



Town Of Durham

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EXEMPT MARIJUANA GROWING FACILITIES MINOR POLICY CHANGE

Summary

The proposed amendments establish a clear definition and prohibition on cannabis (marijuana) growing facilities that may be exempt from State or local regulatory reviews. Personal use and medical caregiver cultivation will be allowed per State limitations, but commercial or aggregated growing facilities will be specifically prohibited in all Districts.

Current vs. Proposed Marijuana Facilities for Individual Users or Caregivers

Aspect	Current	Proposed
Personal	Personal adult use cultivation is allowed by State law. Each person 21+ domiciled on a parcel may cultivate up to 6 mature (flowering) plants, 12 immature plants, and any number of seedlings, provided plants are secured, tagged, and screened from public view.	Same.
Registered Caregiver	Registered caregivers may cultivate up to 30 mature and 60 immature plants (unlimited seedlings) or up to 500 sq ft mature canopy and 1,000 sq ft immature canopy, subject to State security and separation requirements.	Same.
Aggregated Growing Facilities (multiple caregivers/patients/personal users renting or sharing a site)	Not defined or regulated. Facilities may exist without Town or State oversight.	Defined as "Cannabis Business or Aggregated Cultivation Facility" and specifically prohibited.

Why the Change?

Maine law allows municipalities to "opt in" to license adult-use (recreational) and medical marijuana establishments such as cultivation, manufacturing, and retail facilities. Durham has not opted in, which means commercial cannabis businesses are not allowed under State law within the Town. However, personal and caregiver cultivation of medical marijuana is permitted under State law without Town authorization. These limited exemptions have created uncertainty about how to handle shared growing operations that rent greenhouses or spaces to several individual caregivers or patients.