

Town of Newry Selectmen Meeting Minutes
August 13, 2019 5pm Newry Town Office

Selectmen Present: Gary Wight, James Largess, Tink Conkright

Others present: Amy Bernard, Barbara Rajaniemi, David Bonney, Sam Wheeler Becky Bean.

Signing of Warrants: all signed

Approval of meeting minutes:

Selectman Conkright made a motion to approve the minutes for July 30, 2019. Selectman Wight 2nd and all approved.

Selectman Conkright made a motion to approve the minutes for Aug 5, 2019. Selectman Wight 2nd and all approved.

Adjustments to Agenda: None

Announcements: None

Public Comment: None

New Business:

~Discuss and Consider Liquor License Renewals for Sunday River Properties~:

Becky Bean presented the Select board Liquor Licenses for Barker Lodge, Jordan Hotel, South Ridge, Grand Summit and Peak Lodge.

The Golf course will be included next year.

Selectman Wight made a motion to approve liquor licenses for Sunday River Properties (Barker Lodge, Jordan Hotel, South Ridge, Grand Summit and Peak Lodge. Selectman Conkright 2nd and all approved. Licenses signed.

Selectman Largess Thanks Becky Bean for stepping up to be a planning board member.

Matterhorn is requesting renewal on liquor license. There have been no issues.

Selectman Wight made a motion to approve liquor licenses for Matterhorn. Selectman Conkright 2nd and all approved. License signed.

~Discuss and Consider Authorizing the use of the Bear River Grange Hall for Craft Fair~:

A request was made from Mandy Berry to use the Bear River Grange Hall for a Craft Fair the last Saturday in October. Mandy is asking the town to waive the fee as this Fair is a fundraiser for a local organization.

Selectman Conkright made a motion to approve the waiving the fee for the use of the Bear River Grange Hall the last Saturday in October. Selectman Wight 2nd and all approved.

~Discuss and Consider Planning MMA Convention attendance~:

The MMA Convention is being held in Bangor October 2nd and 3rd.

Due to all new staff, the town administrator "Amy" feels it is important for all to attend. She also asks if any of the selectmen want to attend.

With all the staff out Amy is asking to close the office.

Suggestion was made to post this a few weeks ahead of time to give the towns people advance notice. It was also suggested to ask Laura Lowell to help out and keep the office open for the town. Amy will ask Laura.

Selectman Conkright made a motion to close the town office on October 2nd and 3rd to allow the staff to attend the MMA Convention. And if Amy can find someone to cover the office it will be open. Selectman Wight 2nd and all approved.

Unfinished Business:

~Discuss and Consider who would like to be on the Interview Committee~:

Interview Committee: Selectman Wight will be on the committee along with Amy and Barb.

Monday Amy will go over the applications and schedule the interviews, hopefully all in one day.

~Discuss and Consider setting date for Town Meeting to address Ordinances~:

We need a public meeting to get the peoples input.

The board will decide at the September 3rd meeting and if the Board is ready to put the ordinances to a vote it will be at the September 17th meeting.

Amy will prepare a town meeting warrant for the September 3rd meeting.

A date will be set at the end of the public hearing tonight.

Selectman Wight made a motion to adjourn the Select board Meeting. Selectman Conkright 2nd and all approved. Meeting adjourn at 5:35pm

Public Hearing on Marijuana Ordinances & Planning Board Ordinance 6PM

In attendance: Gary Wight, James Largess, Tink Conkright, Amy Bernard, Barbara Rajaniemi, David Bonney, Sam Wheeler, Loretta Powers, Bonnie Largess, John Amann, Ryan Roy, Joel Pepin, Mike Everette, Tama Drown, David Bartlett, Chris Hooper.

Recording is available upon request from the town office.

Next steps: Amy will talk to the attorney.

September 3rd Amy will bring the information back to the Select board and the Board will decide at that meeting if they are ready to put the ordinances to a vote on September 17th.

Closed Public Hearing 6:50 pm.

REPORTS:

Town Administrator: see attached

CEO: see attached

Selectman: none

Committees: none

Next Meeting: 09/03/2019 5:00 pm Select Board Meeting
09/17/2019 5:00 pm Select Board Meeting

Adjourn: 6:50 pm

Minutes Approve By:

Gary Wight
Gary Wight

Date: 9/3/19

Virgil Conkright
Virgil Conkright

Date: _____

James Largess
James Largess

Date: 9/3/19

TOWN OF NEWRY SELECTMEN'S AGENDA
Tuesday August 13, 2019
5:00 PM

Call to Order

Selectmen Present:

Others Present:

Pledge of Allegiance

Sign Warrants – All of the Selectmen signed

Approval of Meeting Minutes

Adjustments to the Agenda:

Announcements:

Public Comment:

New Business:

Discuss and consider liquor Licenses Renewals:

Sunday properties

Matterhorn

Discuss and consider authorizing the use of the Bear River Grange Hall for the Craft Fair

Discuss and consider MMA Convention attendance

Unfinished Business:

Discuss and consider who would like to be on the interview committee

Discuss and consider setting date for Town Meeting to address ordinances

Public Hearing on Marijuana Ordinances & Planning Board Ordinance 6PM

Reports:

Administrator Report

CEO Report

Committees Report

Selectmen's Report

Other Business:

Next Meeting

SELECT BOARD MEETING September 3, 2019 5:00 PM

SPECIAL TOWN MEETING September 17, 2019 5:00 PM

Town Administrator's Reports: 8.13.19

- Camp Scholarship requests have been placed on the Facebook account and the Town's website. I do not plan to place an AD in the paper due to the cost unless the Board disagrees.
 - Tax Bill's were in the mail on August 7th and they are starting to trickle in.
 - Roughly 200; 2019 Tax lien will be processed tomorrow, and sent to the registry of deeds.
 - August 21, 2019 the Select Board will hold an executive session with the Planning Board hopefully at 6pm
 - Gould Academy has invited the Town to the Bethel Community Open House on August 21 (4pm-6pm)
 - The Town Office will be closed on September 2nd in observance of Labor Day
 - The Town has received 5 resumes for the Deputy Clerk Position, review of resumes start on Thursday
- add Amy signed off premise liquor license for Rooster Road base liquor license yesterday.



**83rd Annual
MMA**

Convention

www.memun.org



BUILT TO LAST

2019 MMA CONVENTION

October 2 & 3, 2019
Cross Insurance Center

Bangor, ME

Wednesday October 2, 2019

7:30 a.m. Registration Begins

7:30 – 10:30 a.m. Continental Breakfast

9:00 – 10:00 a.m. WELCOME AND FEATURED SPEAKER

Leadership Lessons from the Podium

Lucas Richman draws on years of experience leading orchestras around the world. The Bangor-based, Grammy Award-winning conductor shares lessons in life and leadership in an interactive discussion on what it means to be a performer who doesn't make a sound, but leads an organization to create a unified artistic interpretation among 70 individual performers. He will share what he learned from working with great artists, from Leonard Bernstein to Martin Short to Midori. Lucas will offer inspiration for leaders responsible for guiding diverse organizations and multiple audiences.

Presenter: Lucas Richman, Music Director & Conductor for the Bangor Symphony Orchestra

Certification: Valid for 1 MTCMA Certification credit in the following categories: Leadership.

10:00 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

Marijuana: Comprehensive Update

As details about legal recreational and medical marijuana come into view, municipal officials in Maine have decisions to make. This panel discussion offers important, distinct points of view – a statewide perspective, legislative analysis and legal counsel. If legalized marijuana is something that your community is looking at, this workshop is for you.

Presenters: Garrett Corbin, Legislative Advocate, Maine Municipal Association; Rebecca

Mahon, Staff Attorney, Maine Municipal Association; Representative from the Maine Office of Marijuana Policy

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Legal.

MMA Convention

- [Agenda](#)
- [Register Online](#)
- [Registration Form \(pdf\)](#)
- [Featured Speakers](#)
- [Affiliate Sessions](#)
- [Exhibitor Information](#)
- [Sponsors](#)

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Maine Bicentennial Celebration

Maine will soon celebrate its 200th birthday! Join representatives from the Bicentennial Commission to learn about the Commission's plans for the bicentennial and how municipalities can get involved. Towns and cities will be encouraged to come up with programming that highlights local history or ties into their specific communities.

Presenters: Bradley Sawyer, Business Manager and Dave Cheever, Vice Chairman, Maine Bicentennial Commission

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

Banking Due Diligence for Municipalities

Doug Berge of Veribanc will explain the need for depository due diligence (not readily available 40 years ago), the benefits of monitoring the safety and soundness of banking institutions where towns and cities have deposits, as well as how to mitigate banking risk as well as one's professional liability exposure.

Presenter: Doug Berge, Veribanc, Inc.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Ethics and Finance/Budget.

Maine Municipal Employees Health Trust Annual Meeting (for MMEHT Members only)

11:45 a.m. – Noon Break/Visit with Exhibitors

Noon – 1:30 p.m. Awards Luncheon

1:30 – 1:45 p.m. Break/Visit with Exhibitors

1:45 – 2:45 p.m. Concurrent Sessions

MMA Annual Business Meeting

Please join us as President Mary Sabins, Vice President Christine Landes and Executive Director Stephen Gove shed light on MMA's upcoming priorities and topics that arose in 2019.

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.

Posted Roads: State Statutes, Local Restrictions

Let's face it: For many communities, local roads – including roads vulnerable to heavy trucks during certain seasons – are what municipal decision making is all about. This detailed presentation will walk attendees through what state statutes actually say, whether local ordinances are good options and how to time road postings.

Presenters: Pete Coughlan, Maine DOT Local Roads Center; Michael Stultz, Staff Attorney, Maine Municipal Association; John Rouleau, Director of Public Works, City of Old Town

Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Legal and Finance/Budget.

Tax Increment Financing in Maine Towns

(Sponsored by Maine Municipal Tax Collectors' and Treasurers' Association)

Municipal tax increment financing is a tool available to all municipalities and unorganized territories. There are around 500 tax increment financing districts in Maine. Learn about the program from a TIF attorney who represents municipalities across the state and from a municipal official who can speak about the implementation of a TIF district in a particular

community. Be prepared to hear advantages and disadvantages of the program, as well as feedback about the program's applicability to both smaller communities and larger cities.

Presenters: Shana Cook Mueller, Bernstein Shur; Curtis Lunt, Manager, Town of Monmouth

Certification: Valid for 1.00 MTCMA Certification credit in the following categories:

Finance/Budget and Legal.

Valid for 5 MMTCTA points toward certification as tax collector or treasurer.

2:45 – 3:00 p.m. Break/Visit with Exhibitors

3:00 – 4:30 p.m. FEATURED SPEAKER

Killer Show: Lessons from the Station Nightclub Fire

Sixteen years ago, the world was stunned by the news of a tragic fire at The Station nightclub in West Warwick, R.I., which claimed 100 lives and affected far more. This presentation analyzes the causes of that fire, conditions that contributed to its severity, and a discussion of what can be done to prevent similar catastrophes.

Presenter: John Baryllick, Attorney with Wistow, Baryllick, Sheehan and Lovely in Providence, R.I.; Author of "Killer Show: The Station Nightclub Fire."

Certification: Valid for 1.50 MTCMA Certification credits in the following categories:

Leadership and Legal.

4:30 – 6:00 p.m. Member Appreciation Reception

Thursday October 3, 2019

7:30 a.m. Registration

7:30 – 9:00 a.m. Buffet Breakfast

9:00 – 10:15 a.m. FEATURED SPEAKER

Trouble in the Presidentials: What a Mountaineering Accident Shows Us about Leadership, Teamwork and Managing Risk

Although strikingly beautiful, Mount Washington and the surrounding Presidential Range hold the dubious distinction of having "the world's worst weather." The Presidential Range is also renowned for the challenging terrain it provides for alpinists. As such, it has been the scene of hundreds of mountaineering accidents over the years. Ty will provide in-depth analysis of a recent tragedy on the range and extend those lessons, and others learned above tree line, into your roles as leaders, managers, staff and team members.

Presenter: Ty Gagne, CEO Primex3

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

10:15 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

ABCs of Economic Development (Co-sponsored by Maine Community Development Association)

Every rural community wants economic development, but how to start? This panel discussion

will walk attendees through the basics of planning for economic development, from identifying your town's areas of potential, to approaching businesses and organizations, from financing projects to seeing concrete progress.

Presenters: Christopher Winstead, Executive Director, Piscataquis County Economic Development Council; Margaret Daigle, Chair Select Board, Town of East Millinocket; Danielle Ahearn, SVP Community Development Officer, Bangor Savings Bank

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

Customer Service Excellence: Dealing with Difficult People

Customer service is a tricky business, especially in the public sector. How do you deliver first-rate service when handling irate and sometimes irrational citizens? This panel of experts will examine this growing problem and provide tips and tricks learned from their many years of experience on the "front lines."

Presenters: Suzanne Farnham, Home Agent Job Coach, L.L. Bean; Michael Roy, Manager, City of Waterville; Kathy Montejo, Clerk, City of Lewiston

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership.

How Do You Value Your Town, City or County Manager (Co-sponsored by Maine Town, City and County Management Association)

In this world of ever-changing rules and regulations, how do you provide your manager with the tools needed to keep up with day to day and future challenges that need to be addressed? How can being involved with the Maine Town, City and County Management Association help your Manager acquire the tools needed to manage change in your municipality? Civility and respect between elected officials and their appointed Managers are crucial to the health of community relations. This session will attempt to explain the importance of training, engagement, respect, and civility for both elected and appointed officials.

Presenters: Perry Ellsworth, Manager, Town of South Berwick & President, Maine Town, City and County Management Association; Bert Kendall, Interim Manager, Town of Denmark & MTCMA Senior Advisor

Certification: Valid for 1.25 MTCMA Certification credit in the following categories: Leadership and Elected Relations.

11:45 a.m. – 1:30 p.m. LUNCHEON & KEYNOTE SPEAKER:

Let's Talk Progress: Tools that Help Communities Grow

Is your city or town built on a smart economic foundation – well-planned and designed, approaching development in a forward-thinking way? Or are you busy running from challenge to challenge – fixing roads and water mains here, offer tax breaks there? Joe Minicozzi, a sought-after, national expert on municipal economics and urban design, will offer insight and humor as he challenges conventional thinking and entrenched biases about development. If you hope to create a strong community, one that is built to last, our 2019 keynote speaker is a "can't miss."

Presenter: Joe Minicozzi, Principal, Urban3, Asheville, N.C.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

1:30 – 2:30 p.m. Dessert Social & Musical Entertainment!

Head to the exhibit hall for desserts, one last chance to visit with exhibitors and music provided by Riff Johnson.

2:30 – 3:30 p.m. Concurrent Sessions

Connecting Communities via the East Coast Greenway

The East Coast Greenway is a walking and biking route stretching 3,000 miles from Maine to Florida and is designed to transform the 15 states and 450 communities it connects through active and healthy lifestyles, sustainable transportation, community engagement, climate resilience, tourism, and more. Kristine Keeney, the Alliance's New England Coordinator, will provide an overview of the vision and genesis of this project, its current route in Maine, the benefits to local communities, and highlight some of the efforts to complete the route in the state right now.

Presenter: Kristine Keeney, New England Coordinator, East Coast Greenway Alliance

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.

How to Combat Phishing in Town Offices

Saco's IT Director will provide a toolkit to prepare a customized strategic security plan for your municipality and identify your organization's security leverage points. This session will cover: how to develop cybersecurity awareness training; the need for implementing auditing and monitoring systems; and, the importance of preparing for a security breach. Do you have an operations plan in place? Have you created policies? Do you have backups? Do you know how to report breaches? How many items can you check off on our cybersecurity preparedness checklist?

Presenter: Ryan Pinheiro, Information Technology Director, City of Saco

Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Leadership and Finance/Budget.

Regional Planning and Development Issues

Development and redevelopment challenges vary greatly between rural areas and densely populated ones. How densely populated communities approach the issue may differ from rural communities, though each will share common challenges and opportunities. This workshop suggests that regional planning – neighbors working with neighbors – is an approach worth considering, and it will uncover barriers to cohesive development and offer support and help.

Presenters: Rebecca Graham, Legislative Advocate, Maine Municipal Association; John Davis, Town of Millinocket; Judy East, Washington County Council of Governments; Rod Melanson, Town of Topsham; Jim Shattuck, Town of Topsham; Samantha Horn, Land Use Planning Commission; Nancy Smith, Grow Smart Maine

Right to Know

Attorneys from MMA's Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers.

Attendees will get certificates that they completed the course.

Presenters: Richard Flewelling, Assistant Director, Legal Services, MMA; Susanne Pilgrim, Director, Legal Services, MMA

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Legal.

3:30 p.m. Adjourn

Affiliate Association Programs

Please see full Convention program for additional offerings, highlights, special events and EU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all Convention attendees.

Community Television Association of Maine (CTAM) & Central Maine Media Alliance (CMMA)

Thursday, October 3

10:30 – 11:45 a.m. Access \$1 Million Value for Your Town

Municipalities across Maine are missing out on huge amounts of funding, technology and services available to them. This session will explore the economic development and community engagement benefits of community television and PEG Media, and will provide turn-key solutions and practical applications that towns of all sizes and budgets can utilize.
Presenter: "Twinkle" Marie Manning, Director of Development, Central Maine Media Alliance

Maine Association of Local Emergency Managers (MALEM)

Wednesday, October 2

10:30 – 11:45 a.m. Public Safety Broadband Network Update

FirstNetME and AT&T FirstNet representatives will brief session attendees on the status of the public safety broadband network build-out in Maine, including its capabilities regarding municipal emergency management communications.

Presenters: David Maxwell, Program Director, FirstNetME; Bruce Fitzgerald, Principal Consultant, AT&T FirstNet

Maine Association of Planners (MAP)

Thursday, October 3

1:30 – 2:30 p.m. Planning & Land Use Ordinances

This "roundtable" session is an opportunity to hear about and share experiences municipalities have in managing, revising, or developing new land use ordinances. We will discuss the challenges of juggling local, state and federal regulations in preparing for and participating in Planning and Appeals Boards meetings, and touch upon legal implications of juggling so many volumes of regulations. Hear about (and share) examples of municipalities who have worked to streamline local ordinances, resources for updating or creating new ordinances, approaches to training and updating members of Planning and Appeals Boards, and discuss ideas for improving resources and support for land use ordinance development.

This session is for planners, code enforcement officers, planning board or appeals board members, town managers, or anyone interested in discussing issues of land use ordinances in Maine.

Maine Chapter of American Public Works Association (MCAPWA)

Thursday, October 3

8:00 – 8:15 a.m. MCAPWA Business Meeting

Opening Remarks, Election of Officers & General Meeting Business.

8:15 – 9:30 a.m. Talking Trash: Addressing Global Markets Locally

Panelists: Craig Stuart-Paul, President, Fiberight; Ben Breadmore, Town Manager, Town of Holden; Bev Uhlenhake, Mayor, City of Brewer

9:30 – 9:45 a.m. Maine Road Scholar Presentations

Presenter: Pete Coughlan, MaineDOT Local Roads Center

9:45 – 10:00 a.m. Break

10:00 – 10:45 a.m. TBD

10:45 – 11:00 a.m. Break

11:00 a.m. – 12:00 p.m. What's Happening at MaineDOT?

Presenter: Bruce Van Note, Commissioner, MaineDOT

MCAPWA Luncheon will follow at the Hollywood Casino Hotel (pre-registration required)

Maine Community Development Association (MCDA)

Wednesday, October 2

10:30 – 11:45 a.m. Meeting the Challenges of Housing Older Adults

The Community Aging in Place Grant is a low-cost, high impact home modification program that helps low and moderate income older Mainers stay in their homes safely.

Presenter: Clyde Barr, Maine Housing

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 2

0:30 a.m. – 12:30 p.m. Annual Meeting and Maine Fire Chief of the Year Award and Luncheon at Hollywood Casino Hotel

1:30 p.m. – 3:00 p.m. TBD

**Maine Government Finance Officers Association (MEGFOA)
Co-Sponsored by Maine Municipal Tax Collectors' and
Treasurers' Association (MMTCTA)****Thursday, October 3**

1:30 – 3:30 p.m. Continuity of Fiscal Operations

A storm hits your community, leaving your town hall stranded for days, and your finance staff cannot get to their offices. Or, a strain of flu settles on your community and half of the town's employees are out sick, so the town hall closes because there are not enough employees to keep it open. How would you be able to pay employees, purchase supplies for 24/7 operations and emergency response, collect revenue, manage cash flow, and handle treasury functions? A section of your town is devastated during a storm, wiping out roads, homes, and utilities. How do you fund significant costs of recovery and rebuilding while waiting for federal reimbursement? In disaster and recovery planning, fiscal functions are often overlooked as being emergent in nature. In fact, some of these functions are needed to keep the emergency response going, or to maintain financial stability while taking on large recovery expenses. This session will explore some of the connections between administrative financial operations and direct services that should be considered during disaster and recovery planning.

Presenters: Naomi Petley, Public Assistance Officer, MEMA; Alina Wright, Individual Assistance and Voluntary Agency Liaison, MEMA

Certification: Valid for 5 MMTCTA points toward certification as tax collector or treasurer.

Maine Resource Recovery Association (MRRA)**Wednesday, October 2**

1:45 – 2:45 p.m. Discussion on Behavior Change, Reaching the Future Workforce, and Empowering your Staff/Employees

Presenters: Skyler Horton and Hannah Nadeau, University of Maine Students; Eric Strout and Daniel Tremble, Hannaford

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 2

10:15 a.m. – 2:45 p.m. State Agency Updates

10:15-10:45 a.m. Vital Records Updates: Theresa Roberts, Deputy State Registrar

10:45-11:45 a.m. Elections & Notary Public Updates: Julie Flynn, Deputy Secretary of State

1:45-2:15 p.m. Animal Welfare Updates: Liam Hughes, Director of Animal Welfare

2:15-2:45 p.m. Inland Fisheries & Wildlife Updates: Angela Vo, MOSES Team Leader and Management Analyst

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

Maine Welfare Directors' Association (MWDA)

Thursday, October 3

10:30 – 11:45 a.m. General Assistance Overview

This session will provide a basic overview of administering a General Assistance program. It is appropriate for any municipal representatives involved with or interested in their GA program. Topics covered will include eligibility requirements, the application process, and emergency assistance.

Presenter: Rindy Fogler, Community Services Manager, City of Bangor

This session will provide a basic overview of administering a General Assistance program. It is appropriate for any municipal representatives involved with or interested in their GA program. Topics covered will include eligibility requirements, the application process, and emergency assistance.

Code Officer Report Select Board Meeting August 13, 2019

Building Permits Issued

There have been no permits issued since the last meeting.

Plumbing Permits Issued

There have been no permits issued since the last meeting.

Road Items

Timberline Road has sustained some shoulder erosion damage from recent hard rains. I have contacted Cross Exc. to begin the repair process.

Other Items

The owner at 49 Barker Mountain Road responded within the requested time frame via phone to the First Notice of Violation letter sent August 13, 2019. He stated he would keep me updated on obtaining the services of a Maine Licensed Professional Surveyor to confirm the location of the deck structure supporting a hot tub in relation to the required ten foot property line setback as requested in the First Notice of Violation letter.

An Ordinance to Amend the Planning Board Ordinance

The Town of Newry Planning Board Ordinance, enacted September 21, 1987 and amended March 3, 2015, is hereby amended as follows:

PLANNING BOARD ORDINANCE

1. Establishment: Pursuant to Article VIII, Part 2, Section 1 of the Maine Constitution and Title 30-A MRSA Sections 3001 *et seq.*, the Town of Newry hereby establishes the Newry Planning Board.
2. Appointment:
 - A. ~~Planning Board~~ members shall be appointed by the ~~Municipal Officers~~Board of Selectmen and sworn by the Clerk or other authorized person ~~authorized~~ -to administer oaths.
 - B. The Planning Board shall consist of 5 regular members and 2 alternate members ~~except that, beginning with the effective date of this revision, there shall be three alternate members until such as attrition reduces the number to 2.~~
 - C. The term of each member shall be three (3) years and run from ~~April~~July 1 to ~~March~~June 30.
 - D. When there is a permanent vacancy, the ~~Municipal Officers~~Board of Selectmen shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, ~~or when a member ceases to be a legal resident of the town,~~ or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the ~~Planning board~~Board shall immediately so advise the ~~municipal officers~~Board of Selectmen in writing. The ~~Planning board~~Board may recommend to the ~~municipal officers~~Board of Selectmen that the attendance provision be waived for ~~the good cause~~, in which case no vacancy will then exist ~~until unless~~ the ~~municipal officers~~Board of Selectmen disapprove the recommendation. The ~~municipal officers~~Board of Selectmen may remove members of the ~~planning~~Planning board ~~Board~~ by unanimous vote, for cause, after notice and hearing.
 - E. A Municipal Officer shall not be a member or alternate member.
3. Organization and Rules:
 - A. The Planning Board shall elect a chairperson, vice chairperson and a secretary from among its members. The term of all officers shall be one year with eligibility for re-election.
 - B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her stead.

- C. An alternate member should attend all meetings of the Planning Board and participate in its proceedings, but may vote only when he or she has been designated by the chairman to sit for a member.
 - D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the one who is being challenged.
 - E. The chairperson shall call at least one regular meeting of the Planning Board each month.
 - F. No meeting of the Planning Board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. The Planning Board shall act by a majority vote of the full board.
 - G. The Planning Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. ~~All records shall be deemed public and may be inspected at reasonable times.~~
4. Duties and Powers:
- A. The Planning Board, or a part thereof, may be designated by the Board of Selectmen as part of the local planning committee whose general responsibility is for the development and maintenance of a Comprehensive Plan (as defined by Title 30-A MRSA, Sections 4301-4344). The Planning Board shall thereafter periodically review and make recommendations to the Board of Selectmen for revisions to the Comprehensive Plan.
 - B. The Planning Board shall perform such duties and exercise such powers as are provided by Town of Newry Ordinances and the Laws of the State of Maine.
 - C. The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriation made for the purpose.
5. Amendments to this Ordinance:
- A. This Ordinance may be amended by a majority vote of a regular or special town meeting. Amendments may be initiated by a majority vote of the Board of Selectmen, by request of the Planning Board, or by a petition signed by a number of registered voters greater than 10% of the votes cast in the last gubernatorial election in the Town. The Board of Selectmen shall conduct a public hearing on the amendments.

(New language is underlined and deletions are ~~struck through~~.)

ENACTED 9-21-1987

Amendments to Sections 1, 2.B., 2.C., 2.D., 2.F., 4. A. and 5 adopted at Town Meeting
March 3, 2015

MARIJUANA STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Marijuana Stores as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. This Ordinance shall be known and cited as the “Town of Newry Marijuana Store Ordinance” or the “Ordinance.”

2. AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et. seq.*, as may be amended.

3. DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

Adult Use Marijuana shall mean “adult use marijuana” as that term is defined in 28-B M.R.S.A. §102(1), as may be amended.

Adult Use Marijuana Product shall mean “adult use marijuana product” as that term is defined in 28-B M.R.S.A. §102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a Marijuana Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell adult use marijuana and/or adult use marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

Local Licensing Authority shall mean the Board of Selectmen of the Town of Newry.

Marijuana shall mean “marijuana” as that term is defined in 28-B M.R.S.A. §102(27), as may be amended.

Marijuana Store shall mean a “marijuana store” as that term is defined in 28-B M.R.S.A. §102(34), as may be amended.

Ordinance shall mean this Town of Newry Marijuana Store Ordinance.

Owner shall mean a person whose beneficial interest in a Marijuana Store is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Marijuana Store and has a controlling interest in a Marijuana Store.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

State License shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for sale of adult use marijuana and/or adult use marijuana products in this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the sale of adult use marijuana and/or adult use marijuana products in this State.

UDRO shall mean the Unified Development Review Ordinance for the Town of Newry, Maine, as may be amended.

4. MARIJUANA STORES.

Marijuana Stores shall be considered a “Retail Business” under the URDO subject to the requirements and restrictions of the UDRO, this Ordinance and State law and regulations.

5. PROHIBITED ACTIVITIES.

a. No Marijuana Store shall be established or operated within the Town without first receiving and then maintaining all required State and municipal approvals.

b. No Marijuana Store shall conduct any activity for which it has not received the required State License and Local License.

c. A Marijuana Store may not be operated on property located within _____ feet of the property line of a public or preexisting private school (K-12). [State law provides for separation of 1000 feet, but municipality can go as low as 500 feet.]

6. LICENSE REQUIRED.

A Marijuana Store shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 1, as may be amended, and is issued a Local License under the provisions of this Ordinance.

7. LICENSING PROCEDURE.

a. The initial application for a Local License shall be processed by the Town Clerk but reviewed and approved by the Local Licensing Authority. Application shall be made on a form prepared by the Town and must include all information required by Section 9 of this Ordinance and by the form.

b. A public hearing on an application for a Local License shall be scheduled after receipt of a completed application pursuant to Section 9 of this Ordinance. The Town Clerk shall post and publish public notice of the date, time and place of the hearing not less than seven (7) days prior to the hearing; notice shall be published in a newspaper of general circulation in Oxford County.

c. A Local License renewal application shall be subject to the same review standards as apply to the initial issuance of the license and the same notice requirements as a new application. As part of the renewal process, the Local Licensing Authority shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the Local Licensing Authority determines that a public hearing on a renewal application is necessary and appropriate, the Local Licensing Authority may elect to defer action on a renewal application until after it conducts a public hearing.

d. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk may consult with other Town departments and any appropriate State Licensing Authority as part of the initial investigation.

e. The Local Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with UDRO and this Ordinance or to address concerns about the operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

f. No Local License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any 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.

8. LICENSE FEES.

Fees for a Local License shall be established by order of the Board of Selectmen and shall be paid annually by the Licensee prior to initial issuance or subsequent renewal of a Local License.

9. APPLICATION.

a. Each Applicant for a Local License shall complete and file an application on a form prescribed by the Board of Selectmen, together with a license fee as required by Section 8 above and with the following submissions:

1. A copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.
2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Store and a State retail certificate if required.
3. 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.
4. 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 ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
5. Evidence of all land use approvals or conditional land use approvals required to operate a Marijuana Store pursuant to the Ordinance, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.
6. Evidence of all other local approvals or conditional approvals required to operate a Marijuana Store pursuant to the Ordinance including, but not limited to, food license or victualer's license.
7. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.
8. A copy of the Applicant's security plan and operations manual.

b. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

10. LICENSE EXPIRATION AND RENEWAL.

a. Each Local License issued shall be effective for one year from the date of issuance.

b. Renewal applications must be submitted prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.

11. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

a. A Local License under this Ordinance shall be denied to the following persons:

1. A person who fails to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.

2. A person who has had a license related to Marijuana revoked by the Town or by the State.

3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.

b. The Local Licensing Authority may suspend or revoke a license for any violation of UDRO, this Ordinance, or any other applicable building and life safety code requirements, and may suspend or revoke a license if the Licensee has a State License related to Marijuana suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

12. OPERATING REQUIREMENTS.

The Licensee shall comply with all of the following requirements during the term of the Local License:

a. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Store in temporary or mobile locations.

c. A Marijuana Store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Marijuana Stores, the stricter law or regulation shall control

13. CHANGE OF OWNERSHIP OR LOCATION.

Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or ownership interests or change in the officers, members or directors of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new Local License for that location.

14. DECISION, APPEALS.

a. Decision. The Local Licensing Authority shall, when issuing a Local License hereunder, also make written findings of fact and conclusions of law in support of approval, conditional approval, or denial of an application.

b. Appeals. Any appeal of a decision of the Local Licensing Authority under the Ordinance shall be to the Maine Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

15. VIOLATIONS AND PENALTIES.

The operation of any Marijuana Store without the required Local License or in violation of the requirements of this Ordinance shall be a violation of this Ordinance. Violations shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall be a separate offense. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 11 of this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees and costs.

16. SEVERABILITY.

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

17. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

18. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting. However, no application for any Local License for a Marijuana Store shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

MEDICAL MARIJUANA RETAIL STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Medical Marijuana Retail Stores as defined in this Ordinance and by the State of Maine under the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended. This Ordinance shall be known and cited as the “Town of Newry Medical Marijuana Retail Store Ordinance.”

2. AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by 22 M.R.S.A. § 2421 *et. seq.*, as may be amended.

3. DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

Applicant shall mean a person that has submitted an application for licensure as a Medical Marijuana Retail Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell medical marijuana and/or medical marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

Local Licensing Authority shall mean the Board of Selectmen of the Town of Newry.

Marijuana shall mean “marijuana” as that term is defined in 28-B M.R.S.A. §102(27), as may be amended.

Medical Marijuana shall mean the medical use of marijuana, with the term “medical use” as defined in 22 M.R.S.A. §2422(5), as may be amended.

Medical Marijuana Caregiver shall mean a “caregiver” as that term is defined in 22 M.R.S.A. §2422(8-A), as may be amended.

Medical Marijuana Qualifying Patient shall mean a “qualifying patient” as that term is defined in 22 M.R.S.A. §2422(9), as may be amended.

Medical Marijuana Registered Caregiver shall mean a “registered caregiver” as that term is defined in 22 M.R.S.A. §2422(11), as may be amended.

Medical Marijuana Retail Store shall mean a retail establishment operated by a single Medical Marijuana Registered Caregiver where harvested marijuana is sold by that Medical Marijuana Registered Caregiver to Medical Marijuana Qualifying Patients for patients’ medical use and may include an area for consultation with patients. Two or more Medical Marijuana Registered Caregivers are prohibited from forming, owning or operating a Medical Marijuana Retail Store as a single Medical Marijuana Retail Store.

Ordinance shall mean this Town of Newry Medical Marijuana Retail Store Ordinance.

Owner shall mean a person whose beneficial interest in a Medical Marijuana Retail Store is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Medical Marijuana Retail Store and has a controlling interest in a Medical Marijuana Retail Store.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

State License shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for sale of medical marijuana and/or medical marijuana products in this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the sale of medical marijuana and/or medical marijuana products in this State.

UDRO shall mean the Unified Development Review Ordinance for the Town of Newry, Maine, as may be amended.

4. MEDICAL MARIJUANA RETAIL STORES.

Medical Marijuana Retail Stores shall be considered a “Retail Business” under the URDO subject to the requirements and restrictions of the UDRO, this Ordinance and State law and regulations.

5. PROHIBITED ACTIVITIES.

a. No Medical Marijuana Retail Store shall be established or operated within the Town without first receiving and then maintaining all required State and municipal approvals.

b. No Medical Marijuana Retail Store shall conduct any activity for which it has not received the required State License and Local License.

c. A Medical Marijuana Retail Store may not be operated on property located within _____ feet of the property line of a public or preexisting private school (K-12) [State does not have specific standard for medical marijuana retail stores]

6. LICENSE REQUIRED.

A Medical Marijuana Retail Store shall not operate until it is licensed, registered or certified, as applicable, by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 558-C, as may be amended and is issued a Local License under the provisions of this Ordinance.

7. LICENSING PROCEDURE.

a. The initial application for a Local License shall be processed by the Town Clerk but reviewed and approved by the Local Licensing Authority. Application shall be made on a form prepared by the Town and must include all information required by Section 9 of this Ordinance and by the form.

b. A public hearing on an application for a Local License shall be scheduled after receipt of a completed application pursuant to Section 9 of this Ordinance. The Town Clerk shall post and publish public notice of the date, time and place of the hearing not less than seven (7) days prior to the hearing; notice shall be published in a newspaper of general circulation in Oxford County.

c. A Local License renewal application shall be subject to the same review standards as apply to the initial issuance of the license and the same notice requirements as a new application. As part of the renewal process, the Local Licensing Authority shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the Local Licensing Authority determines that a hearing on a renewal application is necessary and appropriate, the Local Licensing Authority may elect to defer action on a renewal application until after it conducts a public hearing.

d. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk may consult with other Town departments and any appropriate State Licensing Authority as part of the initial investigation.

e. The Local Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with UDRO and this Ordinance or to

address concerns about the operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

f. No Local License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any 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.

g. Medical Marijuana Registered Caregivers and other Applicants submitting applications and supporting information that is confidential under 22 M.R.S.A. §2425-A(12), as may be amended, and the Maine Freedom of Access Act, 1 M.R.S.A. §403(3)(F), as may be amended, shall mark such information as confidential.

8. LICENSE FEES.

Fees for a Local License shall be established by order of the Board of Selectmen and shall be paid annually by the Licensee prior to initial issuance or subsequent renewal of a Local License.

9. APPLICATION.

a. Each Applicant for a Local License shall complete and file an application on a form prescribed by the Board of Selectmen, together with a license fee as required by Section 8 above and with the following submissions:

1. A copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.
2. Evidence of all State approvals or conditional approvals required to operate a Medical Marijuana Retail Store and a State retail certificate, if required.
3. 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.
4. 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 ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.

5. Evidence of all land use approvals or conditional land use approvals required to operate a Medical Marijuana Retail Store pursuant to the Ordinance, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.

6. Evidence of all other local approvals or conditional approvals required to operate a Medical Marijuana Retail Store pursuant to the Ordinance including, but not limited to, food license or victualer's license.

7. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.

8. A copy of the Applicant's security plan and operations manual.

b. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

10. LICENSE EXPIRATION AND RENEWAL.

a. Each Local License issued shall be effective for one year from the date of issuance.

b. Renewal applications must be submitted prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.

11. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

a. A Local License under this Ordinance shall be denied to the following persons:

1. A person who fails to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.

2. A person who has had a license related to Marijuana revoked by the Town or by the State.

3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.

b. The Local Licensing Authority may suspend or revoke a license for any violation of UDRO, this Ordinance or any other applicable building and life safety code requirements, and

may suspend or revoke a license if the Licensee has a State License related to Marijuana suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

12. OPERATING REQUIREMENTS.

The Licensee shall comply with all of the following requirements during the term of the Local License:

- a. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.
- b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Medical Marijuana Retail Store in temporary or mobile locations.
- c. A Medical Marijuana Retail Store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Medical Marijuana Retail Stores, the stricter law or regulation shall control

13. CHANGE OF OWNERSHIP OR LOCATION.

Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or ownership interests or change in the officers, members or directors of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new Local License for that location.

14. DECISION, APPEALS.

- a. Decision. The Local Licensing Authority shall, when issuing a Local License hereunder, also make written findings of fact and conclusions of law in support of approval, conditional approval, or denial of an application.
- b. Appeals. Any appeal of a decision of the Local Licensing Authority under the Ordinance shall be to the Maine Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

15. VIOLATIONS AND PENALTIES.

The operation of any Medical Marijuana Retail Store without the required Local License or in violation of the requirements of this Ordinance shall be a violation of this Ordinance. Violations shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall be a separate offense. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 11 of this Ordinance. In any court action, the Town may seek injunctive relief in addition to

penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees and costs.

16. SEVERABILITY.

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

17. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Medical Use of Marijuana Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

18. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting.