

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**4. Franchisor.** “Franchisor” means a manufacturer, distributor or wholesaler who grants a franchise to a watercraft dealer.

**5. Manufacturer.** “Manufacturer” means any person, partnership, firm, association, corporation or trust, resident or nonresident, that manufactures or assembles new watercraft or engines for watercraft, or imports for distribution through distributors of watercraft, or any partnership, firm, association, joint venture, corporation or trust, resident or nonresident, that is controlled by the manufacturer. The term “manufacturer” includes the term “distributor” or “wholesaler.”

**6. Watercraft.** “Watercraft” means any type of vessel, boat or craft used or capable of being used as a means of transportation on water. “Watercraft” does not include a seaplane.

**7. Watercraft dealer.** “Watercraft dealer” means any person who sells or solicits or advertises the sale of new or used watercraft or engines for watercraft. “Watercraft dealer” does not include receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court or public officers while performing their duties as such officers.

#### **§1197. Warranty**

**1. Parts or labor; satisfaction of warranty.** If a franchisor requires or permits a franchisee to perform labor or provide parts to satisfy a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations and:

A. Reimburse the franchisee at the retail rate customarily charged for any parts provided by the franchisee to satisfy the warranty; and

B. Reimburse the franchisee for any labor performed by the franchisee to satisfy the warranty. Reimbursement for labor may not be less than the retail rate customarily charged by that franchisee for the same labor when not performed to satisfy a warranty. To be entitled to reimbursement under this section, a franchisee must post in a place conspicuous to service customers the rate for labor not performed to satisfy a warranty.

**2. Restrictions prohibited.** A franchisor may not, by agreement, by restriction upon reimbursement or otherwise, restrict the nature or extent of labor performed or parts provided if such a restriction impairs the franchisee’s ability to satisfy a warranty created by the franchisor by performing labor competently or by providing parts in accordance with generally accepted standards.

**3. Claim.** A claim by a franchisee for compensation for parts provided or for reimbursement for labor

performed to satisfy a warranty must be approved or disapproved within 30 days of receipt by the franchisor. A claim that is approved must be paid within 30 days of its approval. If a franchisor disapproves a claim, it shall notify the franchisee that submitted the claim within 30 days of disapproval of the specific reasons for disapproval.

**4. Costs; fees.** If a franchisee brings a legal action to collect a disapproved claim and is successful in that action, the court shall award the franchisee the cost of the action and reasonable attorney’s fees. Reasonable attorney’s fees must be determined by the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the franchisee.

See title page for effective date.

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## CHAPTER 632

H.P. 1235 - L.D. 1799

### An Act to Clarify Relevant Information in Administrative Rule-making Procedures

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

**Sec. 1. 5 MRSA §8052, sub-§4**, as amended by PL 1981, c. 524, §3, is further amended to read:

**4. Relevant information considered.** The agency shall consider all relevant information available to it, including, but not limited to, economic, environmental, fiscal and social impact analyses and statements and arguments filed, before adopting any rule.

See title page for effective date.

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## CHAPTER 633

S.P. 742 - L.D. 1937

### An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System

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

**4 MRSA §1353, sub-§4, ¶A**, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

A. During the first ~~5~~ 2 years, the allowance ~~shall continue~~ continues as long as the beneficiary ~~cannot~~ can not perform the duties of a judge.

See title page for effective date.

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