

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

district established according to Title 30-A, section 2203, subsection 9 or a corporation wholly or partially owned by an entity specified in this paragraph.

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5.

2. Access to poles; make-ready requirements.
Notwithstanding any provision of law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole:

A. For a governmental purpose consistent with the police power of the municipality; or

B. For the purpose of providing broadband service to an unserved or underserved area.

See title page for effective date.

CHAPTER 128

H.P. 870 - L.D. 1206

**An Act Regarding Utility Poles
in Public Rights-of-way**

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

Sec. 1. 23 MRSA §3651, sub-§1, as enacted by PL 1987, c. 583, §1, is amended to read:

1. Legal objects not defects. Trees, structures, utility poles and facilities and other things which that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in Title 35-A, section 2502, subsection 3.

Sec. 2. Report. No later than January 31, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report regarding orders adopted or other actions taken by the commission during calendar year 2019 to address issues related to abandoned utility poles and associated facilities, as that term is defined in the Maine Revised Statutes, Title 35-A, section 2502, subsection 3, in the public right-of-way. Commission actions may include amendments to commission rules regarding removal or relocation of utility poles and any associated facilities located within the public right-of-way and restoration of a pole site to a safe condition. The report may include findings and recommendations, including suggested legislation. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

CHAPTER 129

S.P. 388 - L.D. 1268

**An Act To Update and Clarify
the Laws Governing Raffles**

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

Sec. 1. 17 MRSA §1832, sub-§1, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

1. License or registration required. A Except as provided in section 1837-A, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by or, as applicable, without registering with the Gambling Control Unit in accordance with this section. A license is not required when a game of chance constitutes social gambling.

Sec. 2. 17 MRSA §1834, sub-§2, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

2. Operation of games of chance. Except for electronic video games as provided in this section, the registration fee for a license or registration to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. ~~The fee for a license issued, \$60 for a calendar month is \$60 and the fee for licenses issued or \$700 for a calendar year is \$700.~~

The Gambling Control Unit may issue any combination of weekly or monthly licenses for the operation of games of chance. Registration to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

Sec. 3. 17 MRSA §1837-A, as amended by PL 2017, c. 365, §1, is further amended to read:

§1837-A. Raffles

1. Registration required. Unless otherwise specified by this section, a person or organization may not conduct a raffle without registering with the Gambling Control Unit.

2. Raffle with a prize of \$2,500 or less. A Except for raffles conducted by an eligible organization under subsection 2-A, a person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$2,500.