

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 497

H. P. 450

House of Representatives, January 29, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative LaPlante of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Certain Practices of Oil and Solid Fuel Burner Technicians.

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

Sec. 1. 32 MRSA § 2313-A is enacted to read:

§ 2313-A. Used equipment

No used, reconditioned or rebuilt oil or solid fuel burning equipment or accessory equipment may be installed without the customer's prior specific agreement. A customer shall not be obligated to pay for any installation of equipment unless, if it is used, reconditioned or rebuilt, he specifically agrees to its installation, nor until he receives a written description of the equipment installed which identifies it as either new, or used, reconditioned or rebuilt.

Sec. 2. 32 MRSA § 2313-B is enacted to read:

§ 2313-B. Disclosure of warranties

A customer shall not be obligated to pay for any installation of equipment until he receives a complete written description of any express warranties intended to be created under Title 11, section 2-313. The description includes the manner in which and by whom the obligations arising under the express warranties will be performed. Nothing in this section may be construed to limit or modify rights, duties or liabilities arising under Title 11, section 2-313.

STATEMENT OF FACT

With economy and safety becoming increasingly important in oil and solid fuel burning equipment, it is essential that customers know whether the equipment being installed is new or used and whether it is covered by any warranties. This bill does 2 things:

1. It prohibits installation of used equipment without the customer's prior consent and requires that the equipment be described as new or used on an invoice or the like; and
2. It requires that the customer be given a complete written description of any express warranty covering equipment installed.