

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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1. **Policy.** It is the public policy of the State that an abortion after viability is to be performed only when it is necessary to preserve the life or health of the mother. It is also the public policy that all abortions may only be performed by a physician.

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

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical or by the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

B. "Viability" means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

3. **Persons who may perform abortions; penalties.**

A. Only a person licensed under Title 32, chapter 36 or chapter 48, to practice medicine in Maine as a medical or osteopathic physician, may perform an abortion on another person.

B. Any person not so licensed who knowingly performs an abortion on another person or any person who knowingly assists a nonlicensed person to perform an abortion on another person is guilty of a Class C crime.

4. **Abortions after viability; criminal liability.** A person who performs an abortion after viability is guilty of a Class D crime if:

A. He knowingly disregarded the viability of the fetus; and

B. He knew that the abortion was not necessary for the preservation of the life or health of the mother.

Effective September 14, 1979

CHAPTER 406

H. P. 843 — L. D. 1045

AN ACT to Provide Fiscal Impact Statements.

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

3 MRSA § 167, sub-§ 5 is enacted to read:

5. Statement of costs. To prepare statements pertaining to the existence of cost or the amount of cost to municipalities or counties for implementing or complying with a proposed law. The statement of cost shall be made within the limits of information provided to the Legislative Finance Office. The statements shall be furnished to the appropriate committee for the information of its members and for inclusion in bills which receive an ought to pass report when reported by the committee. A statement shall not be necessary for any bill which has no cost to municipalities or counties.

Effective September 14, 1979

CHAPTER 407

S. P. 413 — L. D. 1277

AN ACT to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices.

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

Sec. 1. 10 MRSA § 1206 is repealed.

Sec. 2. 10 MRSA § 1660 is amended to read:

§ 1660. Enforcement

The Director of the Maine Agricultural Experiment Station shall analyze or cause to be analyzed such samples of internal combustion engine fuels, lubricating oils and other like products at such time and to such extent as the ~~State Tax Assessor~~ Attorney General may determine. ~~It shall be the duty of the State Tax Assessor in person, or by deputy, to~~ The Attorney General shall enforce this chapter and for that purpose ~~the State Tax Assessor in person or by deputy shall~~ have full access ~~ingress and egress~~ at all reasonable hours to any place ~~or building wherein in which~~ internal combustion engine fuels, lubricating oils and other like products are stored, transported, sold, offered or exposed for sale. ~~He~~ The Attorney General may ~~in person or by deputy~~ open any case, package or other container, tank, pump, tank car or storage tank and enter upon any barge, vessel or other vehicle of transportation and may, upon tendering the market price, take samples for analysis. The expense of such analysis and of the administration of this chapter shall be included in the expense of the administration of the tax on gasoline.

Effective September 14, 1979