

TOWN OF SANGERVILLE, MAINE
MORATORIUM ORDINANCE ON CANNABIS CULTIVATION FACILITIES AND
COMMERCIAL CANNABIS ESTABLISHMENTS

Recitals and Findings

The legislative body of the Town of Sangerville (the “Town”) finds and determines as follows:

1. The Town is authorized to enact this Moratorium pursuant to its home rule authority under Article VIII, Part Second of the Constitution of Maine and 30-A M.R.S. § 3001, and pursuant to the express authority to adopt development moratoria under 30-A M.R.S. § 4356.
2. Maine regulates cannabis under two separate statutory programs: adult use cannabis under the Cannabis Legalization Act, 28-B M.R.S. (Title 28-B), and cannabis for medical use under the Maine Medical Use of Cannabis Act, 22 M.R.S. ch. 558-C. These programs impose different requirements on cultivation, manufacturing, testing, and sale, and create a complex regulatory framework that the Town must have adequate time to study before adopting permanent local regulations.
3. Under 28-B M.R.S. § 402, a commercial adult use cannabis establishment may not operate within a municipality, and a municipality may not accept a request for local authorization as complete, unless the municipality’s legislative body has first voted to adopt an ordinance or warrant article allowing that type of establishment. The Town has not adopted any such ordinance or warrant article and has not opted in to permit adult use cannabis establishments.
4. The Town has no zoning ordinance, no site plan review ordinance, and no building code, and does not enforce the Maine Uniform Building and Energy Code (MUBEC). The Town has fewer than 4,000 residents and is therefore not required to enforce MUBEC, although it is permitted to adopt and enforce it, under 10 M.R.S. § 9724. As a result, the Town presently has no local land use mechanism to review or condition the siting, scale, construction, or operation of cannabis cultivation facilities or other cannabis establishments.
5. Cannabis cultivation facilities, particularly large indoor, commercial-scale grow operations, present land use impacts and public health and safety concerns that the Town is presently unable to evaluate or address, including, without limitation: substandard or uninspected building construction; elevated fire and electrical hazards arising from high-intensity cultivation lighting, concentrated electrical loads, heating, ventilation, and dehumidification systems; demand on water supply and subsurface wastewater disposal; odor; traffic; security and the potential for diversion of cannabis to illicit or out-of-state markets; and incompatibility with surrounding residential, agricultural, and rural land uses.
6. While certain statewide regimes apply within the Town regardless of local regulation (including the fire safety and life safety codes adopted by the Commissioner of Public Safety under 25 M.R.S. § 2452 and administered by the Office of State Fire Marshal, and the State’s plumbing and subsurface wastewater disposal rules administered through the local plumbing inspector), these regimes do not provide the Town with a local land use

framework to evaluate, site, condition, or limit cannabis cultivation facilities and other cannabis establishments at the local level.

7. One or more cannabis cultivation operations have been established, are being constructed or expanded, or are proposed to be established, constructed, or expanded within the Town, and one or more applications or requests for permits or approvals relating to such operations are pending or reasonably anticipated. The Town has an immediate need to preserve the status quo while it studies the issue.
8. The application of the Town's existing comprehensive plan, ordinances, regulations, and other applicable laws, if any, is inadequate to prevent serious public harm from the unregulated development, construction, expansion, and operation of cannabis cultivation facilities and commercial cannabis establishments within the Town, and an overburden of public facilities and public safety resources is reasonably foreseeable as a result, within the meaning of 30-A M.R.S. § 4356(1).
9. The Town requires a reasonable period of time, anticipated to be up to one hundred eighty (180) days and possibly longer, to study these impacts and to develop, consider, and adopt appropriate local measures, which may include a comprehensive cannabis land use and licensing ordinance, performance standards (including odor, setback, screening, fire and electrical safety, and water and wastewater standards), site plan review, and the local adoption and enforcement of MUBEC.
10. The legislative body finds that the foregoing circumstances satisfy the requirements of 30-A M.R.S. § 4356 and warrant the immediate enactment of a moratorium to prevent serious public harm while the Town completes that study and develops permanent regulations.

NOW, THEREFORE, pursuant to its home rule authority and 30-A M.R.S. § 4356, the legislative body of the Town of Sangerville hereby ordains and enacts the following Moratorium:

Section 1. Title.

This ordinance shall be known and may be cited as the “**Moratorium Ordinance on Cannabis Cultivation Facilities and Commercial Cannabis Establishments**” (this “Moratorium”).

Section 2. Authority.

This Moratorium is enacted pursuant to the home rule authority granted to the Town under Article VIII, Part Second of the Constitution of Maine and 30-A M.R.S. § 3001; the express moratorium authority of 30-A M.R.S. § 4356; and consistent with 28-B M.R.S. § 402 and 22 M.R.S. § 2429-D.

Section 3. Purpose.

The purpose of this Moratorium is to impose a temporary moratorium that defers the establishment, construction, installation, operation, expansion, licensing, and permitting of cannabis cultivation facilities and commercial cannabis establishments within the Town, in order to give the Town adequate time to study the land use, public health, public safety, and infrastructure impacts of such facilities and establishments, and to develop, consider, and adopt appropriate permanent local regulations and other measures addressing the subject matter of this Moratorium. This Moratorium is intended to preserve the status quo and to prevent the creation of new or expanded

nonconforming uses or vested rights during the study period; it is not intended to be permanent and does not authorize any use that is otherwise prohibited by law.

Section 4. Definitions.

For purposes of this Moratorium, the following terms have the following meanings. Terms not defined herein that are defined in the Cannabis Legalization Act, 28-B M.R.S., or the Maine Medical Use of Cannabis Act, 22 M.R.S. ch. 558-C, have the meanings given in those Acts.

- (a) **Applicability Date** means June 18, 2026, the date on which the Town posted the attested warrant for the Special Town Meeting in accordance with 30-A M.R.S. § 2523, which warrant included notice under Article 4 of the proposed enactment of this Moratorium. The Applicability Date governs the retroactive application of this Moratorium under Section 7 and the treatment of pending applications under Section 8.
- (b) **Cannabis** or **Marijuana** means all species of the plant genus Cannabis and any part of the plant, and any product composed of or containing cannabis or cannabis concentrate, as those terms are used in 28-B M.R.S. and 22 M.R.S. ch. 558-C, whether cultivated, possessed, or transferred for adult use or for medical use.
- (c) **Cannabis Cultivation** or **Cultivation** means the planting, propagation, growing, harvesting, drying, curing, or processing of cannabis plants.
- (d) **Cannabis Cultivation Facility** means any building, structure, greenhouse, premises, parcel, or portion thereof that is used, or is constructed, established, or intended to be used, for Cannabis Cultivation, whether for adult use under 28-B M.R.S. or for medical use under 22 M.R.S. ch. 558-C, and whether operated by a licensee, a registered dispensary, a registered caregiver, or any other person. The term does not include either of the following: (i) the home cultivation of cannabis for personal adult use by a person 21 years of age or older that is authorized under, and conducted in compliance with, 28-B M.R.S. § 1502; or (ii) the cultivation of cannabis by an individual qualifying patient for that patient's own medical use at the patient's residence under 22 M.R.S. ch. 558-C.
- (e) **Commercial Cannabis Establishment** or **Cannabis Establishment** means a Cannabis Cultivation Facility, a cannabis products manufacturing facility, a cannabis testing facility, a cannabis store, a registered caregiver retail store, or a registered dispensary, in each case whether operating, or proposed to operate, under Title 28-B or under 22 M.R.S. ch. 558-C.
- (f) **Expansion** or **Expand** means any new construction, enlargement, structural alteration, or addition of any building or structure used or to be used for Cannabis Cultivation or any other Cannabis Establishment activity, or any increase in the number of cannabis plants, the plant canopy, the cultivation area, or the number of structures devoted to such activity, beyond that lawfully existing on the Applicability Date.
- (g) **Legislative Body** means the Town meeting of the Town of Sangerville. **Municipal Officers** means the Select Board of the Town.

- (h) **Registered Caregiver, Registered Dispensary, and Qualifying Patient** have the meanings given in 22 M.R.S. ch. 558-C.

Section 5. Moratorium Imposed.

For the duration of this Moratorium, a moratorium is hereby imposed within the Town of Sangerville on each of the following:

- (a) The establishment, construction, installation, siting, operation, or Expansion of any new or expanded Cannabis Cultivation Facility or any other Commercial Cannabis Establishment; and
- (b) The acceptance, processing, review, approval, denial, issuance, or other action by any officer, official, employee, board, committee, commission, or agency of the Town upon any application, request, permit, license, registration certification, site plan, building permit, plumbing or subsurface wastewater permit, electrical permit, entrance or driveway permit, certificate of occupancy, local authorization, or other municipal approval relating to a new or expanded Cannabis Cultivation Facility or any other Commercial Cannabis Establishment.

No person shall establish, construct, install, site, operate, or Expand any Cannabis Cultivation Facility or other Commercial Cannabis Establishment within the Town on or after the Applicability Date. No officer, official, employee, board, committee, commission, or agency of the Town shall accept as complete, process, or act upon any application or request described in subsection (b) on or after the Applicability Date.

Section 6. Conduct Not Affected; Limitation on Construction.

This Moratorium shall not be construed to, and does not:

- (a) prohibit any person from registering as or acting as a Registered Caregiver, or limit the number of Registered Caregivers within the Town, contrary to 22 M.R.S. § 2429-D(1);
- (b) prohibit the home cultivation of cannabis for personal adult use authorized under 28-B M.R.S. § 1502, restrict the areas within the Town in which such home cultivation is allowed, or impose any license or other fee relating to such home cultivation; or
- (c) prohibit the cultivation of cannabis by an individual Qualifying Patient for that patient's own medical use at the patient's residence under 22 M.R.S. ch. 558-C.

Notwithstanding the foregoing, the temporary deferral under Section 5 of municipal land use, construction, and permitting approvals for new or expanded Cannabis Cultivation Facilities applies to all such facilities, including those operated or proposed to be operated by Registered Caregivers, as a temporary and generally applicable land use and public safety measure. Such deferral is not, and shall not be construed as, a prohibition on Registered Caregiver status, a limit on the number of Registered Caregivers, or a prohibition of any conduct preserved by subsections (a) through (c) of this Section.

Section 7. Retroactive Application.

As expressly authorized by 30-A M.R.S. § 3007, this Moratorium shall have retroactive application to the Applicability Date. The provisions of this Moratorium, including the moratorium imposed by Section 5, apply to any Cannabis Cultivation Facility or other Commercial Cannabis Establishment, and to any application, request, or approval relating thereto, on and after the Applicability Date, regardless of the date this Moratorium is finally enacted.

Section 8. Pending Applications.

Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Moratorium shall govern any application, request, permit, or approval relating to a Cannabis Cultivation Facility or other Commercial Cannabis Establishment for which the Town's reviewing authority had not conducted at least one substantive review, as described in 1 M.R.S. § 302, on or before the Applicability Date, whether or not such application or request was submitted to the Town before the Applicability Date. No such application or request shall be deemed a pending proceeding exempt from this Moratorium unless and until the reviewing authority conducted at least one substantive review of it on or before the Applicability Date.

Section 9. Conflicting Provisions Suspended.

Any provision of any existing ordinance, regulation, or rule of the Town that is inconsistent or in conflict with this Moratorium is hereby suspended to the extent of the inconsistency or conflict for the duration of this Moratorium. Upon the expiration or repeal of this Moratorium, any such suspended provision shall be revived to the extent it was in effect immediately before the Applicability Date.

Section 10. Enforcement; Violations; Penalties.

This Moratorium is a land use ordinance subject to enforcement under 30-A M.R.S. § 4452. The Code Enforcement Officer, the Municipal Officers, and any other municipal official designated by the Municipal Officers are authorized to enforce this Moratorium. In addition to any other remedy available at law or in equity, the Town may:

- (a) deny, withhold, suspend, or revoke any permit, license, or approval for any property or person in violation of this Moratorium until the violation is corrected;
- (b) institute injunctive proceedings, including under Rule 80K of the Maine Rules of Civil Procedure, to restrain, enjoin, or abate any violation of this Moratorium, including the continued construction, installation, or operation of a Cannabis Cultivation Facility or other Commercial Cannabis Establishment in violation of this Moratorium; and
- (c) recover civil penalties, the costs of abatement, court costs, and reasonable attorney's fees as provided in 30-A M.R.S. § 4452.

Each day during which a violation exists or continues constitutes a separate violation. Nothing in this Moratorium limits the Town's authority to refer suspected violations of state or federal law to the Maine Office of Cannabis Policy, the Maine Drug Enforcement Agency, the Office of State Fire Marshal, or any other agency having jurisdiction.

Section 11. Term and Extension.

This Moratorium shall remain in full force and effect for a definite term of one hundred eighty (180) days from the Applicability Date, unless it is extended, repealed, or modified in accordance with applicable law, or until the Town adopts superseding land use, licensing, or building-code regulations addressing the subject matter of this Moratorium, whichever first occurs. In accordance with 30-A M.R.S. § 4356(2), this Moratorium may be extended by the Legislative Body for additional periods of not more than 180 days each upon a finding that (a) the problem giving rise to the need for the moratorium still exists, and (b) reasonable progress is being made to alleviate that problem. In accordance with 30-A M.R.S. § 4356(3), because the Town's Legislative Body is the Town meeting, the Municipal Officers may extend this Moratorium in compliance with 30-A M.R.S. § 4356(2) after notice and hearing.

Section 12. Notification to the State.

Upon adoption of this Moratorium by the Town meeting, the Municipal Officers shall notify the Maine Office of Cannabis Policy, and any other state agency having jurisdiction over cannabis cultivation facilities or commercial cannabis establishments, of the existence and terms of this Moratorium. The Municipal Officers shall request that, for the term of this Moratorium, the State defer action on any pending or future application, license, or other authorization for the establishment, construction, operation, or expansion of a Cannabis Cultivation Facility or other Commercial Cannabis Establishment located or proposed to be located within the Town.

Section 13. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Moratorium is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Moratorium, which shall remain in full force and effect.

Section 14. Effective Date.

This Moratorium shall take effect immediately upon its enactment by the Legislative Body and shall apply retroactively to the Applicability Date as provided in Section 7.

ENACTED by the Legislative Body of the Town of Sangerville, Maine, under Article 4 of the warrant for the Special Town Meeting held on June 25, 2026.

Vote of the Town meeting:

In favor: 72 Opposed: 0 Blank: 0

Michelle Dubois
Town Clerk, Town of Sangerville

6/25/26
Date

Attest: A true copy of the foregoing Moratorium Ordinance on Cannabis Cultivation Facilities and Commercial Cannabis Establishments, enacted by the Town of Sangerville on the date set forth above.