

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

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

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

all applicable state and federal laws, rules and regulations.

See title page for effective date.

CHAPTER 216

H.P. 836 - L.D. 1199

An Act To Promote Fiscal Responsibility in the Purchasing of Debt

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

Sec. 1. 16 MRSA §355, as amended by PL 1981, c. 470, Pt. A, §34, is further amended to read:

§355. Affidavit of plaintiff as prima facie evidence; exception

In all actions brought on an itemized account annexed to the complaint, including an action brought in small claims court pursuant to Title 14, chapter 738, the affidavit of the plaintiff, made before a notary public using a seal, that the account on which the action is brought is a true statement of the indebtedness existing between the parties to the action with all proper credits given and that the prices or items charged therein are just and reasonable shall be is prima facie evidence of the truth of the statement made in such affidavit and shall entitle entitles the plaintiff to the judgment unless rebutted by competent and sufficient evidence. When the plaintiff is a corporation, the affidavit may be made by its president, vice-president, secretary, treasurer or other person authorized by the corporation. If the plaintiff is a debt buyer within the meaning of the Maine Fair Debt Collection Practices Act, the affidavit must also conform to the requirements of Title 32, section 11019.

Sec. 2. 32 MRSA §11002, sub-§1-B is enacted to read:

1-B. Charge-off. "Charge-off" means the act of a creditor removing an account from its books as an asset and treating it as a loss or expense because payment is unlikely.

Sec. 3. 32 MRSA §11002, sub-§5-A is enacted to read:

5-A. Debt buyer. "Debt buyer" means a person that is regularly engaged in the business of purchasing charged-off consumer debt for collection purposes, whether the person collects the debt or hires a 3rd party, which may include an attorney-at-law, in order to collect the debt. "Debt buyer" does not include a supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A or a person that acquires charged-off consumer debt incidental to the purchase of a portfolio predominantly consisting of

consumer debt that has not been charged off. A debt buyer is considered a debt collector for all purposes under this chapter.

Sec. 4. 32 MRSA §11002, sub-§8-C is enacted to read:

8-C. Resolved debt. "Resolved debt" means a debt that has been paid, settled or discharged in bankruptcy.

Sec. 5. 32 MRSA §11013, sub-§§9 and 10 are enacted to read:

9. Required information. A debt buyer may not collect or attempt to collect a debt unless the debt buyer possesses the following:

A. The name of the owner of the debt;

B. The original creditor's name at the time of the charge-off;

C. The original creditor's account number used to identify the debt at the time of the charge-off, if the original creditor used an account number to identify the debt at the time of charge-off;

D. The principal amount due at charge-off;

E. An itemization of interest and fees, if any, incurred after charge-off claimed to be owed and whether those were imposed by the original creditor or any subsequent owners of the debt;

F. If the debt is not from a revolving credit account, the date that the debt was incurred or the date of the last charge billed to the consumer's account for goods or services received. In the case of debt from a revolving credit account, the debt buyer must possess the date of the last extension of credit for the purchase of goods or services, for the lease of goods or as a loan of money;

G. The date and amount of the last payment, if applicable;

H. The names of all persons or entities that owned the debt after the time of the charge-off, if applicable, and the date of each sale or transfer;

I. Documentation establishing that the debt buyer is the owner of the specific debt at issue. If the debt was assigned more than once, the debt buyer must possess each assignment or other writing evidencing the transfer of ownership to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent debt buyer; and

J. A copy of the contract, application or other documents evidencing the consumer's liability for the debt. If a signed writing evidencing the original debt does not exist, the debt buyer must possess a copy of a document provided to the consumer before charge-off demonstrating that the