

MAINE LAND USE PLANNING COMMISSION

Department of Agriculture, Conservation, and Forestry



BASIS STATEMENT AND SUMMARY OF COMMENTS

FOR AMENDMENTS TO

CHAPTER 10: LAND USE DISTRICTS AND STANDARDS REGARDING THE 2020 MISCELLANEOUS RULE REVISIONS AND NEW MARIJUANA STANDARDS

July 15, 2020

STATUTORY AUTHORITY

12 M.R.S. §§ 685-A(3); 685-A(7-A); and 685-C(5); and
28-B M.R.S. §§ 404

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT

This rulemaking by the Maine Land Use Planning Commission establishes new standards for marijuana standards and carries out routine maintenance of its Chapter 10 rules, Land Use Districts and Standards.

Specifically, the revisions respond to Title 28-B, Section 404, by establishing minimum requirements for marijuana businesses regarding odors produced by indoor and outdoor growing operations, to protect against light pollution from lighting within greenhouses; and address currently conflicting regulations for signs advertising activities that are illegal under state or federal laws or regulations.

Several other revisions act to clarify distinctions between constructed ponds, water impoundments, and water bodies. These revisions also confirm that constructed ponds are not a protected natural resource and therefore shoreline frontage, setback, vegetative clearing, and filling and grading requirements do not apply.

All remaining revisions represent routine maintenance of this rule, generally including housekeeping matters, unifying references, clarifying existing provisions, and updating a list of applicable FEMA maps.

PUBLIC NOTICE OF RULEMAKING

At a virtual meeting conducted on May 13, 2020 via Microsoft Teams, the Commission voted to post the proposed 2020 Miscellaneous Rule Revisions and New Marijuana Standards to a public comment period. A public notice was posted in the State’s consolidated Weekly Rulemaking Notice on May 27, 2020. In addition to that posting, the Commission posted notice by e-mail through the State’s GovDelivery system to all individuals wishing to be contacted regarding any proposed changes to the Commission’s rules. The notice of the proposed revisions was also posted on the agency’s website.

The record remained open until June 18, 2020 to allow interested persons to file written statements with the Commission, and for an additional 8 days until June 26, 2018 to allow interested persons to file written rebuttal comments.

COMMENTS AND RESPONSES

No comments were received during the public comment period.