards:

- a. Hours of operation. Marijuana retail stores and dispensaries may only be open to the public between the hours of 7:00 a.m. and 10:00 p.m. daily, and no sale or other distribution of marijuana may occur on the premises outside of those hours.
- b. Age restrictions.
 1. A medical marijuana retail store may not allow any individual under the age of 18 to enter their premises, including as an employee.
 2. An adult use marijuana retail store may not allow any individual under the age of 21 to enter their premises, including as an employee.
- c. On-premises consumption of any products. The sale of food or beverages, whether they contain marijuana or not, for on-premises consumption is prohibited.
- d. Other uses prohibited. Marijuana retail stores and dispensaries may not have uses other than marijuana retail or other retail on the premises, including entertainment or restaurant uses.
- e. Education requirements.
 1. Marijuana retail stores and dispensaries must distribute a leaflet, brochure, or flyer with every marijuana product sold, or place a sticker or label on every marijuana product sold, that informs the purchaser of:
 - i. The appropriate dosage of marijuana products;
 - ii. The dangers of over consumption;

- iii. The impact that marijuana has on brain development; and
 - iv. Additional information as required by rules promulgated by the Department of Health and Human Services.
 - 2. Marijuana retail stores and dispensaries must have a sign, prominently displayed by the point of sale, informing customers of:
 - i. That consumption of marijuana is illegal at the federal level and that consuming marijuana could impact employment, immigration status, the right to own firearms, the right to a commercial driver's license, and other rights;
 - ii. That consumption of marijuana and marijuana products in public is illegal; and
 - iii. Additional information as required by rules promulgated by the Department of Health and Human Services.
 - 3. The City shall draft acceptable language for the leaflet, brochure, flyer, sticker, and/or signs required by this subsection. Any marijuana retail store or dispensary wishing to use alternative language must receive prior approval from the City's Department of Health and Human Services.
- f. Fixed location sales only.
 - 1. A marijuana retail store, small scale caregiver, and/or dispensary may only sell marijuana and marijuana products in person, directly to the purchaser, and out of a fixed and licensed location.
 - 2. Mobile sales, deliveries, catering, sales from vehicles or vessels, tours, and similar sales are specifically prohibited.
 - 3. Mail order, telephone, internet or similar remote sales are specifically prohibited.
 - 4. Notwithstanding the provisions of this section, a small scale caregiver, medical marijuana retail store, and/or dispensary may make deliveries of marijuana products to a qualifying patient with whom that small scale caregiver, medical marijuana retail store, and/or dispensary has an existing relationship with and whose written certification regarding medical use of marijuana the small scale caregiver, medical marijuana retail store, and/or dispensary has previously verified in person.
- g. Drive through windows. A marijuana retail store or dispensary may not use a drive through window, or any other outdoor space to sell marijuana or marijuana products.
- h. Dispersal requirement. A marijuana retail facility or dispensary may not be located within 250' of any other marijuana retail facility or marijuana dispensary, as measured along or across public ways, in a straight line, from any entrance that is accessible to the public.

This distance restriction shall not apply to one adult use and one medical marijuana retail facility or dispensary that 1) share the same or immediately adjoining space; 2) have common ownership; 3) have consistent naming and branding; and 4) are permitted by the state to share such space.

The distance restriction shall also not apply to an existing dispensary or medical marijuana retail store that qualifies pursuant to Sec. 35-42(i)(1).

- i. Cap on retail stores. The number of retail stores and dispensaries in the City combined shall be capped at 20.
 1. However, this cap shall not apply to any dispensary or medical marijuana retail store operating with a City business license, a change of use permit, certificate of occupancy, and/or a site plan approval prior to September 1, 2019, so long as that dispensary or medical marijuana retail store does not apply to convert to an adult use retail store.
 2. If an existing dispensary or medical marijuana retail store applies to convert to an adult use retail store, the facility will become subject to the cap in this section and the allocation procedures of Sec. 35-13.
- j. Annual training. Each manager of any marijuana retail store or dispensary, and all front line staff of each marijuana retail store or dispensary must attend a City-approved training within ninety days of beginning in that position and then annually thereafter. Employing a manager or front line staff that does not have the required training may be grounds for suspension. If the training program is provided by the Department of Health and Human Services, the Department shall charge a fee for the cost of this class.
 1. Retail stores must submit a list of employees annually with their license renewal, along with verification that they have successfully completed a City-approved training program.
- k. Transfer of retail and dispensary licenses. The ownership of a retail or dispensary licensee may only be transferred subject to the following limitations:
 1. No more than 25% of the ownership interests in a licensee may be transferred in any five-year period.
 2. Any transfers of interest in a retail or dispensary license occurring before January 1, 2025 must not impact any of the licensee's points calculated under Sec. 35-13(f)(4).
 3. Any new owners must meet all requirements of this Chapter and be approved by the State of Maine.

35-43. Signs.

In addition to the sign regulations contained in Chapter 14 of this Code, marijuana businesses shall also be subject to the following restrictions on all signs that are visible from the exterior of the building:

- a. Signs shall not contain the image of a marijuana leaf, plant, or readily identifiable marijuana product;
- b. Signs may not be animated or have variable messages;
- c. Signs may not have cartoons or similar images that are likely to appeal to minors; and
- d. Marijuana businesses may not advertise by leaflets or flyers placed or posted outside of the business premises.

35-44. Other Prohibitions.

- a. On-premises consumption. Consumption of marijuana on the premises of any marijuana business is prohibited.
- b. Outdoor growing. Marijuana plants may not be grown outdoors and may only be grown within a fully enclosed and secured structure.
- c. Indoor air quality. A marijuana business may not use any chemical, process, or methodology that would result in compromised indoor air quality, including the use of technology such as sulfur pots.
- d. Giveaways and samples prohibited. Marijuana businesses may not distribute marijuana or marijuana products free of charge.

35-45. Insurance and Indemnification.

- a. Each marijuana business, other than a small scale caregiver, shall procure and maintain occurrence based commercial general liability coverage in the minimum amount of \$1,000,000.00 per occurrence for bodily injury, death, and property damage.
- b. Each small scale caregiver shall procure and maintain occurrence based commercial general liability coverage in the minimum amount of \$500,000.00 per occurrence for bodily injury, death, and property damage.
- c. Evidence of insurance required herein shall be a condition of the issuance of any license under this article, and shall be submitted to the City prior to obtaining the final license. Certificates shall guarantee ten days notice to the City of termination of insurance from the insurance provider or agent. The City's acceptance or lack of acceptance of such evidence shall not be construed as a waiver of the applicant's obligation to obtain and maintain such insurance as required by this article.

- d. By accepting a license from the City for a marijuana business, the licensee knowingly and voluntarily waives, releases and discharges the City from all claims, causes of action and demands, both known and unknown, which it has ever had, or may have against the City, or any of its officers, agents, employees, representatives, insurers, successors and assigns for 1) any injuries, damages, or liabilities resulting from the arrest, prosecution, or other consequence of the marijuana business or its parties of control for a violation of local, state, or federal laws, rules, or regulations; and 2) any claim by a third party against the marijuana business.
- e. To the fullest extent permitted by law, the licensee shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense and attorney's fees arising out of, resulting from, or relating to the performance of any license issued to licensee under this Article or the operation of the licensee's marijuana business. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the City which otherwise exists. The extent of the indemnification provision shall survive termination of any license issued to a licensee under this Article and shall not be limited by the provision for insurance in this Article.
- f. This article shall not be construed as imposing upon the City or any official, agent, or employee of the City, any liability or responsibility for damages to any person resulting from or in relation to the performance of this license, nor shall the City or any official, agent or employee of the City be deemed to have assumed any such liability or responsibility by reason of inspections authorized herein, or the issuance of any license.

	Ray	Chong	Costa
At least 51% owned by socially and economically disadvantaged individual(s), as defined further by regulations to be promulgated by the City Manager based off of the Small Business Association Section 8(a) regulations.	3	1	4
At least 51% owned by individual(s) who have been a Maine resident for at least five years.	3	1	4
Owned by individual(s) with experience running a licensed marijuana retail store or dispensary in Maine or another state with no history of violations or license suspensions or revocations	X	3	4
<u>Owned by individual(s) with experience running a licensed marijuana retail store or dispensary in another state with no history of violations or license suspensions or revocations</u>	<u>X</u>	<u>3</u>	<u>2</u>
<u>Owned by individual(s) who have been a registered caregiver in the State of Maine for at least two years.</u>	<u>2</u>	<u>3</u>	<u>1</u>
<u>Owned by individual(s) with experience running a business in a highly regulated industry, such as banking, liquor, etc.</u>	<u>5</u>	<u>2</u>	<u>2</u>
Applicant has previously been licensed by the State of Maine or the City <u>Maine municipality</u> for non-marijuana related business, with no history of violations or license suspensions or revocations for a minimum of 5 years	X	3	4
Ownership or leasehold interest in proposed retail location by applicant for a minimum of 2 years <u>as of the date of application</u>	2	1	2
<u>Ownership of proposed retail location by applicant; or at least five year lease for proposed retail location</u> <u>**Proposed alternative: three year lease (Ray)</u>	<u>4</u>	<u>2</u>	<u>2</u>
Location greater than 500 feet from school property	X	2	2
Business plan committing to annually contribute 1% net profits as a restricted donation to the City for youth education on substance use education and prevention	X	1	X
Business plan committing to sell only marijuana products, CBD, and related paraphernalia	X	1	X
Evidence of at least \$150,000 in liquid assets	X	1	2

Business plan committing to social and economic development, by including three or more of the following:

1. Create at least five full time jobs paying a minimum of \$15 per hour;
2. Provide PTO (or vacation/sick time) and health benefits to employees;
3. Provide at least one annual employee training around diversity, cultural awareness, sexual harassment, or workplace violence. Training must be in addition to any required by the State or City; and
4. Commit to annually contribute 1% of net profits as a restricted donation to the City for youth education on substance use education and prevention.

7

X

X

Chapter 10 FIRE PREVENTION AND PROTECTION*

ARTICLE II. FIRE CODE

Sec. 10-16. Adoption of National Fire Protection Association 1: Fire Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code (hereinafter referred to as the Fire Code) recommended by the National Fire Protection Association, being particularly the 2018 edition thereof and the whole thereof, and except for such portions as are added to, deleted, modified or amended by section 10-18, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

(Code 1968, § 321.1; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

State law reference(s)--Authority to adopt codes by reference, 30-A M.R.S.A. § 3003.

Sec. 10-17. Definitions.

(a) Wherever the word "municipality" or "city" is used in the Fire Prevention Code, it shall be held to mean the City of Portland.

(b) Wherever the words "authority having jurisdiction" are used in the Fire Prevention Code, they shall be held to mean the chief of the fire department of the City of Portland, or his or her duly authorized representative or a housing safety official designated by the city manager.

(Code 1968, § 321.2; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. 298-14/15, 7-6-2015)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Fire Code as unnumbered sections, and shall amend any provisions of the Fire Code to the contrary:

- (1) "In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Fire Code, in the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction in consultation with the City Manager and Corporation Counsel."
- (2) All structures with a fire alarm system or fire suppression system shall be provided with a Knox box(es). The number, make and model and location of the box(es) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.

(b) The following shall be added to section 1.7.7.1:

It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(c) Section 1.10 (Board of Appeals) shall be deleted.

(d) Section 1.12.2 is deleted and replaced as follows:

All applications for a permit required by the Fire and Life Safety codes shall be filed electronically in the manner, and in such form and detail, as the authority having jurisdiction shall prescribe. Applications for permits shall be accompanied by plans and other documentation in an approved electronic format, as required by the authority having jurisdiction.

(e) The introductory sentence to 1.12.8 is deleted and replaced as follows:

In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the

authority to issue permits for any of the activities identified in Tables 1.12.8(a), (b), (c) and (d) and the operations listed below.

Permits for the following operations and materials, as described in Tables 1.12.8(a), (b), (c) and (d) shall be required and shall have the following fees:

Operations and Materials	Permit Fee
Spraying or dipping of flammable finishes	\$174.00 (A)
Aircraft fuel servicing	See Motor fuel dispensing and refueling
Aircraft refueling vehicles	See Motor fuel dispensing and refueling
Automotive fuel servicing	See Motor fuel dispensing and refueling
Carnivals and fairs	\$141.00 (A)
Commercial rubbish-handling operation (formerly Bulk Waste Storage)	\$174.00 (A)
Cutting and welding operations	\$65.00 (D)
Dry cleaning Plants	\$65.00 (A)
Display fireworks (also Flame effects and Pyrotechnics before a proximate audience)	\$141.00 (B), (C), (D)
Flame effects	See Display fireworks
Flammable and combustible liquids, (other than motor fuel dispensing)	\$174.00 (A)

Operations and Materials	Permit Fee
Spraying or dipping of flammable finishes	\$174.00 (A)
Tier I hazardous materials	\$65.00 (A), (E)
Tier II hazardous Materials	\$263.00 (A), (F)
Hot work	\$174.00 (B)
Liquified Petroleum Gasses	\$174.00 (A)
Marine craft fuel servicing	See Motor fuel dispensing and refueling
Marijuana growing, processing, or extraction facilities	TBD (G)
Motor fuel dispensing and refueling (also Aircraft fuel servicing and vehicles; Automotive fuel servicing; and Marine craft fuel servicing)	\$174.00 (A)
Pyrotechnics before a proximate audience	See Display fireworks
Repair Garages and Service Stations	\$174.00 (A)
Lumber Yards and woodworking plants (formerly Woodworking and Lumber Storage Plants)	\$174.00 (D)

(f) Table 1.12.8(a) shall be amended to add the following:

Operations and Materials	Permit Required	Cross Reference Section Number	Permit Fee
Blasting operations 1) < 50 cu. yds. 2) Utility trench 3) 50-300 cu. yds. 4) 300+ cu. yds.	For blasting operations.		1) \$50 (B), (D) 2) \$50 (B), (D) 3) \$100 (B), (D) 4) \$500 (B), (D)
Certificate of Fitness for Fire Alarm Service and Installation Company	To engage in the business of fire alarm service and installation	1.13.1(3)	\$250.00 each
Certificate of fitness for special hazards systems	To engage in the business of special hazards system service and installation	1.13.1(3)	\$250 each
Certificate of fitness for marijuana growing, processing or extraction facilities	TBD	1.13.1(3)	TBD (G)

Fire Alarm Inspections Sticker	Acquisition and application of fire alarm inspection stickers	1.12.7	\$25.00 each
Special Type Dispensing Systems, other than Flammable or Combustible Liquids		Private and Special Laws of 1917, Chapter 160	\$174.00 (A)

(A) Application and license issued through Permitting and Inspections Department after Fire Department review.

(B) Application and license issued directly through the Fire Department.

(C) Equal to fee charged by state.

(D) State license and proof of insurance required.

(E) For quantities of hazardous materials at or above the levels specified in Table 1.12.8, but below the levels required to be reported to the State of Maine.

(F) For quantities of hazardous materials at or above the levels required to be reported to the State of Maine.

(G) No permits may be issued until the City Council adopts licensing for marijuana uses.

(g) Section 13.3.1.2 is amended to add the following:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall not be less stringent than the minimum water supply

requirements for sprinkler systems in the State of Maine."

(h) Subsections 13.3.2.7.3(3) and (4) shall be deleted.

(i) Section 13.3.2.8.3, shall be deleted.

(j) In addition to the requirements of 18.2.3, fire department access roads shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

(k) In addition to the requirements of Section 18.3, fire hydrants shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

(l) Section 33.1.1 shall be deleted and replaced with the following:

Storage of more than 100 tires outside shall be in accordance with Chapter 33.

(m) The title of Section 33.2.1 shall be deleted and replaced with the following:

Outside Tire Storage Sites and Piles.

(n) Section 33.2.1.1 shall be deleted and replaced with the following:

Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).

(o) Section 33.2.1.2 shall be deleted and replaced with the following:

The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in width, and 30 ft (9 m) in length.

(p) Section 33.2.2 shall be deleted.

(q) Section 33.2.2.1 shall be deleted.

(r) Section 33.2.2.2 shall be deleted.

(s) Section 33.2.2.3 shall be deleted.

(t) Section 33.2.2.4 shall be deleted.

(u) Annex E, Fire Fighter Safety Building Marking System is adopted.

(v) Section 38.3.1 shall be added as follows:

For other than CO2 and nonhazardous extraction processes, any facility conducting marijuana extraction shall be protected throughout with a NFPA 13 sprinkler system.

(w) Section 38.6.2.4.4 shall be added as follows:

In addition to the continuous gas detection system required by 38.6.2.4.1, at least one gas detection monitor, supervised by a monitored fire alarm system, shall be installed outside of an extraction room. The gas detection monitor shall be installed in accordance with NFPA 72.

(Code 1968, § 321.6; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 117-82, § 1, 8-2-82; Ord. No. 388-92, 5-18-92; Ord. No. 260-96, § 1, 5-20-96; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 228-06/07, 5-21-07; Ord. No. 245-07/08, 5-19-08; Ord. No. 25-10/11, 8-16-10; Order 245-14/15, 6-24-2015; Ord. No. 165-15/16, 3-7-2016; Ord. No. 253-15/16, 7/1/2016; Ord. 18-17/18, 8-21-2017; Ord. No. 217-17/18, 7-1-2018, Ord. No. 218-17/18, 7-1-2018; Ord. No. 59-19/20. 11-4-2019)

Chapter 11 FOOD AND FOOD HANDLERS*

ARTICLE II. FOOD SERVICE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 11-4. Amendments.

The Maine State Food Code 2013: Food Code adopted by section 11-1 is amended and modified in the following respects.

- (a) Section 1.201.10.B shall be amended as follows:

Approved shall mean acceptable to the city health inspector as meeting the requirements of this article and conforming to good public health practices.

Food service establishment shall include any permanent, temporary or mobile establishment including any restaurant; caterer; innholder; buffet; lunchroom; grill room; lunch counter; tavern; dining room of a hotel; coffee shop; cafeteria; sandwich shop; soda fountain; in plant feeding establishment; private club; church feeding facility; school feeding facility; institutional feeding establishment; tea room; theater refreshment stand; grocery store; meat market; retail bakery store; delicatessen; bottle club; commissary; shelter; food pantry; or any other establishment where food or drink is prepared, served, kept, or stored for retail sale on-site. This definition shall not include as food service establishments private homes with permanent guests.

Imminent health hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on: (a) The number of potential injuries, and (b) The nature, severity, and duration of the anticipated injury. Imminent Health Hazard includes, but is not limited to, the following: (1) an extended loss of water supply, (2) an extended power outage, (3) flood water or sewer back-up into the

establishment, (4) fire, (5) a lack of hot water (minimum temperature of 100F for handwashing and 110F for warewashing) or (6) any other violation(s) that has/have the potential to pose an imminent threat to public health. Maine Food Code October 2013 Page 11 Failure to include other violations in this definition shall not be construed as a determination that other violations may not, in light of the circumstances, be found to pose an imminent health hazard.

Temporary food service establishment shall mean any food service establishment which operates for a temporary period of time in connection with a fair, carnival, circus, public exhibition or similar transitory gathering. There shall be two (2) types of temporary food service establishment licenses: one (1) shall be for those establishments that sell unopened prepackaged food, with a license period not to exceed three (3) months, and the other license shall be for establishments that sell or serve either food that is not prepackaged or prepackaged food that is opened prior to its sale, including the opening of one (1) or more prepackaged items for the purpose of providing free samples, with a license period not to exceed fourteen (14) days per transitory gathering.

- (b) Section 1.201.10.B shall be amended to add the following:

Base station shall mean a location used by a mobile food service establishment for the disposal of liquid/solid waste, re-filling of water tanks and the storage of food, supplies, and equipment. A base station is permissible for one or more of these purposes. However, the *preparation of food or ware washing* is not permissible unless it is a licensed commercial kitchen.

Food pantries shall mean an organization or entity that acquires, stores and distributes food to the needy in their community. Food pantries are typically supported by community food drives, umbrella organizations, as well as grocery stores, local agriculture, food manufacturers and other distributors. All items are pre-packaged, properly labeled, and no food preparation occurs. If bulk food packages are divided, they shall be in properly labeled, food safe containers.

Food processing establishment shall mean a commercial

establishment in which food is processed or otherwise prepared and packaged only for sale to food service establishments and other retail outlets.

Ice cream truck shall mean a motorized vehicle utilized for the sale of prewrapped or prepackaged ice cream or frozen yogurt or ice cream or frozen yogurt products or novelties.

Innholder shall mean and include any person offering to the public, generally, lodgings and food as the occasion requires where the person rents out four (4) or more rooms or cottages.

Marijuana food processing establishment shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for sale to retail outlets or directly to consumers.

Mobile food service establishment shall mean and include only a food service establishment on wheels that transports and sells food;; and is moved to a different location no less than once every twelve (12) hours.. For purposes of this ordinance, mobile food service establishments include pushcarts, food vending trucks/trailers and ice cream trucks. These establishments shall meet the rules and regulations specific to their type.

Shelters shall mean an establishment providing temporary housing and meals for those in difficult domestic situations, as well as for homeless families and individuals. In addition many shelters provide referrals to other social service agencies. Shelters are often considered agencies of larger food banks or food share operations.

Stationary food vending unit shall mean any vending unit from which food products are sold and which is licensed for one (1) location on private property and conducts all of its sales from that one (1) location.

- (c) Section 1.201.10.B shall be amended to delete the following definitions:

Adulterated, Easily cleanable, Employee, Equipment, Food, Food-contact surface, Kitchenware, Poisonous or

*toxic materials, Potentially hazardous food, Sealed,
Molluscan shellfish, Single-service articles,
Tableware, and Utensil.*

(d) Section 3-603.11.B shall be amended as follows:

(B) Disclosure shall include:

(1) A description of the animal-derived Foods, such as "oysters on the halfshell (raw oysters)," "raw-Egg Caesar salad," and "hamburgers (can be cooked to order)" with an asterisk to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients; or

(2) Identification of the animal-derived Foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.

(C) A reminder shall include asterisking the animal-derived Foods requiring Disclosure to a footnote that states:

(2) Consuming raw or undercooked Meats, Poultry, seafood, shellfish, or Eggs may increase your Risk of foodborne illness.

(Ord. No. 94-12/13, 11-19-12, Ord. 208-14/15, 4-27-2015; Ord. No. 304-15/16, 7-20-2016; Ord. 18-17/18, 8-21-2017)

DIVISION 2. LICENSE*

*Cross reference(s) --Licenses and permits generally, Ch. 15.

Sec. 11-22. License Required.

No person shall operate any food service establishment or marijuana food processing establishment within the city unless licensed to do so by the city. Applications for licenses for a food service establishment, other than a temporary food service establishment, must be submitted at least thirty (30) calendar days before operations are planned to commence. Applications for

licenses for a temporary food service establishment must be submitted at least seven (7) business days before operations are planned to commence.

(Ord. No. 94-12/13, 11-19-12; Ord. 18-17/18, 8-21-2017)

Chapter 15 LICENSES AND PERMITS*

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and entertainment if applicable)	\$940.00	June 30
Ch. 3, Art. III	Brewery, Winery and On-Premises Consumption Distillery License (must obtain FSE and/or entertainment if applicable)	\$525.00	Concurrent with state liquor license
Ch. 3, Art. III	Small Brewery, Winery and Distillery Manufacturing License	\$250.00	Effective November 1, 2019; Concurrent with state liquor license
Ch. 3, Art. III	Large Brewery, Winery and Distillery Manufacturing License	\$2,000	Effective November 1, 2019; Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	Amusement devices (other than pinball and adult amusements), per device	\$153.00	Twelve months or concurrent with state liquor license or with any city license
	Pinball machines, per device	\$153.00	Twelve months or concurrent with state liquor license or with any city license
	Adult amusement devices, per location	\$978.00	Twelve months or concurrent with state liquor license or with any city license
Ch. 4, Art. III	Entertainment:		
	Single Entertainment Event - Private Property	\$50	Per event
	Single Entertainment Event - Public Property	\$50	Per event
	Indoor Entertainment	\$500	12 months or concurrent with state liquor license or any city license
	Outdoor Entertainment	\$700	12 months or concurrent with state liquor license or any city license

Location in Code	Description	Fee	Expiration Date
	Combined Entertainment	\$800	12 months or concurrent with state liquor license or any city license
	Expanded Entertainment Addendum	\$100	Per event
Ch. 4, Art. IV	Gaming:		
	Beano	\$104.00	December 31
	Games of chance (application fee pursuant to section 15-6 only)		
Ch. 4, Art. V	Nudity in licensed businesses	\$1,474.00	June 30
Ch. 11, Art. II	Food service establishments (FSE):		
	Temporary FSE:		
	a. Unopened prepackaged food	\$93.00	Three months
	b. Opened or nonprepackaged food	\$93.00	Per event not to exceed two weeks
	Mobile FSE (Chapter 19) a. pushcarts	\$322.00	March 31

Location in Code	Description	Fee	Expiration Date
	b. Food Trucks	\$546.00	March 31
	Street vendor cooler storage space - maximum of 7 sq. ft.	\$38.00 per 3.5 sq. ft. of space	March 31
	FSE-No food preparation on premises	\$181.00	January 31
	FSE-With preparation limited to hot beverages only	\$142.00	January 31
	FSE-With beer and wine take out	\$415.00	January 31
	FSE/Commissary - Food preparation on premises	\$459.00	January 31
	<u>Marijuana Food Processing Establishment</u>	<u>\$459.00</u>	<u>January 31</u>
	FSE's with liquor:		
	FSE-Class A lounge (Class X)	\$2,774.00	Concurrent with state liquor license
	FSE-Class A restaurant (Class I)	\$1,873.00	Concurrent with state liquor license
	FSE-Hotel (Class IA)		

Location in Code	Description	Fee	Expiration Date
	FSE-Class A restaurant/lounge (Class XI)	\$2,326.00	Concurrent with state liquor license
	FSE-Qualified catering service (Class I)	\$1,873.00	Concurrent with state liquor license
	Innholder-15 rooms or less	\$1,436.00	Concurrent with state liquor license
	Innholder-16 to 40 rooms	\$1,928.00	Concurrent with state liquor license
	Innholder-more than 40 rooms	\$2,239.00	Concurrent with state liquor license
	FSE-Spirituious license (Class II)	\$611.00	Concurrent with state liquor license
	FSE-Vinous license (Class III)	\$410.00	Concurrent with state liquor license
	FSE-Malt license (Class IV)	\$824.00	Concurrent with state liquor license
	FSE-Malt and vinous license (Classes III and IV combined)	\$906.00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$737.00	Concurrent with state liquor license
	FSE-Liquor catering	\$33.00	Per event
	FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$65.00	Per 2-day period
	FSE-Auditorium	\$584.00	Concurrent with State Liquor License
	FSE-Civic Auditorium	\$1,851.00	Concurrent with State Liquor License
Ch. 12, Art. VII	Operation of rendering facilities	263.00	September 30
Ch. 16	Massage establishment	\$65.00	September 30
	Combined massage establishment/massage therapist	\$55.00	
	Massage therapist	\$38.00	
	Conditional massage therapist	\$38.00	
Ch. 19, Art. II	Night Street Vendor (must also obtain FSE and street vendor)	\$218.00	

Location in Code	Description	Fee	Expiration Date
Ch. 19, Art. III	Transient sellers	\$109.00	December 31
Ch. 21	Farmers' Markets on private property	\$26 per vendor	March 31
Ch. 23, Art. II	Flea market seller	\$22.00	Last day of February
	Flea market Operator	\$55.00 \$246.00	Per day Annual/March 1st
	Secondhand dealer, junk dealer, pawnbroker ¹ (including used cars)	\$153.00	December 31
	Junk collector	\$26.00	December 31
Ch. 28, Art. IV	Wreckers and vehicle towing	\$278.00	June 30
Ch. 28, Art. VII	Valet Parking	\$ 2 7 3 . 0 0 p e r l o c a t i o n	Twelve months
	Valet Parking Special Event Permit	\$64.00	
Ch. 28, Art. VIII	Licensing of Booting of Motor Vehicles	\$105.00	October 31
Ch. 30, Art. II	Taxicabs and liveries:		
	Taxicab business license	315.00	April 30
	Livery business license	315.00	April 30

¹ Reflects city practice for junk dealers and pawnbrokers.

Location in Code	Description	Fee	Expiration Date
	Taxicab driver's license	79.00	April 30
	Taxi Replacement license	11.00	
	Livery driver's license	21.00	April 30
	Livery replacement license	11.00	
Ch. 30, Art. III	Horse-drawn cabs	210.00, plus 21.00 per driver	April 30
Ch. 30, Art. IV	Bicycle cabs	105.00, plus 21.00 per driver	April 30
Ch.30, Art. V	Tour companies	315.00, plus 32.00 per vehicle/operator operator	April 30
<u>Ch. 35</u>	<u>Marijuana Cultivation - Tier 1</u>	<u>500.00</u>	<u>Twelve months/concurrent with state license</u>
	<u>Marijuana Cultivation - Tier 2</u>	<u>5,000.00</u>	<u>Twelve months/concurrent with state license</u>
	<u>Marijuana Cultivation - Tier 3</u>	<u>10,000.00</u>	<u>Twelve months/concurrent with state license</u>
	<u>Manufacturing - manual</u>	<u>2,500.00</u>	<u>Twelve months/concurrent with state license</u>

Location in Code	Description	Fee	Expiration Date
	<u>Manufacturing - high hazard</u>	<u>5,000.00</u>	<u>Twelve months/concurrent with state license</u>
	<u>Retail Marijuana - medical</u>	<u>5,00.00</u>	<u>Twelve months</u>
	<u>Retail Marijuana - adult use</u>	<u>10,000</u>	<u>Twelve months/concurrent with state license</u>
	<u>Small Scale Marijuana Caregiver</u>	<u>250.00</u>	<u>Twelve months</u>
	<u>Marijuana Testing</u>	<u>1,000.00</u>	<u>Twelve months/concurrent with state license</u>

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Description	Fee	Expiration Date
Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$22.00	Per day
Billiards or pool, per table	\$33.00	Twelve months or concurrent with state liquor license or with any city license
Bowling alley, per establishment	\$92.00	April 30

Description	Fee	Expiration Date
Circus	\$181.00	Per day
Circus (bona fide nonprofit organization)	\$27.00	Per day
Going-out-of-business sale	\$104.00	--
Menageries	\$22.00	Per day
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$295.00	June 30
Seating capacity 1,000 or more, per screen	\$486.00	June 30
Temporary--One (1) week or less	\$33.00	One week
Temporary--More than one (1) week but less than two (2) months	\$49.00	Two months
Temporary--More than two (2) months but less than six (6) months	\$77.00	Six months
Roller skating rink	\$164.00	June 30

(Code 1968, §§ 302.6, 414.1, 414.5, 712.2, 714.6, 714.7, 901.12; Ord. No. 391-72, 7-5-72; Ord. No. 201-74, 4-17-74; Ord. No. 645a-75, 11-17-75; Ord. No. 231-80, 12-22-80; Ord. No. 553-81, § 1, 3-2-81; Ord. No. 554-81, 3-2-81; Ord. No. 576-81, § 2, 3-16-81; Ord. No. 694-81, 5-18-81; Ord. No. 82-81, § 1, 7-6-81; Ord. No. 392-82, 2-1-82; Ord. No. 564-82, 5-17-82; Ord. No. 565-82, 5-17-82; Ord. No. 566-82, 5-17-82; Ord. No. 510-84, § 1, 4-2-84; Ord. No. 591, 5-21-84; Ord. No. 658-84, 5-30-84; Ord. No. 431-85, § 3, 2-20-85; Ord. No. 554-85, 5-14-85; Ord. No. 212-85, §§ 1, 2, 10-21-85; Ord. No. 116-86, § 1, 3-3-86; Ord. No. 551-86,

5-12-86; Ord. No. 189-87, § 2, 12-7-87; Ord. No. 386-88, 5-16-88; Ord. No. 425-89, 5-15-89; Ord. No. 29-89, 6-19-89; Ord. No. 258-90, 2-21-90; Ord. No. 351-90, 5-21-90; Ord. No. 264-91, 3-4-91; Ord. No. 358-91, 5-20-91; Ord. No. 183-91, 12-2-91; Ord. No. 175-92, 3-16-92; Ord. No. 245-93, 3-22-93; Ord. No. 83-93, § 1, 9-8-93; Ord. No. 94-93, 9-20-93; Ord. No. 221-94, § 2, 2-23-94; Ord. No. 314-94, 5-16-94; Ord. No. 229-95, 4-3-95; Ord. No. 34-95, 7-5-95; Ord. No. 264-96, § 1, 5-20-96; Ord. No. 128-98, 10-19-98; Ord. No. 282-99, §2, 5-17-99; Ord. No. 228-00, §1, 5-15-00; Ord. No. 276-01, 5-21-01; Ord. No. 277-01, 5-21-01; Ord. No. 119-01/02, § 6, 12-3-01; Ord. No. 258-01/02, 5-20-02; Ord. No. 260-01/02, 5-20-02; Ord. No. 246-02/03, 5-19-03; Ord. No. 248-02/03, 5-19-03; Ord. No. 180-03/04, 4-7-04; Ord. No. 217-03/04, 5-17-04; Ord. No. 68-04/05, 10-4-04; Ord. No. 247-04/05, 5-16-05; Ord. No. 245-05/06, 5-15-06; Ord. No. 227-06/07, 5-21-07; Ord. No. 196-07/08, 4-28-08; Ord. No. 246, 07-08, 5-19-08; Ord. No. 224-09/10, 5-17-10; Ord. No. 229-12/13, 5-20-13; Ord. No. 159-12/13, 4-22-13; Ord. 52-14/15, 9-15-2014; Ord. 246-14/15, 6-24-2015; Ord. 109-15/16, 11-16-2015; Ord. 181-15/16, 3-21-2016; Ord. 180-15/16, 3-21-2016; Ord. 18-17/18, 8-21-2017; Ord. No. 111-17/18, 11-20-2017; Ord. No. 218-17/18, 5-21-2018; Ord. No. 244, 5-20-2019; Ord. No. 285-19/20, 7-15-2019; Ord. No. 25-19/20, 8-12-2019)

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of forty-five dollars (\$45.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of thirty-five dollars (\$35.00), except for a flea market seller to defray the cost of processing the application. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance. Application fees shall not be refundable.

(i) Applications for any original licenses pursuant to Chapter 35, other than licenses for Small Scale Caregivers, shall be accompanied by an administrative fee of five hundred dollars (\$500.00). Applications for renewal of licenses pursuant to Chapter 35, other than licenses for Small Scale Caregivers, shall be accompanied by an administrative fee of two hundred and fifty dollars (\$250.00).

(ii) Applications for original Small Scale Caregiver Licenses shall be accompanied by an administrative fee of fifty dollars (\$50.00). Applications for renewal of Small Scale Caregiver

Licenses shall be accompanied by an administrative fee of forty dollars (\$40.00).

(b) *Appeals fee.* Appeals from determinations of the Permitting and Inspections Department shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance. Appeals fees shall not be refundable except that, upon a successful appeal, the Permitting and Inspections Department shall credit the appeal fee toward the fee for issuance and shall refund any excess.

(c) *Filing fees.* Whenever any document, other than an application for any license, is required or permitted to be filed with the Permitting and Inspections Department in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars (\$2.00) for the first page, and one dollar (\$1.00) for each page thereafter. Filing fees shall not be refundable.

(d) *Fees for issuance.* Fees for issuance of licenses shall be as provided in section 15-12. Fees for issuance shall be refundable in the amounts, and under the conditions, as set forth in a policy adopted by the Permitting and Inspections Department.

(e) *Late fees.* An additional fee shall be charged for issuance of any license after expiration of the holder's prior license, unless the application for the renewal license was filed prior to such expiration. The additional fee for issuance or renewal of any license applied for after the applicant has commenced the activity, or has permitted the use of the device to be licensed prior to such issuance, shall be ten dollars (\$10.00) or five (5) percent per month of the fee for issuance, whichever is greater, but shall not exceed the fee specified in this chapter for issuance of that license. Late fees shall not be refundable.

(f) *Proration.* The fee for issuance of an original license, unless issued late as provided in subsection (e), and which is issuable on an annual basis, but which when issued will not give the licensee twelve (12) full months use prior to expiration, shall be reduced by ten (10) percent for each full month that licensee will not have the use of the license, but in no case shall the license fee be reduced by more than fifty (50) percent.

Notwithstanding the foregoing, there shall be no proration of the fee for excavators' licenses issued pursuant to chapter 25, article VII of this Code.

(g) *Fees to be cumulative.* Fees provided for in this section shall be deemed cumulative and shall be in addition to any other fee or fees required for the issuance of any permit under section 15-12. Where a maximum license fee is established by the state, the fees set by this chapter shall be deemed cumulative to the extent of such maximum fee.

(h) *Refunds where activity subsequently prohibited.* If, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Permitting and Inspections Department shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f).

(Code 1968, § 901, 6; Ord. No. 231-80, § 901.6, 12-22-80; Ord. No. 554-81, § 901.6, 3-2-81; Ord. No. 40-82, 6-21-82; Ord. No. 554-85, 5-14-85; Ord. No. 210-85, § 1, 10-21-85; Ord. No. 30-87, 7-6-87; Ord. No. 424-89, 5-15-89; Ord. No. 247-04/05, 5-16-05; Ord. No. 224-09/10, 5-17-10; Ord. No. 203-11/12, 6-4-12; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Section 5 - Advertising

5.1 - Definitions

For the purposes of this subsection, the following terms are defined as:

- A. "Advertising" means publicizing the trade name of a licensee together with words or symbols referring to marijuana or publicizing the brand name of marijuana or marijuana products.
- B. "Handbill" is a flyer, leaflet or sheet that advertises marijuana.
- C. "Radio" means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite or internet programming. Radio includes any audio programming downloaded or streamed via the internet.
- D. "Television" means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

5.2 - Prohibitions

- A. In the course of promoting its brand, marijuana or marijuana products, a marijuana establishment or licensee may not advertise in a manner:
 - (1) That is attractive to persons under 21 years of age;
 - (2) That promotes irresponsible use;
 - (3) That promotes activity that is illegal under Maine law;
 - (4) That is contrary to or in direct violation of state or federal consumer protections; or
 - (5) That otherwise presents a significant risk to public health and safety.
- B. Advertising for a marijuana establishment may not:
 - (1) Contain statements that are deceptive, false or misleading;
 - (2) Display consumption of marijuana or marijuana products;
 - (3) Include claims related to potency (beyond listing of cannabinoid content);
 - (4) Depict activities or conditions considered risky when under the influence of marijuana, such as operating a motorized vehicle, boat or machinery, being pregnant or breastfeeding;
 - (5) Contain any content that can reasonably be considered to target or is designed to appeal particularly to individuals under the age of 21, including but not limited to images of persons under 21 years of age, cartoons, toys or similar images and items typically marketed towards persons under 21 years of age or references to products that are commonly associated with persons under 21 years of age or marketed by persons under 21 years of age;
 - (6) Contain any imitation of candy advertising;
 - (7) Include the term "candy" or "candies";
 - (8) Encourage the transportation of marijuana or marijuana products across state lines or otherwise encourage illegal activity;
 - (9) Assert that marijuana or marijuana products are safe because they are regulated by the Department or have been tested by a testing facility or otherwise make claims that any government agency endorses or supports marijuana;
 - (10) Make claims that marijuana has curative or therapeutic effects;
 - (11) Contain any health or physical benefit claims, including but not limited to health or physical benefit claims on labels or packaging; or
 - (12) Contain material that encourages excessive or rapid consumption.
- C. No licensee or agent of a licensee may:
 - (1) Make any deceptive, false or misleading assertions or statements on any informational material, any sign or any document provided to a consumer;
 - (2) Distribute handbills in public areas or on publicly owned property;
 - (3) Utilize television, radio, print media or internet advertising in cases where there is a high likelihood it will reach person under the age of 21. Licensees or an agent of a licensee must take reasonable steps to ensure that any mass marketing or advertising does not reach persons under the age of 21, including, for example, using marketing information from the vendor or employing age

Parts of this rule are subject to public comment and further revision.

- verification techniques commonly used in internet advertising to avoid reaching persons under the age of 21;
- (4) Advertise within a prohibited distance of the property line of an existing public or private school, which shall be:
 - (a) A distance of 500 feet or more as established by the municipality in which the advertising is located;
 - (b) A distance of 500 feet or more as established by the Maine Land Use Planning Commission for advertising located in unorganized or deorganized areas; or
 - (c) A distance of 1,000 feet if no other distance has been set by a municipality or the Maine Land Use Planning Commission.
 - (5) Engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature; or
 - (6) Permit use of the licensee's trademarks, brands, names, locations or other distinguishing characteristics for third-party use on advertising in a manner that does not comply with this Section or any other statute, rule or regulation.
- D. In the event a third-party has used licensee brand, trademarks, brands, names, locations or other distinguishing characteristics in an advertisement that does not comply with this Section or any other statute, rule or regulation, the licensee must immediately notify the Department, issue a cease-and-desist order to the third-party and pursue appropriate legal action.

5.3 - Websites

In addition to complying with the advertisement criteria and prohibitions outlined in Section 5.2, a marijuana establishment advertising on a website must:

- A. Utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age;
- B. Not utilize unsolicited pop-up or banner advertising on the internet other than on age-restricted websites for people 21 and over who consent to view marijuana-related material.

5.4 - Required Statements

A licensee must include the following statements, either in print or audio, on all print, television, radio and internet advertising in font size legible to the viewer or at a volume and speed that is readily understandable by the average listener:

- A. "For use only by adults twenty-one years of age and older."
- B. The license number of the marijuana establishment.

5.5 - Objectionable and Non-Conforming Advertising

The Department reserves the right to take action, including the use of punitive measures, against any licensee who fails to comply with the advertising provisions of this Rule, including, without limitation, specifying a period of time by which the licensee shall cease the non-compliant advertising and remove any advertising still being published or displayed.

Parts of this rule are subject to public comment and further revision.

18 **DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

553 **BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

Chapter 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

(Note: this rule chapter was formerly 16-226 Ch. 7 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)

1. All liquor advertising, or any claims for liquor advertised, shall conform with the standards set forth in regulations under the provisions of the Federal Alcohol Administration Act as well as the Maine State Liquor Laws and the Commission Rules and Regulations.
2. No descriptive matter in liquor advertising shall be inconsistent with the description of the contents as listed on the labels of such liquor.
3. Advertisements of liquor shall not contain any statement, design, device, or representation which is obscene. Obscene means that which:
 - a) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;
 - b) Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and
 - c) Considered as a whole, lacks serious literary, artistic, political or scientific value.
4. No advertisement of liquor shall contain either subject matter or illustrations inducing minors or immature persons to drink, nor shall depict any person in the act of drinking liquor.
5. No liquor advertising shall suggest any beneficial or tonic effect from drinking thereof.
6. The use of radio or loud speaker equipment in or on any licensed premises for the purpose of attracting attention to the interior of the said premises is forbidden, except radio programs originating from the licensed premise.
7. *Repealed.*

8. *(APA Office Note: information received indicates that the provisions of Section 7.8 have been repealed and replaced by statute, Title 28-A Section 710.)*
 9. No advertising of liquor shall contain any subject matter relating to contests or prizes that require the purchase of or the awarding of any alcoholic beverage.
 10. Signs, posters, placards, or other items bearing advertising matter for use inside a retail premise may be furnished, given, rented, loaned or sold to a licensee if they have no value to the licensee except as advertisements, and if the total value of all such materials furnished by any manufacturer or wholesaler and in use at any one time in any licensed premises does not exceed \$1,500.00; provided, that the manufacturer or wholesaler does not directly or indirectly pay a licensee for displaying such materials or for any expense due to their operation. The value of such materials shall include all expenses incurred directly or indirectly by the manufacturer or wholesaler in connection with the purchase, manufacture, transportation, assembly and installation of such materials and all additions thereto, and further provided that any manufacturer or wholesaler may furnish, give, rent, loan, or sell one malt and one vinous inside electric sign to each licensee which shall not be included in the \$1,500.00 maximum for all materials furnished in this rule.
 11. No licensee, except wholesalers, shall have malt or vinous liquor advertisements or signs on or attached to delivery vehicles owned or controlled by them which advertise by brand name.
 12. No licensee, except a wholesale licensee, shall advertise liquor by any lighted sign visible from the exterior of a licensed premise during the hours that liquor is prohibited for sale. All outside and window signs bearing advertising must be approved for use by the bureau. Signs not approved must be removed within 60 days of notification by the bureau.
 13. Consumer specialties such as ash trays and corkscrew and other merchandise bearing advertising may be given or sold as long as a retail licensee is not paid to distribute such material.
 14. Advertising specialties such as trays, coasters, menu cards, wine list, meal checks, napkins, bar mats, tap markers, thermometers, clocks may be furnished given or sold as long as the cost of such items does not exceed \$300 annually.
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EFFECTIVE DATE:

December 1, 1977 (filed November 14, 1978)

AMENDED:

October 31, 1979

March 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

NON-SUBSTANTIVE CORRECTIONS:

March 17, 2004

AMENDED:

June 4, 2007 – filing 2007-230 affecting Section 3

March 9, 2013 – filing 2013-052 affecting Sections 7.8 and 7.10

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:

formerly Ch. 7 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit