

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

similar insurance terms are not by themselves acceptable explanations of an insurer's rejection.

The insurance shall be offered without discrimination against any eligible member of the plan as to rates, forms or coverages. Nothing in this section shall preclude the establishment of different classes of risk.

Insurers may not cancel, fail to renew or change the rating classification of insureds who have coverage in force under existing plans as of the effective date of this section for the sole reason that the insured fails to meet underwriting standards which are applicable to persons enrolling in the plans after the effective date of this section.

Sec. 5. Report. The Superintendent of Insurance shall report to the Joint Standing Committee on Banking and Insurance by April 1, 1991, regarding the operation of mass marketing plans in the State, including such matters as the number of mass marketing plans, a brief description of the underwriting standards used in the plans and a description of complaints received by the Bureau of Insurance relating to rejection of applicants for coverage under a mass marketing plan.

See title page for effective date.

CHAPTER 193

S.P. 113 - L.D. 168

An Act to Amend the Home Construction Contracts Law

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

Sec. 1. 10 MRSA §1487, sub-§§10 and 11, as enacted by PL 1987, c. 574, are amended to read:

10. Door-to-door sales. If the contract is being used for sales regulated by the consumer solicitation sales law, Title 32, chapter 69, subchapter V or the home solicitation sales law, Title 9-A, Part 5, a description of the consumer's rights to avoid the contract, as set forth in these laws; and

11. Residential insulation. If the construction includes installation of insulation in an existing residence, any disclosures required by chapter 219, Insulation Contractors; and

Sec. 2. 10 MRSA §1487, sub-§12 is enacted to read:

12. Energy standards. A statement by the contractor that chapter 214 establishes minimum energy efficiency building standards for new residential construction, and whether the new building or an addition to an existing building will meet or exceed those standards.

See title page for effective date.

CHAPTER 194

H.P. 213 - L.D. 293

An Act Relating to Agricultural Awareness

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

7 MRSA c. 8-D is enacted to read:

CHAPTER 8-D

AGRICULTURAL AWARENESS

§241. Awareness program

The Commissioner of Agriculture, Food and Rural Resources shall:

1. Public awareness. Produce audio-visual materials, facilitate public service programming, prepare written materials, organize a speakers' bureau and otherwise educate the public. The commissioner, in carrying out these duties, shall address the following needs: maintaining a lasting and sustainable agriculture; protecting our critical rural infrastructures; guaranteeing continued and effective production and marketing of fresh fruits, vegetables and livestock; preserving prime farmland; conserving our soils and water; and generally ensuring the quality of life in rural Maine.

2. Agricultural literacy. Cooperate with the Department of Educational and Cultural Services to develop instructional materials, train teachers and teacher trainers and otherwise complete actions for utilizing agriculture as an exciting medium for educating students both about society and the natural world, while increasing their literacy by infusing basic agricultural concepts such as agriculture and economics, the dynamics of world hunger, agriculture and history within present subjects taught in Maine schools.

3. Cooperation. Cooperate with appropriate local, state, and federal agencies and institutions, educational and farm organizations and interested individuals, including the Maine Ag in the Classroom Association, the Department of Educational and Cultural Services and the Cooperative Extension Service in carrying out this chapter.

See title page for effective date.

CHAPTER 195

S.P. 333 - L.D. 894

An Act to Improve Enforcement of Animal Welfare Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the inability of law enforcement personnel to arrest perpetrators for violations of animal welfare laws has allowed perpetrators to avoid punishment for their crimes; and

Whereas, criminal violators of the animal welfare laws commit reprehensible acts deserving of thorough and just prosecution; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

17 MRSA §1031, sub-§4, as enacted by PL 1987, c. 383, §4, is amended to read:

4. Criminal or civil prosecution. ~~No~~ A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. No person may be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before ~~him~~ the attorney for the State. The election and determination required by this subsection shall not be subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 31, 1989.

CHAPTER 196

H.P. 662 - L.D. 904

An Act to Improve the Dental Care of Maine Citizens

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

Sec. 1. P&SL 1987, c. 44, §7 is repealed.

Sec. 2. PL 1987, c. 816, Pt. D, §2 is amended to read:

Sec. 2. Maternal and Child Health Block Grant Allocations. ~~Allocations to Maternal and Child Health under the Maternal and Child Health Block Grant include \$20,000 in fiscal year 1988-89 for the Portland Dental Clinic and \$20,000 in fiscal year 1988-89 for the Bangor Dental Clinic. Allocations for these purposes shall be incorporated into future budget preparations.~~ Allocations for the Portland Health Center shall only be included in future budget preparations if the Department of Human Services determines a need still exists.

Sec. 3. Maternal and Child Health Block Grant Allocations. Allocations to Maternal and Child Health under the Maternal and Child Health Block Grants include \$16,000 in fiscal year 1989-90 and in fiscal year 1990-91 for each of the following: Chester Dental Clinic, Portland Dental Clinic, Bangor Dental Clinic and the Jessie Albert Memorial Dental Clinic in Bath, Maine. Allocations for these purposes shall be incorporated into future budget preparations.

See title page for effective date.

CHAPTER 197

H.P. 736 - L.D. 1013

An Act to Implement an Ozone Control Strategy for the State

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

Sec. 1. 38 MRSA §582, sub-§6-B, as enacted by PL 1979, c. 385, §1, is repealed and the following enacted in its place:

6-B. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries, primarily by pipeline, ship or barge, and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters, or 20,000 gallons, of gasoline.

Sec. 2. 38 MRSA §582, sub-§7-H is enacted to read:

7-H. Gasoline dispensing facility. "Gasoline dispensing facility" means any gasoline service station, bulk terminal or bulk plant or any other facility or organization, governmental or private, that stores gasoline in tanks having a capacity of greater than 250 gallons, and dispenses fuel for motor vehicle use.

Sec. 3. 38 MRSA §609, as enacted by PL 1979, c. 385, §2, is repealed and the following enacted in its place: