

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**1991**

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B. At a minimum, an inmate must be supervised at least 3 times per week or monitored electronically during release or curfew hours when the inmate must be at that inmate's residence or place of employment as determined by the jail administrator.

C. The jail administrator, or a designee, shall restrict in advance any travel or movement, limiting the inmate's travel to specific times and places directly related to approved employment, formal education, job search, public service work, treatment or other specific purposes.

D. The inmate must agree to searches of the inmate's person, residence, electronic monitoring equipment, papers and effects without a warrant and without probable cause, for items prohibited by law or by condition of participation in the program or otherwise subject to seizure or inspection, upon the request of the jail administrator, or designee, without prior notice. The sheriff or jail administrator may prohibit the inmate from residing with anyone who does not consent to a search or inspection of the residence to the extent necessary to search or inspect the inmate's person, residence, electronic equipment, papers and effects.

E. The inmate may not use illegal drugs or other substances and may not abuse alcohol or any other legal substance.

F. The inmate must submit to urinalysis, breath testing or other chemical test without probable cause, at the request of the jail administrator or a designee.

G. If stopped or arrested by a law enforcement officer, the inmate shall notify that officer of the inmate's participation in a home-release monitoring program. Within 12 hours of having been stopped or arrested, the inmate shall notify the jail administrator or designee.

H. The inmate may not violate state or federal criminal law or any conditions of the inmate's release.

I. When required by the court, an inmate must pay the cost for the inmate's participation in a home-release monitoring program.

J. The inmate must sign a statement verifying that the inmate understands and agrees to all of the conditions of release and participation in a home-release monitoring program.

4. Termination of the privilege. The sheriff, jail administrator or a designee may terminate an inmate's participation in a home-release monitoring program at any time and return the inmate to confinement for any violation of the conditions of the inmate's release. Any inmate whose participation is terminated may petition the District Court or the Superior Court for a review of that termination. The court, after review, shall make an order that the court considers appropriate.

5. Violation. An inmate who willfully violates a condition of that inmate's release pursuant to this section may be punished by imprisonment for not more than 60 days for each violation and that period of time must be served consecutively to any other period of confinement. An inmate who leaves or fails to return within 12 hours to that inmate's residence or other designated area in which that inmate is electronically monitored or supervised is guilty of escape under Title 17-A, section 755.

6. Minimum standards for electronic monitoring. The Commissioner of Corrections shall establish minimum standards for electronic monitoring and may enforce those standards as provided under Title 34-A, section 1208.

7. Program funding. Funds generated pursuant to this section must be used to support the home-release monitoring program. The county treasurer shall establish a home-release monitoring program account for all revenues generated and expenditures made. Funds in this account unexpended at the end of the year may not lapse, but must be carried forward. Home-release monitoring program funds must be accounted for through the normal budget process.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1991.

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## CHAPTER 225

H.P. 1007 - L.D. 1475

### An Act to Amend the Mechanic Lien Laws

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

**10 MRSA §3802**, as amended by PL 1983, c. 117, is further amended to read:

**§3802. Filing in office of Secretary of State; inaccuracy does not invalidate lien**

The liens mentioned in section 3801 ~~shall be~~ are dissolved unless the claimant within ~~30~~ 90 days after the labor is performed, or storage furnished, files in the office of the Secretary of State a true statement of the amount due ~~him~~ the claimant for the labor and materials or for storage, with all just credits given, together with a description of the vehicle manufactured or repaired sufficiently accurate to identify it and the name of the owner, if known, which ~~shall~~ must be subscribed and sworn to by the person claiming the lien or by someone in ~~his~~ that person's behalf, and recorded by the Secretary of State, who is entitled to the same fees therefor as for filing, indexing and furnishing filing data for an original financing statement under Title 11, section 9-403, subsection (5). No inaccuracy in the statement relating to the property, if the same can be reasonably recognized, or in stating the amount due for labor or materials, or for storage, invalidates the

proceedings unless it appears that the person making it will fully claim more than his that person's due.

See title page for effective date.

## CHAPTER 226

S.P. 426 - L.D. 1138

### An Act to Clarify the Regulation of Water Districts

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

**30-A MRSA §2357, sub-§3** is enacted to read:

**3. Exemption.** This section does not apply to any public utility, as defined in Title 35-A, section 102, subsection 13, regulated by the Public Utilities Commission.

See title page for effective date.

## CHAPTER 227

H.P. 91 - L.D. 132

### An Act Concerning Purchases of Alcohol from Agency Stores

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this Act enables restaurants in the State to more easily procure supplies for their businesses; and

**Whereas,** supporting the restaurant business is especially important to the State's economy during the summer tourist season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §606, sub-§1,** as amended by PL 1987, c. 342, §28, is further amended to read:

**1. All licensees must buy liquor from commission; exception.** Except as provided in paragraph A this subsection and subsection 1-A, all persons licensed to sell spirits shall purchase all such liquor from state liquor stores. Agency liquor stores may not sell liquor to retail licensees for resale.

A. This subsection does not apply to public service corporations operating interstate.

**Sec. 2. 28-A MRSA §606, sub-§1-A** is enacted to read:

**1-A. Exception.** Notwithstanding subsection 1, a restaurant located at least 15 miles from a state liquor store may purchase spirits from an agency liquor store in accordance with this subsection.

A. Before purchasing spirits from an agency liquor store, a restaurant must obtain written approval from the Bureau of Alcoholic Beverages. The bureau shall grant approval for the restaurant to purchase spirits at one or more identified agency liquor stores for as long as the locations of the restaurant and the agency liquor stores remain the same, if the restaurant is at least 15 miles from the nearest state liquor store.

B. Before selling to a restaurant, an agency liquor store must obtain written approval from the Bureau of Alcoholic Beverages. Approval of the agency liquor store permits that store to sell spirits to any restaurant that has written approval to purchase from that identified agency liquor store.

C. The sale price of spirits sold to restaurants under this subsection must equal the retail sales price set by the State Liquor Commission for sales of those spirits plus an amount equal to the difference between the wholesale price of those spirits and the retail selling price.

D. When an agency liquor store purchases spirits from the commission or from a state liquor store, the agency liquor store must deliver to the commission or the state liquor store, for each sale made pursuant to this subsection since the previous purchase of spirits, a copy of the licensee order form and the amount added to the retail sales price pursuant to paragraph C. The commission or the state liquor store must pay the amount added to the retail sales price pursuant to paragraph C to the Bureau of Alcoholic Beverages.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1991.

## CHAPTER 228

H.P. 899 - L.D. 1296

### An Act to Clarify Municipal Authority in Regulating Activities on Local Water Bodies Concerning Fishing or Ice Fishing

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