

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

L. A person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except a prisoner who is:

- (1) Employed by a private employer;
- (2) Participating in a work release program;
- (3) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;
- (4) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;
- (5) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; or
- (6) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

**Sec. 4. 39-A MRSA §102, sub-§11, ¶E,** as amended by PL 2009, c. 142, §17, is further amended to read:

E. "Employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

- (1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;
- (2) Employed by a private employer;
- (3) Participating in a work release program;
- (4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;
- (5) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761; ~~or~~
- (6) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; ~~or~~
- (7) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

**Sec. 5. 39-A MRSA §203, sub-§1,** as amended by PL 2009, c. 142, §§18 to 20, is further amended to read:

**1. Compensation while incarcerated.** Compensation for incapacity under section 212 or 213 or under any prior workers' compensation laws may not be paid to any person during any period of incarceration imposed in this State or any other jurisdiction after conviction of a criminal offense, except in relation to compensable injuries suffered during incarceration and while the prisoner is:

- A. Employed by a private employer;
- B. Participating in a work release program;
- C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;
- D. Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761; ~~or~~
- E. Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A;
- F. A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of a county jail; or
- G. Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

See title page for effective date.

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**CHAPTER 530**

**S.P. 596 - L.D. 1559**

**An Act Regarding Liquor Licenses for Qualified Catering Services**

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

**Whereas,** current law requires clarification with regard to licenses for qualified caterers who own free-standing event halls; and

**Whereas,** opportunities for business expansion and employment opportunities are hampered by this need for clarification; 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 §1076, sub-§10** is enacted to read:

**10. Self-sponsored event permit.** The bureau may issue a self-sponsored event permit to a qualified catering service in addition to a license issued in accordance with this section. A self-sponsored event permit authorizes the licensee to serve spirits, wine and malt liquor at an event sponsored by the licensee at the facility that is the licensee's principal place of business as a qualified catering service. The permit allows for up to 100 self-sponsored events per year under the following conditions:

A. The licensee submits an application as prescribed by the bureau;

B. The primary business of the licensee does not involve serving alcoholic beverages on a day-to-day basis at self-sponsored events;

C. The licensee notifies the bureau of a self-sponsored event a minimum of 3 business days prior to the event by first class mail, facsimile transmission, electronic mail or other method prescribed by the bureau;

D. The licensee provides at a self-sponsored event a diverse selection of food, primarily prepared from a complete kitchen at the licensee's facility and served at multiple food stations or a buffet service or passed by servers or served as a plated sit-down meal. The selection of food must include more than snack foods such as potato chips, crackers, pretzels or nuts, but snack foods may be used in the preparation of a meal or as an accompaniment to a prepared meal;

E. If liquor is served later than 9:00 p.m. at a self-sponsored event and after the service of food described in paragraph D is complete, the licensee continues to offer food, which may be lighter than a buffet service or a sit-down meal, such as sandwiches and pizza;

F. Self-sponsored events are public or private events requiring an admission fee for the service of food and beverages by the licensee that may include visual or participatory entertainment provided by the licensee in accordance with the laws and rules governing this Title; and

G. Self-sponsored events do not exceed 7 hours.

The license fee for a self-sponsored event permit is \$700 annually. Renewal of a permit under this subsection must coincide with renewal of the license issued in accordance with this section.

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

Effective March 22, 2010.

**CHAPTER 531  
S.P. 606 - L.D. 1599**

**An Act Regarding the  
Maternal and Infant Death  
Review Panel**

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

**Whereas,** the statute establishing the maternal and infant death review panel includes a repeal date of January 1, 2011; and

**Whereas,** unless action is taken in the 124th Legislature to prevent the repeal, the panel's work, which furthers the public health and welfare, will cease; 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. 22 MRSA §261,** as enacted by PL 2005, c. 467, §1, is amended to read:

**§261. Maternal and infant death review panel**

The department shall establish the maternal and infant death review panel in accordance with this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Center" means the Maine Center for Disease Control and Prevention.

B. "Deceased person" means a woman who died during pregnancy or within 42 days of giving birth or a child who died within 1 year of birth.

C. "Director" means the director of the center.

C-1. "Family" means a woman who has experienced a fetal death or the parent or parents or other authorized representative of a deceased person.

D. "Panel" means the maternal and infant death review panel established under this section.

E. "Panel coordinator" means an employee of the center who is appointed by the director or a person designated by the panel coordinator. The panel coordinator must be a licensed physician or