

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
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E. To offer to sell or to sell any new motor vehicle at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price; provided, however, this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government ~~the State or any of its political subdivisions~~; and provided, further, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by said dealer in a driver education program; and provided further, that this paragraph shall not apply so long as a manufacturer, distributor, wholesaler or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at an equal price. This paragraph shall not apply to sales by a manufacturer, distributor or wholesaler to the United States Government or any agency thereof.

Sec. 2. 10 MRSA § 1175, as enacted by PL 1975, c. 573 is amended by adding at the end the following new paragraphs:

In any action or claim brought against the dealer on a product liability complaint in which it is later determined that the manufacturer is liable, the dealer shall be entitled, from the manufacturer, to receive its reasonable costs and attorney's fees incurred in defending the claim or action.

The court shall consider the dealer's share in the responsibility for the damages in awarding costs and attorney's fees.

Sec. 3. 10 MRSA § 1176 as enacted by PL 1975, c. 573 is amended by adding at the end the following new paragraph:

In any claim that is disapproved by the manufacturer, and the dealer brings legal action to collect the disapproved claim and is successful in the action, the court shall award the dealer the cost of the action together with reasonable attorney fees. Reasonable attorney fees shall be determined by the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the dealer.

Effective September 14, 1979

CHAPTER 499

H. P. 823 — L. D. 1023

AN ACT to Define Suitable Work after the First Twelve Consecutive Weeks of Unemployment.

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

26 MRSA § 1193, sub-§ 3, ¶ A, is amended to read:

A. In determining whether or not any work is suitable for an individual **during the first 12 consecutive weeks of unemployment**, the commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

In determining whether or not work is suitable for an individual after the first 12 consecutive weeks of unemployment, the commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness, his prior earnings, his length of unemployment and prospects for securing local work in his customary occupation and the distance of the available work from his residence. The individual's prior earnings shall not be considered with respect to an offer of or referral to an otherwise suitable job which pays wages equal to or exceeding the average weekly wage in the State of Maine.

Effective September 14, 1979

CHAPTER 500

H. P. 750 — L. D. 958

AN ACT Relating to the Identification and the Hazards of Chemicals in the Work Area.

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

26 MRSA c. 22 is enacted to read:

CHAPTER 22

CHEMICAL SUBSTANCE IDENTIFICATION

§ 1701. Scope and application

1. **Information.** This chapter requires that information be provided to employees about the identities and hazards of chemicals in the work area by means of chemical identification lists, labels, substance data sheets, education and training and access to written records.

2. **Applicable chemicals.** This chapter applies to any chemical in the work area which is:

A. A hazardous substance;