

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 828

6
7 H.P. 556

House of Representatives, February 28, 1985

8 On Motion of Representative Brannigan of Portland, referred to the
9 Committee on Business and Commerce. Sent up for concurrence and ordered
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative Warren of Scarborough.

11 Cosponsored by Senator Diamond of Cumberland, Representative
McGowan of Canaan and Representative Cote of Auburn.

12 STATE OF MAINE
13

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

17 AN ACT Concerning Maine's Lemon Law.
18

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

21 Sec. 1. 10 MRSA §1163, sub-§§2, 3 and 4, as en-
22 acted by PL 1983, c. 145, are amended to read:

23 2. Failure to make effective repair. If the
24 manufacturer or its agents or authorized dealers are
25 unable to conform the motor vehicle to any applicable
26 express warranty by repairing or correcting any de-
27 fect or condition which substantially impairs the use
28 and value of the motor vehicle after a reasonable
29 number of attempts, the manufacturer shall replace
30 the motor vehicle with a comparable new motor vehicle
31 or accept return of the vehicle from the consumer and
32 refund to the consumer the full purchase price, in-
33 cluding all collateral charges and reimbursement of
34 the consumer for all travel expenses incurred by the
35 consumer as a result of the defect or condition at
36 the rate of 22¢ per mile, less a reasonable allowance

1 for the consumer's use of the vehicle. Refunds shall
2 be made to the consumer and lienholder, if any, as
3 their interests may appear. A reasonable allowance
4 for use is that amount directly attributable to use
5 by the consumer prior to his first report of the non-
6 conformity to the manufacturer, agent or dealer, and
7 during any subsequent period when the vehicle is not
8 out of service by reason of repair. In determining
9 the reasonable allowance, the parties may take into
10 account the rate of mileage reimbursement paid to
11 state employees pursuant to Title 5, section 8.

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

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

25 B. The vehicle is out of service by reason of
26 repair, by the manufacturer, its agents or autho-
27 rized dealer, of any nonconformities covered un-
28 der subsection 2 for a cumulative total of 30 15
29 or more business days during that warranty term
30 or that one-year period, whichever is the earlier
31 date.

32 4. Time limit; extension. The term of an ex-
33 press warranty, the one-year period following deliv-
34 ery and the ~~30-day~~ 15-day period provided in subsec-
35 tion 3, paragraph B, shall be extended by any period
36 of time during which repair services are not availa-
37 ble to the consumer because of a war, invasion,
38 strike or fire, flood or other natural disaster.

39 Sec. 2. 10 MRSA 1165, as enacted by PL 1983, c.
40 145, is amended to read:

41 §1165. Informal dispute settlement

1 If a manufacturer has established an informal
2 dispute settlement procedure which complies in all
3 respects with the provisions of 16 Code of Federal
4 Regulations, Part 703, as from time to time amended,
5 the provisions of section 1163, subsection 2, con-
6 cerning refunds or replacement shall not apply to any
7 consumer who has not first resorted to that proce-
8 dure, provided that the procedure shall require that
9 the hearing be held within 7 days of receipt of a
10 consumer's request and that the manufacturer render a
11 decision within 30 days of commencement of the
12 procedure.

13

STATEMENT OF FACT

14 This bill reduces the number of times a consumer
15 has to have the same mechanical problem with a car to
16 put the law's remedies into effect. It also reduces
17 the number of days a car has to be in the repair
18 shop to have the remedies go into effect. It changes
19 the requirements concerning the manufacturers arbi-
20 tration process.

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