

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

See title page for effective date.

CHAPTER 126

S.P. 341 - L.D. 1121

An Act To Acknowledge Potable Water as a Necessity

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

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

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

- (1) Subject to continuous maximum price regulation under the provisions of any state or federal law;
- (2) As to which the State's authority is preempted; or
- (3) Furnished or provided by:
 - (a) Insurers; or
 - (b) Nonprofit hospitals, medical service organizations or health maintenance organizations authorized to transact business within the State pursuant to Title 24 and Title 24-A.

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

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

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

§1654. Supplies for jails; accounts audited

The county commissioners of the several counties shall, without extra charge or commission to themselves or to any other person, procure all necessary supplies, including necessary food, potable water, fuel, bedding and clothing for the jails and the prisoners in the jails, to be furnished and purchased under their direction and at the expense of the counties. A county commissioner may not be interested directly or indirectly in the purchase of any such supplies or in any contract for such supplies made by the board of which and while the county commissioner is a member, and all contracts made in violation of this provision are void. A suitable person must be employed to prepare the foods of the prisoners in each county at the expense of the county. The service of the food to the prisoners is under the general direction of the jailer, master or keeper. The sheriff shall appoint the person employed to prepare the food of the prisoners subject to the approval of the county commissioners. The county commissioners may at any time direct specific rations or articles of food, clothing, soap, fuel or other necessities to be provided to the prisoners. The bills and accounts for supplies furnished and the items of expense incurred in preparing and serving these supplies must be audited pursuant to section 951.

See title page for effective date.

CHAPTER 127

S.P. 366 - L.D. 1192

An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way

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

Sec. 1. 35-A MRSA §2524 is enacted to read:

§2524. Municipal access to poles

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

A. "Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced or any other changes required to make space available for an additional attachment to a shared-use pole.

B. "Municipality" means a town, city, plantation, county, regional council of governments, quasi-municipal corporation or district as defined in Title 30-A, section 2351, regional municipal utility