

# MAINE STATE LEGISLATURE

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**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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**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: