

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

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

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**Augusta, Maine**  
**2017**

**CHAPTER 214**  
**S.P. 177 - L.D. 516**

**An Act To Improve the  
Management of Inmates in  
County and Regional Jails**

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

**Sec. 1. 17-A MRSA §1205-C, sub-§4**, as amended by PL 2015, c. 436, §8, is further amended to read:

4. At the initial appearance, the court shall advise the probationer of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the probationer can not afford counsel, the court shall appoint counsel for the probationer. The court shall call upon the probationer to admit or deny the alleged violation. If the probationer refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the probationer, with or without bail, pending hearing. If the probationer is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance ~~unless otherwise ordered by the court.~~

**Sec. 2. 30-A MRSA §1662** is enacted to read:

**§1662. County jail and regional jail reporting**

**1. County jail and regional jail interjail boarding rates.** Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a form provided by and on a schedule established by the department regarding interjail boarding rates. The county jail or regional jail shall identify the types of agreements regarding boarding of inmates that it has with other jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the interjail boarding rate information and any recommendations from the jails or the department.

**2. County jail and regional jail financial audits.** Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a schedule established by the department regarding financial audits performed for the jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information provided by the jails and any recommendations from the jails or the department.

**3. Pretrial detention.** Beginning November 1, 2017, a county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail. The jail shall report on the form provided by the Unified Criminal Docket.

**Sec. 3. 34-A MRSA §1219** is enacted to read:

**§1219. Assistance with federal law compliance**

Beginning November 1, 2017, the department shall offer technical assistance and advice to county and regional jails regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county and regional jails.

See title page for effective date.

**CHAPTER 215**  
**S.P. 242 - L.D. 725**

**An Act To Recognize Local  
Control Regarding Food  
Systems**

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

**Sec. 1. 7-A MRSA §101, sub-§2-B** is enacted to read:

**2-B. Local food system.** "Local food system" means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents.

**Sec. 2. 7-A MRSA §201-B** is enacted to read:

**§201-B. Local authority to regulate food systems**

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, and pursuant to section 201-A, and notwithstanding any other provision of law to the contrary, a municipal government may regulate by ordinance local food systems, and the State shall recognize such ordinances.

An ordinance adopted by a municipality pursuant to this section must apply only to food or food products that are grown, produced or processed by individuals within that municipality who sell directly to consumers.

Any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality must be grown, produced or processed in compliance with