

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 985

6  
7 H.P. 754

House of Representatives, March 3, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

Cosponsors: Speaker Martin of Eagle Lake, Representative Michael of  
11 Auburn 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 Amend the Used Car  
18 Information Law.  
19

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

22 Sec. 1. 10 MRSA §1475, sub-§2, ¶ D, as amended  
23 by PL 1981, c. 296, §3, is further amended to read:

24 D. A statement identifying the type of damage,  
25 if any, that the vehicle has sustained, such as  
26 fire, water or substantial collision damage, if  
27 ~~such~~ that information is known to the dealer; ~~and~~

28 Sec. 2. 10 MRSA §1475, sub-§2, ¶ E, as enacted  
29 by PL 1981, c. 296, §4, is amended to read:

30 E. A statement, if applicable, that implied war-  
31 ranties with respect to the vehicle are excluded  
32 or modified. Nothing in this paragraph may be

1 construed to affect the requirements of Title 11,  
2 section 2-316; and

3 Sec. 3. 10 MRSA §1475, sub-§2, ¶ F is enacted to  
4 read:

5 F. A statement, if applicable, disclosing that  
6 the vehicle was returned to the manufacturer, its  
7 agent or authorized dealer, for its nonconformity  
8 with express warranties. The statement shall  
9 identify the nature of the nonconformities.

10 STATEMENT OF FACT

11 There is a growing trend among states to enact  
12 so-called "lemon laws," which give the buyer of a new  
13 motor vehicle certain rights, upon discovering that  
14 the automobile he purchased suffers from severe and  
15 persistent problems that elude repair. This session,  
16 a similar measure is being proposed in this State,  
17 but already the "lemon law" exists in at least one  
18 other New England state.

19 One of the ultimate remedies under a lemon law is  
20 the return of the vehicle to the manufacturer or  
21 dealer. This presents a hazard to the used car  
22 buyer, since the dealer may turn around and sell that  
23 same car as a used vehicle to an unsuspecting con-  
24 sumer.

25 This measure would inject some fairness into the  
26 bargaining process between used car dealers and cus-  
27 tomers, by requiring disclosure of the car's history  
28 of problems. Since, by the nature of the lemon laws,  
29 these problems must be severe and persistent, it is  
30 essential that the used car buyer be provided with  
31 this information.

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