

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1231**

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H. P. 995

House of Representatives, March 15, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning Manufacturer Liability on Express Warranties Pursuant to  
Consumer Sales.**

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

10 MRSA c. 212 is enacted to read:

**CHAPTER 212**

**CONSUMER SALES**

§ 1371. **Liability of manufacturers on express warranties pursuant to consumer sales.**

1. **Liability of manufacturers.** Every manufacturer who makes an express warranty pursuant to a consumer sale, who designates a representative within this State to provide sale and service under the terms of the express warranty shall be liable to that representative in the amount equal to that which is charged by that representative for like service and repairs rendered to retail customers who are not entitled to warranty protection. This equality of charges shall apply both to labor and parts used.

2. **Damages.** Any manufacturer who fails to comply with the provisions of this chapter or who fails to promptly pay for service and repairs performed under

**the terms of an express warranty within 30 days after the date of the representative's bill, shall be liable to the representative for the cost of service and repairs, \$25 a day for every day of noncompliance, costs of suit and reasonable attorney's fees.**

**3. Waiver. Any waiver of the provisions of this chapter is contrary to public policy and is unenforceable and void.**

#### STATEMENT OF FACT

The purpose of this bill is to protect both consumers and service representatives or retailers who are designated by the manufacturer to perform repairs under terms of the manufacturer's express warranty. Frequently, manufacturers of consumer goods, because of their superior bargaining position, require service representatives to perform warranty repairs at a price that is less than the service representative usually charges for nonwarranty repairs. Without this statute consumers who must pay for repairs not covered by a warranty and service representatives may be required to subsidize the manufacturer of consumer goods who does not want to pay the full price for repairs to consumer goods that do not meet the standards of the manufacturer's express warranty.