

AGENDA
ORDINANCE COMMITTEE

Thursday, June 21, 2018

4:30 p.m.
Council Chamber A

- Item 1.** Call to order.
- Item 2.** Attendance.
- Item 3.** Approval of Minutes: April 19, 2018.
- Item 4.** Discussion on Adult use of Recreational Marijuana.
- Item 5.** Discussion on the signs in the right of way ordinance language.
- Item 6.** Identification of next agenda items.
- Item 7.** Adjournment.

Memorandum

To: Ordinance Committee

From: James Buzzell

Date: June 20, 2018

Re: Adult Use Marijuana and Marijuana Establishments

In 2016, Maine voters legalized the adult use of marijuana for recreational purposes. Since that time, the Maine legislature has worked to amend and clarify the law and to establish a framework for its implementation. This year, the legislature passed “the Marijuana Legalization Act.” This new law permits the personal use of marijuana and marijuana products by persons 21 years of age or older, as well as the creation and operation of marijuana establishments, including cultivation, manufacturing, and testing facilities, and retail marijuana stores.

The state gives broad authority to municipalities to regulate all adult use marijuana establishments. This authority includes land use regulation; the ability to authorize marijuana establishments or enact limitations on the number or types of marijuana establishments; and the ability to enact local licensing requirements. Local authorization by a municipality is required before any person may operate a marijuana establishment. Furthermore, before a municipality may grant local authorization, the legislative body of the municipality must allow for the operation of some or all types of marijuana establishments within the municipality. Absent a permissive ordinance or article, no marijuana establishment may operate within the municipality. In other words, we will need to “opt-in” through the ordinance process in order for an adult use marijuana business to open.

Should council choose to pursue opting-in, it might be useful to first identify the level of support for marijuana establishments among Scarborough residents, who narrowly rejected the legalization question in 2016. Residents may want to know more about the different types of establishments covered by the “Marijuana Legalization Act,” and it may be useful for us to know if this impact residents’ preferences. For example, would residents support allowing for marijuana cultivation, manufacturing, or testing facilities but not retail stores?

An online survey is likely the fastest and least expensive way of gathering this information, and is likely to generate an adequate response rate. A survey could be hosted on the Town’s website and could be promoted through social media channels. However, in disseminating a survey of this type, consideration should be given to populations without easy access to the internet. To ensure we are not biasing our sample in any way, efforts could be made to make paper surveys available to those who need it, perhaps in public spaces such as the library and Town Hall, or at public events such as SummerFest and Concerts in the Park.

Memorandum

To: Municipal Clients
From: Mary E. Costigan
Date: May 13, 2018
Re: Summary of Adult Use Marijuana Law

A. Location

- New law is located in new Title 28-B.
- Prior law in Title 7 has been repealed.

B. Adult Use Marijuana Definition

- Marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

C. Marijuana Establishments

- *Cultivation facility*: a facility licensed under this chapter to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.
- *Marijuana store*: a facility licensed under this chapter to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.
- *Products manufacturing facility*: a facility licensed under this chapter to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana

and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

- *Testing facility*: a facility licensed under this chapter to develop, research and test marijuana, marijuana products and other substances.

D. Administration

- The Department of Administrative and Financial Services (“DAFS”) is responsible for implementation, administration and enforcement.
- The Department is required to adopt rules in consultation with the Department of Agriculture, Conservation and Forestry, Department of Labor and Department of Public Safety.
- Rules are major substantive and will require legislative approval.
- DAFS is required to implement a tracking system from plants to sale, disposal or destruction.
- DAFS will issue identification cards to licensed individuals and employees.

E. Employment Policies

- Employers are not required to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or cultivation of marijuana or marijuana products in the workplace;
- Employers may enact and enforce policies restricting the use of marijuana and marijuana products by employees in the workplace or while otherwise engaged in activities within the course and scope of employment and may discipline employees who are under the influence of marijuana in the workplace or while otherwise engaged in activities within the course and scope of employment.

F. Licensing Process

- In order to operate a marijuana establishment, an applicant must obtain the following: (1) a conditional license from DAFS; (2) local authorization to operate a marijuana establishment from the municipality in which it is proposed; and (3) an active license from DAFS.
- *Conditional License*:
 - Issued by DAFS to applicants who meet all licensing requirements set forth in the statute and rules.
 - The general licensing criteria are set forth in 28-B M.R.S. § 202. Each type of establishment has additional licensing requirements set forth in the statute and rules.
 - The statute sets forth restrictions on the number of licenses one individual can have a financial interest in (§ 205).
 - A conditional license is effective for one year and is not renewable. It does not give authorization to cultivate, manufacture, test or sell marijuana, which requires an Active License.
- *Local Authorization*: Once an applicant receives a conditional license, the next step is local authorization.

- A person may not request local authorization to operate a marijuana establishment and a municipality cannot accept an application for local authorization UNLESS: the legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments AND the person has received a conditional license from DAFS.
- Minimum criteria for local authorization include possession of the proposed licensed premises and a 1,000-foot setback from pre-existing public or private schools (towns can enact a less stringent setback up to 500 feet).
- A person may not operate a marijuana establishment UNLESS the legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments AND the person has obtained all applicable municipal approvals, permits or licenses, AND DAFS issues an active license.
- DAFS will provide a certification form for the municipality to complete upon satisfaction of all local requirements – to be submitted to DAFS.
- A municipality in which the legislative body has voted to allow some or all types of marijuana establishments is required to act on an application for local authorization within 90 days of submission of the request. If the municipality fails to act within 90 days, the request is deemed denied and can be appealed to Superior Court. If the municipality provides written notice within 90 days that the request cannot be processed within 90 days, the municipality has 180 days to act.
- *Active License:* An applicant must meet the following requirements to get an active license: 1) local authorization; 2) payment of application fee; 3) submission of a facility plan with location, size and layout; 4) for cultivation facilities – an updated operating and cultivation plan; and 5) for nursery cultivation or marijuana store – register with state tax collector to collect and remit sales tax. An active license is effective for 1 year and may be renewed in accordance with requirements in § 209. An applicant is required to obtain local authorization for a renewal.
- §§210 and 211 contain provisions regarding transfers of ownership and relocation of premises.

G. Local Regulation of Marijuana Establishments (§ 401) & Home Cultivation (§ 1502)

- A municipality may regulate marijuana establishments, including but not limited to:
 - Land Use Regulations
 - General authorization of some or all types of marijuana establishments
 - Limitation on number of any type of marijuana establishment
 - Local licensing requirements, including a local licensing fee (30-A M.R.S. § 3702 - must reasonably reflect the municipality's costs associated with the license or permit procedure and enforcement)

- A municipality may regulate the home cultivation of marijuana for personal adult use within the municipality.
 - A municipality may adopt an ordinance or other regulation limiting the total number of mature marijuana plants that may be cultivated on any one parcel or tract of land within the municipality so long as that ordinance or regulation allows for the cultivation of 3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.
 - A municipality may not generally prohibit the home cultivation of marijuana for personal adult use within the municipality, restrict the areas within the municipality in which home cultivation of marijuana for personal adult use is allowed or charge a license or other fee to a person relating to the home cultivation of marijuana for personal adult use within the municipality.

H. Operational Requirements

- The statute contains detailed operational requirements for the different types of establishments – see §§ 501-513.

I. Signs (§ 702)

- Signs / marketing may not be misleading, deceptive or false; may not involve advertising likely to reach persons under 21 years of age; may not be within 1,000 feet of a school (may be reduced to 500 feet by the municipality).
- DAFS will adopt more detailed rules regarding advertising and marketing.

K. Personal Use

- Persons 21 years of age or older may:
 - Use, possess or transport marijuana paraphernalia;
 - Use, possess or transport at any one time up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than 5 grams of marijuana concentrate;
 - Transfer or furnish, without remuneration, to a person 21 years of age or older up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than 5 grams of marijuana concentrate;
 - Transfer or furnish, without remuneration, to a person 21 years of age or older up to 6 immature marijuana plants or seedlings;
 - Possess, cultivate or transport at any one time up to 3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings and possess all the marijuana produced by such plants at the person's place of residence or at the location where the marijuana was cultivated;
 - Purchase up to 2 1/2 ounces of adult use marijuana or 2 1/2 ounces of a combination of adult use marijuana and marijuana concentrate that

includes no more than 5 grams of marijuana concentrate from a marijuana store; and

- Purchase up to 12 immature marijuana plants or seedlings from a nursery cultivation facility as described in section 301, subsection 5 or from a marijuana store.
- Consume marijuana or marijuana products in a private residence, including curtilage; or on private property, not generally accessible by the public, and the person is explicitly permitted to consume marijuana or marijuana products on the property by the owner of the property.
- The following use is prohibited:
 - Consuming marijuana or marijuana products if that person is the operator of a vehicle on a public way or a passenger in the vehicle.
 - Consuming marijuana or marijuana products in a private residence or on private property used as a day care or babysitting service during the hours in which the residence or property is being operated as a day care or baby-sitting service;
 - Consuming marijuana or marijuana products by means of smoking the marijuana or marijuana product in a designated smoking area as provided under the Workplace Smoking Act of 1985 or by means of smoking the marijuana or marijuana product in a public place or in a public area where smoking is prohibited.
- Home cultivation: a person 21 years of age or older may cultivate up to 3 mature marijuana plants, up to 12 immature marijuana plants and an unlimited number of seedlings for personal adult use: On a parcel or tract of land on which the person is domiciled; on a parcel or tract of land owned by the person on which the person is not domiciled; or on a parcel or tract of land not owned by the person and on which the person is not domiciled so long as the owner of the parcel or tract of land by written agreement permits the cultivation and care of the marijuana plants on the parcel or tract of land by that person.
- § 1502 sets forth specific cultivation requirements.

J. Medical Marijuana

- The adult use law makes a few references to medical marijuana. The most notable are:
 - A cultivation facility licensee that is also a registered primary caregiver or a registered dispensary may cultivate adult use marijuana pursuant to this chapter within the same facility in which the licensee also cultivates marijuana for medical use pursuant to the Maine Medical Use of Marijuana Act. The areas of the shared facility in which adult use marijuana is cultivated must be separated from the areas of the shared facility in which marijuana for medical use is cultivated.
 - For a period starting on the date that the department issues the first active cultivation facility license and ending 2 years after that date, a registered primary caregiver or a registered dispensary may sell marijuana plants and marijuana seeds to a cultivation facility licensee that is also a registered primary caregiver or a registered dispensary and a cultivation

facility licensee that is also a registered primary caregiver or a registered dispensary may purchase marijuana plants and marijuana seeds from a registered primary caregiver or a registered dispensary.

- A products manufacturing facility licensee that is also a registered primary caregiver or a registered dispensary may manufacture adult use marijuana and adult use marijuana products pursuant to this chapter within the same facility in which the licensee also manufactures marijuana concentrate and marijuana products for medical use.
- A marijuana store licensee that is also a registered primary caregiver or a registered dispensary may not sell or offer for sale to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale to qualifying patients marijuana and marijuana products for medical use.
- The statute specifies that the provisions governing the home cultivation of adult use marijuana do not apply to the cultivation of marijuana for medical use.

K. Miscellaneous

- The law establishes a Marijuana Advisory Commission to conduct continuing study of marijuana laws and annual reporting to the legislature. Notably, there is no municipal representation on the commission, unless one of the seats for a general member of the public is occupied by a municipal official.
- Excise tax and sales tax: all revenue is deposited into the general fund, with 12% transferred each month to the “Adult Use Marijuana Public Health and Safety Fund.”

Marijuana caregiver stores in crosshairs of Auburn moratorium

By Andrew Rice, Staff Writer - June 6, 2018

AUBURN — A medical marijuana caregiver and owner of two smoke shops says his business is being unfairly targeted by police as Auburn officials consider a moratorium on retail marijuana and medical “storefront” operations.

Vincent Gogan, owner of Legal Peaces smoke shops in Auburn and on Lisbon Street in Lewiston, claimed Auburn is withholding a certificate of occupancy for his business’s new location at 197 Turner St. because of the proposed moratorium.

City councilors are not set to vote on the moratorium until June 18, and questions remain over how the moratorium will affect caregiver storefront operations.

“The chief of police is trying to kick all the caregiver stores out,” Gogan said Wednesday.

The biggest question leading up to the council’s decision will be whether the existing businesses will be grandfathered — allowing them to continue operations as the city hashes out new ordinance language.

If approved, the moratorium would bar retail and medical retail “storefront” operations for 180 days, beginning June 18. The definition of “storefront” as it relates to marijuana caregivers must be determined.

Gogan recently moved his Auburn location from 120 Center St. to Turner Street. He said he had secured all of the required city permits and passed a city inspection but was told he needed occupancy approval from the police chief, which he still hasn’t received.

Matt Dubois, a lawyer representing Gogan, said the city is purposely holding up the business’s certificate of occupancy for its new location because of the proposed moratorium.

He said Wednesday that “because a theoretical ordinance isn’t a basis to withhold approval, all legal options are on the table, up to and including litigation.”

The Auburn Police Department referred all questions to City Manager Peter Crichton on Wednesday, who said he is drafting the moratorium language, but he did not comment on Legal Peaces.

City staff said that permitting for Legal Peaces is being processed at a normal pace.

“It takes time to process permits,” said Eric Cousens, deputy director of economic and community development.

He said occupancy permits do not generally need approval from the police chief, but food licenses require police approval.

STOREFRONTS ‘POPPING UP’

Police Chief Phil Crowell discussed the moratorium with the City Council during a workshop Monday, saying police have seen “more and more” medical marijuana retail operations popping up in Auburn, which has no ordinances on the books prohibiting such uses.

In February, the council formed a work group to look at the issue and “the impacts of adult use marijuana,” which became legal in Maine in November 2016. Despite being legal, the state Legislature has not completed the rule-making process necessary to regulate retail marijuana operations.

As the industry awaits the official regulations, Crowell said, medical marijuana caregivers are establishing retail storefronts in Auburn and using a loophole in state law to sell to more medical marijuana patients than the law intended.

Licensed marijuana caregivers in Maine are legally allowed to have five medical marijuana patients, but a caregiver’s fifth patient can be “rotated” out for another patient. That essentially means the next customer to walk in with a medical marijuana card can become a caregiver’s new fifth patient.

Crowell said he believes the operations are popping up in anticipation of recreational retail marijuana being legal. He said other storefronts are on Minot Avenue, Center Street and Riverside Drive in New Auburn.

A draft of the moratorium language has not been made public, but the council’s memo this week called Auburn’s ordinances “insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and other uses authorized by the ‘Marijuana Legalization Act’ approved at the Nov. 8, 2016, referendum election, thereby necessitating a moratorium to provide an opportunity for the city to amend its code of ordinances to mitigate the potential impact and harm on the city and its residents.”

Councilor Andrew Titus, a member of the marijuana work group, said during Monday’s workshop that he’s in favor of having legal retail marijuana businesses in Auburn, but he believes a moratorium is necessary for Auburn to play catch-up.

“I want to see it regulated and work, but there’s a lot of detail we have to go through, and the state has been dragging their feet,” he said, adding that he wanted Auburn to get started on its local laws two years ago.

Attorney Dubois, who operates Bangor-based Maine CannaCounsel, which specializes in marijuana law, said “it is disturbing that certain city officials are promoting the idea of shutting down five or more small businesses that have been in operation for months or even longer, as a worthwhile goal.”

“Whether the moratorium is retroactive or not, if the city denies my clients a certificate of occupancy without a valid reason, they’ll pursue all available remedies,” he said.

MODEL WITHIN BOUNDS OF LAW

In the past few years, and especially after the 2016 referendum legalizing marijuana in Maine, the cannabis industry has established a heavy presence in Auburn, but city officials say local zoning laws and ordinances have not caught up.

Gogan said Auburn had previously held the image that it was friendly to medical marijuana caregivers on top of the many medical marijuana growing and cultivation locations in the city.

The city is home to Remedy Compassion Center, one of the original state-regulated medical marijuana dispensaries. Remedy would not be impacted by a moratorium.

“All of a sudden they want to kick all the caregivers out after they put it out there that they were friendly,” Gogan said.

Dubois said the caregivers serve a large number of patients, some of whom lack reliable transportation and could lose affordable access to their marijuana if the storefronts were shut down.

“The idea of stripping these caregivers of the right to serve their patients at locations they’ve spent considerable time and money to develop is extremely problematic, from both a legal and fairness perspective,” he said.

Crowell said at Monday’s workshop that as soon as the proposed moratorium hit the website, “there was movement from businesses trying to get ahead of this.”

Crowell said he recommended the council seek a legal opinion on whether the city should be required to grandfather the existing storefront operations, prior to June 18.

Asked Monday whether the caregiver storefronts were having a negative impact, Crowell said police often receive complaints from nearby businesses. Recently, an Auburn day care operator questioned why a caregiver storefront was allowed to open nearby.

Crowell said the marijuana work group has been looking at possible ordinance language, including where storefronts could be allowed to operate.

Mayor Jason Levesque said Monday that the two-week window until the next City Council meeting gives officials “more than enough time for a good policy decision to be made regarding this.”

Dubois said many people, including municipal officials and even caregivers themselves, don’t fully understand the legal status of caregiver storefronts.

“Not only is this model entirely within the bounds of Maine’s medical marijuana law, it also benefits both caregivers and patients,” he said. “The storefront model allows caregivers to serve a greater number of patients over time, better cover operating costs, and provide more affordable medicine to patients.”

Lewiston passed an ordinance on recreational retail marijuana last year in anticipation of new state regulations, but medical marijuana caregivers have opened storefront operations, City Administrator Ed Barrett said.

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SECTION XXI. INDUSTRIAL DISTRICT - I.

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A. PURPOSE

To provide districts within the Town of Scarborough for manufacturing, processing, treatment, research, warehousing, storage and distribution, and other compatible uses, where there is no unreasonable danger of explosion or other hazard to health or safety. [amended 07/18/12]

B. PERMITTED USES

1. Manufacturing and assembly. [07/18/2012]
2. Research, development and light industrial.
3. High technology facilities, subject to the performance standards of Section IX(M).
4. Food processing facilities.
5. Warehousing and storage.
6. Distribution, wholesale trade and transportation, including trucking terminals. (3/19/75) (05/01/96)
7. Mini-Warehouse/Storage Facilities, subject to the performance standards of Section IX(H) of this Ordinance. [12/03/97]
8. Instructional and educational services.
9. Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.
10. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars). (05/01/96)
11. Restaurants, with less than 2,000 square feet of floor area and with no drive-up, drive-through or drive-in service. (05/06/98)
12. Lumber yards, fuel storage and distribution yards (excluding tank farms) and building material yards (building material yards may include storage of rock, sand and gravel provided no excavation occurs on site). (05/01/96)(07/18/12)
13. Retail sales or services if such sales or services are accessory to principal permitted uses. (05/01/96)
14. Professional offices, including addiction treatment facilities subject to the Performance Standards of Section IX.L. with a maximum of 2,500 square feet of floor area per use. (11/16/2005)(07/18/12)
15. Business services and business offices.

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013][Amended 09/06/17]

- The Route One – Broadturn Road/Pine Point Road intersection
- The Route One – Payne Road intersection
- The Route One – Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One – Pleasant Hill Road intersection
- The Payne Road – Haigis Parkway intersection
- The Payne Road – Gorham Road intersection
- The Payne Road – Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way [Adopted 09/06/17]

Temporary signs in the right-of-way are permitted for a period not to exceed 6 weeks in a calendar year with no sign remaining for more than 6 consecutive weeks and with not less than 1 week between the end of one sign display time period and the beginning of another. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and ~~phone number~~, contact information of the person or organization responsible for placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed with 30 feet of another bearing the same message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. The Town of Scarborough requirements for signs in the right-of-way are in no way meant to contradict the requirements outlined in Maine State Statute Title 23 Chapter 21 Section 1913-A Categorical Signs.

2. Temporary Signs on Private Property [Adopted 09/06/17]

Temporary signs on private property are permitted for no more than 6 consecutive months with not less than 30 days between displays of a sign bearing the same message. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

3. Temporary Sandwich Board Sign. [Adopted 08/19/09][09/06/17]

One (1) Sandwich Board Sign may be displayed on the premises of a commercial or similar public entity for general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board

Temporary Signs in the Right-of-Way

M.R.S. 23 § 1913-A(1)(L)

L. Temporary signs placed within the public right-of-way for a maximum of 6 weeks per calendar year. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way. [2015, c. 403, §4 (NEW).]
[2015, c. 403, §4 (AMD) .]

Town of Scarborough Chapter 405 § XII(J)(1)

1. Temporary Signs in the Right-of-Way [Adopted 09/06/17] Temporary signs in the right-of-way are permitted for a period not to exceed 6 weeks in a calendar year. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed with 30 feet of another bearing the same message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.