

**TOWN OF CANAAN, MAINE**  
**Chapter 20: Prohibiting**  
**Cannabis Retail Establishments**  
**and Cannabis Social Clubs**

**Article I: Adult Use Cannabis**  
**Establishments**

**§20-1 Authority**

This article is enacted pursuant to the Adult Use Cannabis Act, M.R.S. Title 28-B, Subchapter 4 and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A § 3001.

**§20-2 Purpose**

The State Legislature, through the adoption of PL 2017 c. 409, the Marijuana Legislation Act and later the Adult Use Cannabis Law, requires municipalities to “opt-in” or vote to allow certain activities and facilities associated with adult use cannabis if the municipality wants to allow such activities to operate in the municipality. The Town of Canaan decided that adult use cannabis facilities (including manufacturing, testing, commercial cultivation, social club, and retail) are not appropriate facilities for Canaan. The purpose of this Ordinance is to provide for and regulate adult use cannabis establishments as defined in this Ordinance and by the State of Maine under the Adult Use Cannabis Act, M. R. S. Title 28-B, Subchapter 4 (definitions are in subchapter 1).

**§20-3 Definitions**

**Adult use cannabis establishment**

An adult use cannabis cultivation facility, an adult use cannabis products manufacturing facility, an adult use cannabis store, an adult use cannabis social club or an adult use cannabis testing facility.

**Cannabis**

The leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. “Cannabis” includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection, 1-A, paragraph D or a cannabis product.

**Cannabis Store**

A facility licensed under M.R.S. Title 28-B to purchase and sell adult use cannabis, immature cannabis plants, seedlings from a cultivation facility, and adult use cannabis products from a products manufacturing facility to consumers.

### **Cannabis Testing Facility**

A public or private laboratory that

- A. Is authorized in accordance with M.R.S. Title 22, Ch. 558-C, section 2433-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organizations for Standardization by a 3<sup>rd</sup>-party accrediting body or is certified, registered or accredited by an organization approved by the department

### **Cultivation facility**

A facility licensed under M.R.S. Title 28-B to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis products to manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

### **Manufacturing or manufacture**

The production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including but not limited to, cannabis extraction or preparation by means of chemical synthesis.

### **Products manufacturing facility**

A facility licensed under M.R.S. Title 28-B to purchase cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package cannabis and cannabis products; and to sell cannabis and cannabis products to cannabis stores and to other products manufacturing facilities.

### **§20-4 Prohibition on adult use cannabis establishments**

Adult use cannabis establishments are expressly prohibited in the town of Canaan.

### **§20-5 Effective date; duration.**

This article shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

### **§20-6 Violations and Penalties**

This article shall be enforced by the municipal officers or their designee. Violations of this article shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

**TOWN OF CANAAN, MAINE**  
**Chapter 20: Prohibiting**  
**Cannabis Retail Establishments**  
**and Cannabis Social Clubs**

**Article II: Medical Use Cannabis**  
**Establishments**

Adopted: 03/22/2025

**§20-7 Authority**

This article is enacted pursuant to the Medical Use of Cannabis Act, M.R.S. Title 22 and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A § 3001.

**§20-8 Purpose**

This ordinance does not authorize the operation of medical use cannabis manufacturing facilities and medical cannabis testing facilities. In addition, this ordinance does not authorize the operation of any adult use cannabis establishment. The purpose of this article is also to prevent the location of such establishments in close proximity to schools, day care centers, houses of worship, public parks or recreational areas, or other medical cannabis establishment(s).

The operation of a medical cannabis caregiver within their primary residence, or in the primary residence of one or all its officers or managers, is exempt from the licensing requirements of this ordinance. Nothing in this article is intended to prohibit any lawful use, possession, or conduct pursuant to the Maine Medical Use of Cannabis Act, 22 M.R.S.A. c. 558-C

**§20-9 Definitions**

**Cannabis**

The leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. “Cannabis” includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection, 1-A, paragraph D or a cannabis product.

**Caregiver retail store**

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

**Manufacturing facility (Medical)**

A registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under M.R.S. Title 22, Ch. 558-C, section 2423-F.

**Medical use cannabis establishment**

A medical use cannabis caregiver store or a medical use cannabis dispensary that operates in a location that is not the caregiver’s primary residence, or in the case of a caregiver that is a registered entity, the primary residence of any of the entity’s officers, partners, managers, or members. A medical cannabis establishment does not include a medical marijuana manufacturing facility or a medical marijuana testing facility, neither of which are authorized to operate in the Town of Canaan.

**Medical use**

The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient’s medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under M.R.S. Title 22, Ch. 558-C.

**Registered medical use dispensary**

An entity registered under M.R.S. Title 22, Ch. 558-C, section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and caregivers of those patients.

**§20-10 Applicability**

This ordinance applies to medical use cannabis establishments. Home cultivation of adult use or medical marijuana for personal use is exempt from the licensing requirements of this ordinance.

**§20-11 Permitted Establishments**

Only cannabis establishments specifically authorized by an “opt-in” vote at a legally held Town Meeting shall be permitted. On March 25th, 2024, the town voted to “opt-in” to the retail sales of medical cannabis products. All other cannabis establishments are not permitted.

A maximum of two (2) medical cannabis establishments shall be permitted at any one time in the Town of Canaan. If a medical cannabis establishment license becomes available through revocation, forfeiture or expiration, it shall be awarded on a first-come-first-served basis to the individual or entity having first submitted a complete license application that satisfies all applicable approval standards within this ordinance. Notwithstanding this provision, if the business assets of a medical cannabis establishment are being transferred by sale to another individual or entity through purchase or otherwise, the purchaser shall have sixty (60) days after closing of the transaction to apply for a new license, and one hundred twenty (120) days after closing of the transaction to receive a new license without losing entitlement to a license for the medical cannabis establishment.

## **§20-12 License Required**

- A. A medical use cannabis establishment shall not operate until it is licensed by the state. An applicant may not operate a cannabis establishment without a state license and all other necessary local approvals.
- B. No person shall establish, operate or maintain a medical use cannabis establishment without first obtaining an annual license from the Select Board.
- C. The Select Board may only issue one (1) total annual medical use cannabis establishment license to a single business, individual or owner. For the purpose of this restriction, a “business” or “owner” shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities.
- D. The Select Board is authorized to issue no more than three (3) annual medical cannabis use establishment licenses in accordance with this ordinance.
- E. Licenses issued pursuant to this ordinance are not transferable following a change in ownership of the licensee or a change in location of the licensed activity. Any change in ownership or change in officers of an owner of a medical use establishment shall have priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.
- F. Medical use establishment licenses shall be administered on a first-come, first-serve basis based upon the date the application is deemed complete.

## **§20-13 Nonconforming/Grandfathered Uses and Activities**

- A. The standards of Section §180-13 Site Requirements are not applicable to licensing process of grandfathered or non-conforming activities so long as any grandfathered or non-conforming use of this ordinance obtains a license within 6 months of the adoption of this Ordinance.
- B. If a non-conforming use or business is terminated by the owner/operator and is discontinued for twelve consecutive months, such use shall no longer be permitted. Abandonment shall constitute discontinuance. Any conforming use housed in a building or structure destroyed by fire, or other cause to the extent 50% or more of the market value of the structure before such damage or destruction, shall be presumed to be forfeited at the time of the damage, and such use shall not be resumed, unless reconstruction is started within eighteen (18) months

## **§20-14 Site Requirements**

- A. No medical cannabis establishment shall be sited within 1500' of safe zones designated by the Town of Canaan in accordance with state law, 30-A MRSA section 3253
- B. No medical cannabis establishment governed by this ordinance may be sited in the Shoreland Zone, or in a Floodplain or Wetland or any other area(s) controlled by ordinance restrictions.
- C. All establishments will be designed in such a way to minimize the impact on neighboring properties and public services. New medical cannabis establishments must adhere to the submission requirements outlined in the Canaan Site Plan Review Ordinance (if required).

## **§20-15 Licensing procedures**

- A. The initial application for a medical cannabis establishment license shall be processed by the Select Board but reviewed and considered by the Select Board for approval. Applications shall be made on a form prepared by the town and must include all information required by Section §180-12 Application and of the form.
- B. A public hearing on an application for an initial license shall be scheduled within thirty (30) days of receipt of a completed application.
- C. The Code Enforcement Officer (CEO), within fifteen (15) days of application receipt, shall verify that the proposed premises of the establishment will comply with this article and with all other applicable State and local laws and regulations and the report findings in writing to the Select Board.
- D. An annual renewal application shall be subject to the same review standards as applied to the initial issuance of the license application; however, a renewal application may be approved by the Select Board and CEO if there have been no code violations or complaints.
- E. The Select Board shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this article. The Select Board may consult with other departments and any appropriate State Licensing Authority as part of this investigation.
- F. The Select Board shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this article or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.
- G. No local license shall be granted until the Select Board and CEO have both made a positive recommendation upon the Applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, it shall be the

duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

## **§20-16 Application**

- A. Each applicant for a medical use cannabis establishment license shall complete and file an application on a form prescribed by the Town Clerk, together with the license fee.
- B. Each application shall include:
  - a. A copy of the applicant's state license application and supporting documents as filed with the State Licensing authority.
  - b. Evidence of all state approvals or conditional approvals required to operate a medical use cannabis establishment.
  - c. If not included in the applicant's state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
  - d. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their places of residence at the time of the application and for the immediately preceding three (3) years.
  - e. Furnish information with the application (i.e. date of birth and social security number) necessary to allow the Town to perform criminal background checks on the application and each officer, owner, manager or partner of the applicant.
  - f. Submit evidence of right, title or interest in the premises in which the medical use cannabis establishment will be sited, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
  - g. Submit proof of insurance with coverage limits meeting the requirements set forth in the application form.
  - h. Evidence of all land use approvals or conditional land use approvals required, as necessary, including but not limited to a building permit and site plan approval.
  - i. An operating plan that at minimum address the following:
    - i. Description of nature of all products and services
    - ii. Operating hours
    - iii. Disposal of waste

- iv. Ventilation and odor
- v. Parking
- vi. Landscaping
- vii. Signage and how it conforms with town and state guidelines for medical cannabis establishments

### **§20-17 License Expiration and Renewal**

- A. Each local license issued shall be effective for one (1) year from the date of issuance.
- B. Annual renewal applications must be submitted thirty (30) days prior to the date of expiration of the annual local license. An application for renewal of an expired license shall be reviewed by the CEO and Select Board. The renewal may be approved by CEO and Select Board if the applicant is deemed in good standing with the articles of this ordinance and all other applicable local and state ordinances and licensing requirements. The applicant for renewal may be elevated to review by the Select Board if either the CEO or the Select Board deems it needs additional review.

### **§20-18 License Fee**

The Select Board shall have the authority to set license fees and set a limit on the number of licenses granted to medical cannabis establishment. Fees for a local license shall be as set forth by the Select Board, added to the Town of Canaan Fee Schedule, and shall be paid annually. A fee of \$1500.00 would be required for establishments measuring up to 2500 square feet, A fee of \$3000.00 would be required for establishments measuring 2501 square feet up to 5000 square feet. Any establishments measuring 5001 to 10000 square feet would require a fee of \$6000 annually.

### **§20-19 Denial, Suspension, or Revocation of License**

A license may be denied to the following persons:

- A. A person who fails to meet the requirements of this article. Where an applicant is an entity rather than a natural person, all-natural persons with an ownership interest must meet these requirements.
- B. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Town that is reasonably necessary to determine whether the license is issuable.
- C. An applicant who is not at least twenty-one (21) years of age.
- D. A person who has had a license for a cannabis establishment revoked by the town or by the State

- E. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a local license.
- F. An applicant who has been convicted of a criminal violation arising out of operation of a cannabis establishment.
- G. The town may suspend or revoke a license for any violation of this section or any other applicable building-related and life safety code requirements. The town may suspend or revoke a license if the licensee has a State license for a cannabis establishment suspended or revoked by the State. The licensee shall be entitled to notice and a hearing to any suspension or revocation.

**§20-20 Right of Access Inspection**

Every medical cannabis use establishment licensee shall allow law enforcement officers and the Canaan CEO to enter the premises at reasonable times for the purpose of checking compliance with all applicable State Laws and this ordinance.

**§20-21 Operating Requirements**

The licensee shall comply with all the following requirements during the term of the license:

- A. Current license shall be always displayed in an open and conspicuous place in the establishment for which the license has been issued.
- B. All licensed premises shall be permanent locations. Licensees shall not be permitted to operate a medical cannabis establishment in a temporary or mobile location.
- C. A medical cannabis establishment shall meet all operating and other requirements of State, local, and federal law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing cannabis establishments, the stricter law or regulation shall control.

**§20-22 Enforcement**

The owner of the premises on or in which the medical cannabis establishment is located, who is not the licensee of the medical cannabis establishment, is jointly and severally liable with the licensee for any violation of this Ordinance. This Ordinance shall be enforced by the CEO, in conjunction with the Select Board. In any court action, the Town may seek injunctive relief in addition to penalties. If court action is required to enforce this Article, the Town shall be awarded its enforcement costs, including reasonable attorney fees.

**§20-23 Violations and Penalties**

Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. § 4452. Every day a violation exists constitutes a separate violation. Operation of any medical use cannabis establishment without a town license shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the CEO. Upon such CEO notification, and failure of the licensee or other individual or business

to take the required remedial action in a timely manner, the Town can pursue fines and/or penalties under 30-A M.R.S.A. § 4452.

**§20-24 Severability**

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

A TRUE COPY ATTEST

DATE 3/22/2025

Denise B. Stetk  
Town Clerk