

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2192

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H.P. 1694

House of Representatives, March 20, 2002

**An Act to Amend the Laws Governing the Unlawful Sale of Personal Sports Mobiles and the Registration of New Snowmobiles.**

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Reported by the Majority from the Joint Standing Committee on Business and Economic Development pursuant to Joint Order 2001, H.P. 1586.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

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4       **Sec. 1. 10 MRSA §1242, sub-§13**, as enacted by PL 1997, c. 473, §3, is amended to read:

6           **13. New personal sports mobile.** "New personal sports  
8 mobile" means a personal sports mobile that has not been sold  
previously to any person except a distributor or wholesaler or  
10 personal sports mobile dealer for resale. "New personal sports  
12 mobile" also means a personal sports mobile that has not been  
14 registered in this State or any other state or for which sales  
tax has not been paid in this State or any other state if that  
other state taxes the purchase of a new personal sports mobile.

16       **Sec. 2. 10 MRSA §1243, sub-§4, ¶¶C and D**, as enacted by PL  
1997, c. 473, §3, are amended to read:

18           C. To resort to or use any false or misleading advertisement  
20 in connection with that dealer's business as a personal  
sports mobile dealer; or

22           D. To fail to disclose conspicuously in writing the personal  
24 sports mobile dealer's policy in relation to the return of  
deposits received from any person. A dealer shall require  
26 that a person making a deposit sign the form on which the  
disclosure appears; or

28       **Sec. 3. 10 MRSA §1243, sub-§4, ¶E** is enacted to read:

30           E. To sell, directly or indirectly, a new personal sports  
32 mobile without holding a current and valid franchise with  
the manufacturer of the brand of new personal sports mobile  
being sold.

34       **Sec. 4. 10 MRSA §1243-A** is enacted to read:

36       **§1243-A. Unlawful sale of new personal sports mobile**

38           A person is guilty of unlawful sale of a new personal sports  
40 mobile if that person sells a new personal sports mobile and does  
not possess a current and valid franchise with the personal  
42 sports mobile manufacturer of the brand of new personal sports  
mobile being sold. If, upon demand by a law enforcement officer,  
44 a person fails to produce evidence of a franchise required by  
this section, this failure is prima facie evidence that the  
46 person does not possess that franchise.

48           A person who violates this section commits a Class E crime  
50 and additionally is liable in any action brought for unfair  
methods of competition or unfair and deceptive trade practices

2 for treble damages, which include, but are not limited to,  
3 damages related to warranty coverage.

4 **Sec. 5. 10 MRSA §1250-K**, as enacted by PL 2001, c. 387, §1,  
5 is repealed.

6 **Sec. 6. 12 MRSA §7824, sub-§12** is enacted to read:

7  
8 **12. Determination of valid franchise.** The commissioner or  
9 the commissioner's designee or a municipal agent shall determine  
10 prior to issuing a registration for a new snowmobile that the new  
11 snowmobile purchased by the applicant was sold by a new  
12 snowmobile dealer holding a valid, current franchise with the  
13 manufacturer of the brand of new snowmobile being registered.  
14 For the purposes of this subsection, "new snowmobile" means a  
15 snowmobile that has not been sold previously to any person except  
16 a distributor or wholesaler or personal sports mobile dealer for  
17 resale. "New snowmobile" also means a snowmobile that has not  
18 been registered in this State or any other state or for which  
19 sales tax has not been paid in this State or any other state if  
20 that other state taxes the purchase of a new snowmobile.

21  
22 **Sec. 7. 12 MRSA §7825, sub-§1**, as enacted by PL 1979, c. 420,  
23 §1, is amended to read:

24  
25 **1. Application and issuance.** Any person who is in the  
26 business of selling new or used snowmobiles in the State shall  
27 register as a dealer and secure a dealer's license from the  
28 commissioner. Dealers so registered and licensed need not  
29 register individual snowmobiles. For the purposes of this  
30 subsection, "new snowmobile" has the same meaning as in section  
31 7824, subsection 12.

32  
33  
34 **FISCAL NOTE**

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36 This bill may increase prosecutions for Class E crimes. If  
37 a jail sentence is imposed, the additional costs to the counties  
38 are estimated to be \$83.36 per day per prisoner. The number of  
39 prosecutions that may result in a jail sentence and the resulting  
40 costs to the county jail system are expected to be insignificant.

41  
42 The additional workload and administrative costs associated  
43 with the minimal number of new cases filed in the court system  
44 can be absorbed within the budgeted resources of the Judicial  
45 Department. The collection of additional fines may increase  
46 General Fund revenue by minor amounts.

## SUMMARY

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4       This bill is the majority report of the Joint Standing  
Committee on Business and Economic Development pursuant to Joint  
Order 2001, H.P. 1586. It makes a number of changes to the laws  
6 governing the unlawful sale of new personal sports mobiles and  
the registration of new snowmobiles. Among other things, it  
8 amends the definition of "new personal sports mobile" to include  
those new personal sports mobiles not previously registered in  
10 this State or any other state or for which sales tax has not been  
paid in this State or any other state. It also requires that a  
12 personal sports mobile dealer hold a valid franchise from a  
manufacturer to sell a new personal sports mobile. The bill also  
14 makes it a Class E crime for a person to unlawfully sell a new  
personal sports mobile. Further, the bill requires a municipal  
16 agent to make a determination that a new snowmobile being  
registered has been purchased from a new snowmobile dealer  
18 holding a valid franchise with the manufacturer of the brand of  
new snowmobile being registered.