

Ad Hoc Marijuana Committee

Minutes – August 16, 2017

The meeting was called to order at 5:30 pm.

Roll Call

Members present were: Andy Jones, Claudia King, and Amy Lamontagne. Karen Farber arrived at 5:45 pm. Also present were Lieutenant (Lt.) John Kilbride, Nathan Poore, Chief Ed Tolan.

Item 1 – Approve Minutes of August 9 Meeting

Claudia motioned and Andy seconded with all in favor 2-0.

Item 2 – Special Guest – Lieutenant John Kilbride, Falmouth Police Department

Chief Tolan joined the conversation and detailed his recent testimony about retail marijuana (on behalf of the Maine Chiefs of Police Association) in Augusta. He said the state committee was interested in the law enforcement response and had invited members from different law enforcement organizations.

The committee asked Lt. Kilbride about challenges with retail marijuana in Falmouth. He said that impaired drivers impact law enforcement and police statewide are gearing up for the marijuana release in 2018. One of the challenges is the lack of Drug Recognition Experts (DRE)'s in Maine. There are only 90 in the state and two in the Falmouth Police Department. These police officers are trained to recognize impairment in drivers under the influence of drugs (in addition to alcohol). The DRE process can tie up an officer for hours and take that person off the street. If a department does not have a DRE, they must wait for one to arrive before apprehending an impaired driver.

Chief Tolan and Lt. Kilbride do not want to see marijuana social clubs in Falmouth because everything must be consumed on site. This requirement will lead to impaired driving.

The committee asked the police about safety issues related to retail marijuana. Lt. Kilbride mentioned armed robberies in Colorado where marijuana costs \$200.00/oz. Stores have a lot of cash on hand and usually hire private security (often police officers) to protect and transport money to the bank.

Lt. Kilbride is also concerned with the mixed messages retail marijuana is sending to youth. The Falmouth Police Department is very active in the schools with literature distribution as well as a School Resource Officer but what would happen if students saw retail marijuana on Route 1 in Falmouth? Both police representatives also think the edible market will be large in Maine and that will increase retail traffic.

The committee changed the conversation from retail/social clubs to the other three marijuana uses. They asked the police what type of rules they would like to see regarding these uses? Chief Tolan said he wants to wait for state regulations and then decide what Falmouth is doing. He also mentioned a future meeting with the committee once more details are available.

Using Falmouth as a comparison, Lt. Kilbride offered to research growing facilities (in Colorado) that are located in similar sized communities.

Item 3 – Discuss Marijuana Liability Issues

Town Manager Nathan Poore provided an update about marijuana liability. The big question involves how legal marijuana in Maine is treated at the federal level where it's illegal. Nathan and Amy are working with the town attorney to determine the best process. Nathan wants to understand if the town is at risk? What about employees who permit or enforce legal marijuana? Is extra insurance needed? Unfortunately, case law is lacking in this area and most of the legal cases involve medicinal, not retail marijuana. The committee asked Nathan to keep working with the town attorney on this important issue and to report back at a future meeting.

Item 4 – Other Business

The committee would like to discuss zoning at the next meeting. They requested existing zoning maps of the town as well as list of permitted and conditional uses per zone (with definitions). They do not need Community Development staff present at this meeting – but possibly available for a future meeting.

Item 5 – Adjourn

The meeting was adjourned at 7:25 pm.