



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: April 21, 2021

Senator Louis Luchini  
Representative Christopher Caiazzo  
Members of the Joint Standing Committee on Veterans & Legal Affairs  
Room 437 SH

RE: LD 1242 & LD 1319 - Bills Intending to alter the Office of Marijuana Policy's (OMP) Proposed Rulemaking for the Maine Medical Marijuana Program (MMMP)

**Senator Luchini, Representative Caiazzo and Members of the Joint Standing Committee on Veterans & Legal Affairs:**

My name is Jennie P. Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook and I would like to provide testimony on the experiences of Maine's Medical Marijuana Program for the City of Westbrook and why we support the direction of the Office of Marijuana Policy.

**In summary, the City of Westbrook sees the recent rulemaking changes of the Maine Medical Marijuana Program (MMMP) by the Office of Marijuana Policy (OMP) to provide the accountability and transparency needed, where the original MMMP regulations lacked the tracking and tracing of products, as well as ensuring facility security, and providing the necessary language to support our enforcement officers to take action on illegal/non-compliant operations.**

**Although comments provided by those in the industry are important to hear, it is equally important that the views of municipalities, law enforcement and public health are heard in providing their views to ensuring the best possible outcome for the MMMP.**

A little background on Westbrook's journey: In February of 2018, the City of Westbrook adopted our Medical Marijuana (MM) Ordinance to allow for Dispensaries and Caregiver Cultivation Facilities.

On June 4, 2018, the City Council upon recommendation of the Planning Board, adopted an Adult Use/Retail Marijuana Ordinance which prohibited the activities associated with the Adult Use Marijuana.

The current Medical Marijuana operations have been operating well in our community. We have approximately 20-25 Medical Marijuana Grows in our City. The majority of our Medical Marijuana operations in the City are unknown or unseen by the public. That is part by design of the occupants to not wish to attract attention to their operations and for security reasons. In our City MM ordinance, we already included security regulations as well as signage regulations, and find the new rulemaking is complementary to the manner in which we are conducting business in our community.

The impact of the Medical Marijuana operations in Westbrook has been manageable as most of the administrative components are addressed by the OMP and issues related to compliance are also referred to the State. However, without better tracking & tracing of Medical Marijuana, it is operating with limited oversight and in an unaccountable manner that is not in the State nor our City's best interest.

The Track & Trace program costs were reviewed by the OMP and were determined to be minor in comparison to the product sales, and further it was relayed to my office that one plants sales would cover the cost of the Track & Trace

program for the year. This seems like a small price to pay to create the equivalent accountability regulations like the Adult Use industry.

The Rulemaking changes for the MMMP have not raised many questions in our community. To date, we have only had one of our 25+/- MM Caregiver Cultivation Facilities provide concerns regarding the new rules.

**The City has not been provided any valid concerns about the new rulemaking changes to the MMMP.**

Statements have been made by the one of our Medical Marijuana Caregiver such as, all Caregivers were “being pushed into the Adult Use Market”, which is not permitted in Westbrook and thus providing a justification for the City to amend its ordinances. These assertions are not founded and are not the direction of the Office of Marijuana Policy (OMP) for the State of Maine.

**Other misstatements that have been made related to the new MMMP Rules are (In bold):**

**-“The new rule aims to limit access to certifications by amending qualifying conditions and medical providers who are authorized to prescribe”.**

This statement is false. The “list of qualifying conditions” was repealed effective Dec 13, 2018. The new rules as proposed reinforce the statutory requirement for there to be a bona fide provider-patient relationship before a certification could be issued.

**-“The buying power will be stripped from the medical market by restricting access to certifications”.**

*Answer from the Office of Marijuana Policy:*

*“The underlying premise of this question seems flawed, since the Office of Marijuana Policy is not attempting to restrict access to patient certifications.”*

From the OMP website, the new “rule makes clear throughout that the activities authorized under the Act are to be done for the purpose of assisting qualifying patients. By emphasizing this purpose, OMP is seeking to return programmatic focus to the original goals of the Act: ensuring patient access to safe and affordable marijuana for medical use.”

The proposed MMMP Rulemaking changes are to:

- Standardize the application process and how businesses organize
- Clarifies Municipal approval process
- Update tracking system requirements
- Update Packaging, Labeling & Advertising requirements

**The proposed Amendments of LD 1242 & LD 1319 could undermine, or delay needed MM regulations. Further, the arbitrary limitation on dispensaries seems like a step backwards in Medical Marijuana Policy.**

The City of Westbrook is supportive of the OMP’s Rulemaking on Medical Marijuana as it relates to the accountability and transparency that the updated language provides. The Rulemaking update is long overdue.

By creating comparable standards to Adult Use, Medical Marijuana will be better accounted for and provide the regulatory needs for our Law Enforcement Officials to address illegal/noncompliant activity in Medical Marijuana Facilities in our community.

Thank you for your time and consideration,

Respectfully Submitted,

*Jennie P. Franceschi*

Director of Planning and Code Enforcement