



**MAINE MUNICIPAL
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Testimony of the Maine Municipal Association

In Opposition to

LD 2053 - *An Act to Exempt Buildings Used to Cultivate Crops from the Maine Uniform Building and Energy Code*

January 22, 2023

Sen. Beebee-Center, Rep. Salisbury and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I providing testimony, in opposition to LD 2053, *An Act to Exempt Buildings Used to Cultivate Crops from the Maine Uniform Building and Energy Code*, on behalf of the Maine Municipal Association, which represents the interests of municipal government before the Legislature. The positions of the Association are established by our 70-member Legislative Policy Committee (LPC), who are elected by the councils and selectboards of municipalities in each of Maine's 35 Senate districts.

Officials are concerned about the language of the bill which expands the exemptions currently in place for very clear agricultural uses to a business activity that will inherently involve more human activity and potentially employees in a building when the exemption is expanded to the cultivation of crops. Loading docks, proximity to adjacent buildings, and appropriate life safety considerations that may or may not include the safe storage of fertilizers and other hazardous material related to the activity of cultivation are very different from the intended exemption in current law.

Indoor cultivation can occur in places that traditional agricultural practice exempts under 10 M.R.S.A. §9722, (6) cannot occur, such as industrial spaces in urban areas. For these reasons, officials believe a blanket exemption for the activity of cultivation alone is not appropriate and would require officials to adopt a more stringent approach to the management of cultivation practices in more densely populated areas to make sure exemption for life safety practices under this proposed bill would not pose a danger to adjacent businesses and homes on an individual basis.

Additionally, the added language exempting the cultivation of cannabis from the bill leaves the storage of cannabis to fall under the exemption. The exemption as drafted only applies to cultivation. Officials find this incredibly problematic as the smell emanating from the storage of harvested cannabis causes significant issues for adjacent residences and businesses. Without the ability to adopt stricter ventilation standards or apply the Maine Uniform Building Code requirements for the storage of cannabis, municipalities are less likely to opt in for adult use cannabis or be able to address neighborhood issues that are already problematic in many communities with few tools to address them under the medical use program.

Officials ask that you carefully unpack the exemption for indoor cultivation of all crops before enacting a blanket exemption and that should you wish to provide a limited exemption that you include storage in the section that states the exemption would not apply to cannabis related activity.