

Durham Marijuana Straw Poll FAQ

If the results are “yes”, does that mean that category will be legal in Durham?

No. This is a **non-binding straw poll and advisory only**. The Select Board wants to know what the residents of Durham think about having these adult use businesses in town.

Why is Durham doing a straw poll?

While it has been legal to possess and grow small quantities of marijuana since the referendum in 2016, adult use businesses and how to regulate and license them has been an ongoing conversation. The legislature recently passed a law regarding adult use marijuana which defines and regulates four categories; Marijuana Store, Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities and Marijuana Testing Facilities. The State has given broad home rule authority to municipalities with an “opt-in” provision. None of these four categories are legal in Durham unless the voters approve them in a binding referendum.

Will this be all or nothing vote?

No. The four categories will be taken as separate questions. The voters can show their support for none, one, all or any combination of the four categories.

Why now?

First, because the law was very recently passed. Second, because this is a high turnout election and it is likely we will receive a response from as many as 50% of the registered voters in Durham.

What happens next?

A Municipality may regulate establishments beyond what the State requires by enacting Land Use Regulations, generally authorizing or limiting these establishments and/or imposing licensing requirements. If the vote on any of the categories is favorable, the Select Board may ask the Planning Board to write ordinances regulating that category. These ordinance changes would need to go before the voters at Town Meeting or in a referendum. If the voters authorize these establishments and/or approve an ordinance in a future binding vote, that category would then be legal and subject to all regulations and licensing set forth by the State and the Town of Durham.

What is a Marijuana Store?

A **Marijuana Store** would allow the sale of marijuana products (this includes but is not limited to what one might smoke or ingest, immature plants and seedlings), marijuana paraphernalia, consumables not containing marijuana and any other non-consumable product in a retail environment. These products are not to be used on premises. The customer is expected to consume purchases at a private residence.

What is a Marijuana Cultivation Facilities?

Marijuana Cultivation Facilities are the farms, indoor or out, that will grow the marijuana plants. The law does allow “consumer sales of immature marijuana plants, seedlings, marijuana

seeds and agricultural or gardening supplies relating to the cultivation of marijuana” in a location on the licensed premises dedicated to that purpose.

What is a Marijuana Manufacturing Facility?

Marijuana Manufacturing Facilities manufacture products (edibles, tinctures, oils etc.) to sell to marijuana stores and other manufacturing facilities. These facilities are also allowed make marijuana concentrate by extraction.

What is a Marijuana Testing Facility?

Marijuana Testing Facilities test plants and products for specific contaminants that are injurious to health and THC potency, homogeneity and cannabinoid profiles to ensure correct labeling.

What about Social Clubs?

The law that was enacted does not include Social Clubs. This category may be addressed at some point in the future.

Does this poll effect medical marijuana?

No. A new law has just been passed with regard to medical marijuana. This poll is intended **only** for **recreational** adult use marijuana. The new medical marijuana law may be addressed at a later date.

Does this effect my right to possess and use marijuana on my property?

No. This poll only addresses commercial enterprises and does not have any effect on personal use as allowed by State Law.

I heard that a municipality will receive money from the State if we allow these commercial enterprises. Is that true?

No. While the original bill did set aside some of the taxes collected by the State for municipalities, the version of the bill that was enacted does not. There may be some additional valuation picked up in real estate and personal property.

When can I expect to see the results of the straw poll?

Friday. Because of logistical issues, we will be counting the ballots on Thursday and should be able to have the results available on the Friday after the election. **Remember that this is not a binding referendum and no law or ordinance will be enacted as a result of this poll.**

Where can I get additional information?

We encourage residents to read the bill. A copy can be obtained at the Town Office or online at <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1199&item=4&snum=128>.

The Town Administrator can answer questions at the Town Office during office hours, by phone at 353-2561, ext. 10, or via email at adminasst@durhamme.com.