

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 848

6
7 H.P. 665

House of Representatives, February 23, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

Cosponsors: Representative Michael of Auburn, Speaker Martin of Eagle
11 Lake and Representative Tuttle of Sanford.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Create the Maine Lemon Law.
18

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

21 10 MRSA c. 203-A is enacted to read:

22 CHAPTER 203-A

23 WARRANTIES ON NEW MOTOR VEHICLES

24 §1161. Definitions

25 As used in this chapter, unless the context indi-
26 cates otherwise, the following terms have the follow-
27 ing meanings.

28 1. Consumer. "Consumer" means the purchaser,
29 other than for purposes of resale, of a motor vehi-
30 cle, any person to whom the motor vehicle is trans-

1 ferred during the duration of an express warranty
2 applicable to the motor vehicle and any other person
3 entitled by the terms of the warranty to enforce the
4 obligations of the warranty.

5 2. Motor vehicle. "Motor vehicle" means any
6 motor driven vehicle, designed for the conveyance of
7 passengers or property on the public highways, which
8 is sold in this State.

9 §1162. Scope; construction

10 1. Consumer rights. Nothing in this chapter in
11 any way limits the rights or remedies which are
12 otherwise available to a consumer under any other
13 law.

14 2. Manufacturers, distributors, agents and deal-
15 ers. Nothing in this chapter in any way limits the
16 rights or remedies of franchisees under chapter 204
17 or other applicable law.

18 §1163. Rights and duties

19 1. Repair of nonconformities. If a new motor
20 vehicle does not conform to all applicable express
21 warranties, and the consumer reports the nonconform-
22 ity to the manufacturer, its agent or its authorized
23 dealer during the term of the express warranties or
24 within a period of one year following the date of
25 original delivery of the motor vehicle to a consumer,
26 whichever is the earlier date, the manufacturer, its
27 agent or its authorized dealer shall make those
28 repairs necessary to conform the vehicle to the
29 express warranties, notwithstanding the fact that the
30 repairs are made after the expiration of that term or
31 that one-year period.

32 2. Failure to make effective repair. If the
33 manufacturer or its agents or authorized dealers are
34 unable to conform the motor vehicle to any applicable
35 express warranty by repairing or correcting any
36 defect or condition which substantially impairs the
37 use and value of the motor vehicle after a reasonable
38 number of attempts, the manufacturer shall replace
39 the motor vehicle with a comparable new motor vehicle
40 or accept return of the vehicle from the consumer and

1 refund to the consumer the full purchase price,
2 including all collateral charges, less a reasonable
3 allowance for the consumer's use of the vehicle.
4 Refunds shall be made to the consumer and lienholder,
5 if any, as their interests may appear. A reasonable
6 allowance for use is that amount directly attribut-
7 able to use by the consumer prior to his first report
8 of the nonconformity to the manufacturer, agent or
9 dealer, and during any subsequent period when the
10 vehicle is not out of service by reason of repair.
11 In determining the reasonable allowance, the parties
12 may take into account the rate of mileage reimburse-
13 ment paid to state employees pursuant to Title 5,
14 section 8.

15 3. Reasonable number of attempts; presumption.
16 It is presumed that a reasonable number of attempts
17 have been undertaken to conform a motor vehicle to
18 the applicable express warranties, if:

19 A. The same nonconformity has been subject to
20 repair 4 or more times by the manufacturer or its
21 agents or authorized dealers within the express
22 warranty term or during the period of one year
23 following the date of original delivery of the
24 motor vehicle to a consumer, whichever is the
25 earlier date, and at least 2 of those times to
26 the same agent or dealer, but the nonconformity
27 continues to exist; or

28 B. The vehicle is out of service by reason of
29 repair, by the manufacturer, its agents or
30 authorized dealer, of a nonconformity covered
31 under subsection 2 for a cumulative total of 30
32 or more business days during that warranty term
33 or that one-year period, whichever is the earlier
34 date.

35 4. Time limit; extension. The term of an
36 express warranty, the one-year period following
37 delivery and the 30-day period provided in subsection
38 3, paragraph B, shall be extended by any period of
39 time during which repair services are not available
40 to the consumer because of a war, invasion, strike or
41 fire, flood or other natural disaster.

1 The language here parallels that enacted in Con-
2 necticut, except that Title 10, section 1162, subsec-
3 tion 2, makes clear that the rights of dealers with
4 respect to their manufacturers are reserved.

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