

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1121

S.P. 341

In Senate, March 7, 2019

An Act To Acknowledge Potable Water as a Necessity

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHENETTE of York.

Cosponsored by Representative GRAMLICH of Old Orchard Beach and
Senator: CARSON of Cumberland, Representative: BAILEY of Saco.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §1105, sub-§1, ¶C**, as enacted by PL 2005, c. 580, §1, is
3 amended to read:

4 C. "Necessities" includes food for human or animal consumption; potable water;
5 pharmaceutical products, including prescription medications; wearing apparel; shoes;
6 building materials; gas and electricity for light, heat and power; ice; fuel of all kinds;
7 and fertilizer and fertilizer ingredients; together with tools, utensils, implements,
8 machinery and equipment required for the actual production or manufacture of the
9 same. "Necessities" includes any other vital or necessary good or service except
10 those:

11 (1) Subject to continuous maximum price regulation under the provisions of any
12 state or federal law;

13 (2) As to which the State's authority is preempted; or

14 (3) Furnished or provided by:

15 (a) Insurers; or

16 (b) Nonprofit hospitals, medical service organizations or health maintenance
17 organizations authorized to transact business within the State pursuant to
18 Title 24 and Title 24-A.

19 **Sec. 2. 22 MRSA §4301, sub-§1**, as amended by PL 1991, c. 9, Pt. U, §1, is
20 further amended to read:

21 **1. Basic necessities.** "Basic necessities" means food, potable water, clothing,
22 shelter, fuel, electricity, nonelective medical services as recommended by a physician,
23 nonprescription drugs, telephone where it is necessary for medical reasons and any other
24 commodity or service determined essential by the overseer in accordance with the
25 municipality's ordinance and this chapter. "Basic necessities" do not include security
26 deposits for rental property, except for emergency purposes. For the purposes of this
27 subsection, "emergency purposes" means any situation in which no other permanent
28 lodging is available unless a security deposit is paid.

29 **Sec. 3. 30-A MRSA §1654**, as amended by PL 2015, c. 44, §6, is further amended
30 to read:

31 **§1654. Supplies for jails; accounts audited**

32 The county commissioners of the several counties shall, without extra charge or
33 commission to themselves or to any other person, procure all necessary supplies,
34 including necessary food, potable water, fuel, bedding and clothing for the jails and the
35 prisoners in the jails, to be furnished and purchased under their direction and at the
36 expense of the counties. A county commissioner may not be interested directly or
37 indirectly in the purchase of any such supplies or in any contract for such supplies made
38 by the board of which and while the county commissioner is a member, and all contracts
39 made in violation of this provision are void. A suitable person must be employed to

1 prepare the foods of the prisoners in each county at the expense of the county. The
2 service of the food to the prisoners is under the general direction of the jailer, master or
3 keeper. The sheriff shall appoint the person employed to prepare the food of the
4 prisoners subject to the approval of the county commissioners. The county
5 commissioners may at any time direct specific rations or articles of food, clothing, soap,
6 fuel or other necessities to be provided to the prisoners. The bills and accounts for
7 supplies furnished and the items of expense incurred in preparing and serving these
8 supplies must be audited pursuant to section 951.

9 **SUMMARY**

10 This bill adds potable water to lists of necessities in the Maine Revised Statutes in
11 laws governing profiteering in necessities, municipal general assistance and supplies for
12 jails.