

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND NINTH LEGISLATURE
January 2, 1980 to April 3, 1980

Sec. 8. 32 MRSA § 871, first ¶, as repealed and replaced by PL 1973, c. 625, § 211, is amended to read:

No security, not exempt under section 873 or section 807, shall be sold, except in a transaction exempted by section ~~874~~ 874-A or section 807, within this State, until there shall have been filed with the Bank Superintendent a notice of intention to sell such security, accompanied by a filing fee of \$50, and this prohibition shall not extend to offers, solicitations or other preliminary negotiations, with no consideration paid or received, no transfer or delivery of any security made, and no binding option, subscription or other contract entered into.

Effective July 3, 1980

CHAPTER 698

H. P. 1777 — L. D. 1878

AN ACT Relating to Motor Vehicle Warranties and Repairs.

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

Sec. 1. 10 MRSA § 1176, first ¶, as enacted by PL 1975, c. 573, is repealed and the following enacted in its place:

If a motor vehicle franchisor requires or permits a motor vehicle franchisee to perform labor or provide parts in satisfaction of a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations and adequately and fairly compensate the franchisee for any parts so provided. Further, the franchisor shall reimburse the franchisee for any labor so performed at the retail rate customarily charged by that franchisee for the same labor when not performed in satisfaction of a warranty; provided that the franchisee's rate for labor not performed in satisfaction of a warranty is routinely posted in a place conspicuous to its service customer. Any claim made by a franchisee for compensation for parts provided or for reimbursement for labor performed in satisfaction of a warranty shall be paid within 30 days of its approval. All the claims shall be either approved or disapproved within 30 days of their receipt. When any such claim is disapproved, the franchisee that submitted it shall be notified in writing of its disapproval within that period, together with the specific reasons for its disapproval. No franchisor may, by agreement, by restriction upon reimbursement, or otherwise, restrict the nature or extent of labor performed or parts provided so that such restriction impairs the franchisee's ability to satisfy a warranty created by the franchisor by performing labor in a good and workmanlike manner or by providing parts required in accordance with generally accepted standards.

Sec. 2. 29 MRSA c. 23 is enacted to read:

CHAPTER 23

MOTOR VEHICLE REPAIR

§ 2601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Customer.** "Customer" means an individual, corporation or other legal entity, including an agent, who contracts with a repair facility for repair of a motor vehicle.

2. **Flat rate.** "Flat rate" means any method of calculating charges for labor that is not based upon the amount of time actually spent repairing a motor vehicle.

3. **Motor vehicle.** "Motor vehicle" means "motor vehicle" as defined in section 1, subsection 7.

4. **Repair.** "Repair" means the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of any part of a motor vehicle, including body work and painting and incidental services such as storage and towing, but excluding the sale of motor fuel.

5. **Repair facility.** "Repair facility" means an individual, corporation or other legal entity which repairs motor vehicles for the general public for compensation.

§ 2602. Maximum charge for repair

1. **Written designation by customer.** Before a repair facility begins repairing a customer's motor vehicle, the customer shall have a right to designate in writing a specific amount of charges for repair in excess of which the customer does not agree to be liable without further specific agreement, either oral or written.

2. **No liability without agreement.** A customer shall not be liable for any charge for repair in excess of the specific amount designated in accordance with subsection 1 without further specific agreement, either oral or written.

§ 2603. Replaced parts

Before payment of any charge is demanded, the customer shall have a right to inspect any replaced parts. Further, the customer shall have a right to the return of any replaced parts which he requests, unless the facility is required to return the parts to the manufacturer or distributor under a bona fide warranty or exchange arrangement.

§ 2604. Used parts

No repair facility may install a used, reconditioned or rebuilt part unless the customer specifically agrees before that part is installed.

§ 2605. Notices

A repair facility shall post the following notice in a place where it is reasonably likely to be seen by its repair customers. The notice shall be completed with information on charges and printed so that it is conspicuous and can be read by the average person.

“NOTICE TO OUR CUSTOMERS

REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in writing the total amount you agree to pay for repairs. You will not have to pay anything over that amount unless you agree to it when we contact you later.

Before you pay your bill, you have a right to inspect any replaced parts. You have a right to take with you any replaced parts, unless we are required to return the parts to our distributor or manufacturer.

We cannot install any used or rebuilt parts unless you specifically agree in advance.

You cannot be charged any fee for exercising these rights.

WE CHARGE \$ PER HOUR FOR LABOR.
(We round off the time to the nearest .)”

The notice shall also contain the following if it applies:

“We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you.”

§ 2606. Fee prohibited

No repair facility may, directly or indirectly, charge any fee for its performance of any obligation or for the exercise of any right in accordance with this chapter.

§ 2607. Unfair trade practice

A repair facility’s failure to comply with this chapter constitutes an unfair trade practice under Title 5, chapter 10.

§ 2608. Waiver prohibited

Unless specifically provided otherwise, the duties imposed by and rights created under this chapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable.

§ 2609. Savings clause

This chapter is in addition to, and does not limit or replace in anyway, rights or procedures provided to customers either by statute or by common law.

Effective July 3, 1980

CHAPTER 699
H. P. 1759 — L. D. 1884

AN ACT to Amend the Hazardous Waste Statutes in Order that the State May Respond to Dangers to Public Health, Safety or Welfare and Allow Delegation of the Federal Program.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is being stored, transported, generated, treated, disposed, reduced, incinerated, recovered, processed and transferred waste of unknown quantity or composition; and

Whereas, persons, known and unknown, have carried waste of unknown quantity or composition, into this State from other states, to destinations unknown in this State; and

Whereas, persons, known and unknown, have handled waste of unknown quantity or composition within the State without proper safeguards; and

Whereas, this waste if allowed to escape into the environment will poison land, air, surface water and ground water for generations to come; and

Whereas, this waste by its inherent chemical and physical characteristics may if haphazardly handled cause burns, deformities, mutations and other dangers to the public health, safety or welfare; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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