

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
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PUBLIC LAWS

OF THE

STATE OF MAINE

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1985, c. 220, §3, is amended to read:

6. Disclosure of notice requirement. No consumer may be required to notify the manufacturer of a claim under this section, unless the ~~manufacturer~~ manufacturer has clearly and conspicuously disclosed to the consumer, in the warranty or owner's manual, that written notification of the nonconformity is required before the consumer may be eligible for a refund or replacement of the vehicle. The manufacturer shall include with the warranty or owner's manual the name and address to which the consumer shall send the written notification.

Sec. 7. 10 MRSA §1163, sub-§6-A is enacted to read:

6-A. Notification of dealer. Consumers may also satisfy a manufacturer's notice requirement by notifying in writing the authorized dealer of a claim under this section. The dealer shall act as the manufacturer's agent and immediately communicate to the manufacturer the consumer's claim.

Sec. 8. 10 MRSA §1168 is enacted to read:

§1168. New car leases

For the purposes of this chapter only, the following apply to leases of new motor vehicles.

1. Warranties. If express warranties are regularly furnished to purchasers of substantially the same kind of motor vehicles:

A. Those warranties shall be deemed to apply to the leased motor vehicles; and

B. The consumer lessee shall be deemed to be the first purchaser of the motor vehicle for the purpose of any warranty provisions limiting warranty benefits to the original purchaser.

2. Lessee's rights. The lessee of a motor vehicle has the same rights under this chapter against the manufacturer and any person making express warranties that the lessee would have under this chapter if the vehicle had been purchased by the lessee. The manufacturer and any person making express warranties have the same duties and obligations under this chapter with respect to the vehicle that the manufacturer and other person would have under this chapter if the goods had been sold to the lessee.

Effective September 29, 1987.

CHAPTER 360

S.P. 569 — L.D. 1702

AN ACT Relating to Catering Services under the Liquor Law.

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

28-A MRSA §1076, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

3. Income from sale of food requirement. At least a minimum amount of gross annual income must be from the sale of food for each qualified catering service. The income from sale of food requirement shall be based on the population of the municipality in which the qualified catering service is located.

A. In municipalities having a population of over 50,000 persons:

(1) Year-round qualified catering services must have a minimum gross income of \$50,000 a year from the sale of food to the public; and

(2) Part-time qualified catering services must have a minimum gross income of:

(a) Thirty thousand dollars from the sale of food to the public as a requirement for a part-time license not in excess of 6 consecutive months; and

(b) Twenty thousand dollars from the sale of food to the public as a requirement for a part-time license not in excess of 3 consecutive months.

B. In municipalities having a population of 30,001 to 50,000 persons:

(1) Year-round qualified catering services must have a minimum gross income of \$40,000 a year from the sale of food to the public; and

(2) Part-time qualified catering services must have a minimum gross income of:

(a) Twenty-five thousand dollars from the sale of food to the public as a requirement for a part-time license not in excess of 6 consecutive months; and

(b) Twenty thousand dollars from the sale of food to the public as a requirement for a part-time license not in excess of 3 consecutive months.

C. In municipalities having a population of 20,001 to 30,000 persons:

(1) Year-round qualified catering services must have a minimum gross income of \$30,000 a year from the sale of food to the public; and

(2) Part-time qualified catering services must have a minimum gross income of \$20,000 from the sale of food to the public as a requirement for a part-time license not in excess of 6 consecutive months.

D. In municipalities having a population of 7,501 to 20,000 persons:

(1) Year-round qualified catering services must have a minimum gross income of \$15,000 a year from the sale of food to the public; and

(2) Part-time qualified catering services must have a minimum gross income of \$10,000 from the sale of food to the public as a requirement for a part-time license not in excess of 6 consecutive months.

E. In municipalities having a population of 7,500 persons or less:

(1) Year-round qualified catering services must have a minimum gross income of \$5,000 a year from the sale of food to the public; and

(2) Part-time qualified catering services must have a minimum gross income of \$2,500 from the sale of food to the public as a requirement for a part-time license not in excess of 6 consecutive months.

Effective September 29, 1987.

CHAPTER 361

S.P. 586 — L.D. 1738

AN ACT to Modify Certain Sections of the Maine Criminal Code.

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

Sec. 1. 17-A MRSA §803, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

2. As used in this section, "catastrophe" means death or serious bodily injury to 10 or more people or substantial damage to 5 or more structures, as defined in section ~~801~~ 2, subsection 24.

Sec. 2. 17-A MRSA §853-A, sub-§2, as amended by PL 1981, c. 245, §1, is further amended to read:

2. Engaging in prostitution is a Class E crime except that it is subject only to the penalties provided in section 1301, ~~unless the defendant has not attained his 18th birthday, in which case the disposition provided in Title 15, section 3314 is applicable.~~

Sec. 3. 17-A MRSA §1201, sub-§1, as amended by PL 1977, c. 510, §68, is further amended to read:

1. A person who has been convicted of any a crime may be sentenced to a ~~suspended term of imprisonment with probation or to a suspended fine with probation or to an~~ section 1152 sentencing alternative which includes a period of probation or to the sentencing alternative of

unconditional discharge, unless:

A. The conviction is for murder;

B. The statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to the imprisonment and required to pay the fine authorized therein;

C. The court finds that there is an undue risk that during the period of probation the convicted person would commit another crime; or

D. The court finds that such a sentence would diminish the gravity of the crime for which he was convicted.

Sec. 4. 17-A MRSA §1204, sub-§1, as repealed and replaced by PL 1977, c. 671, §28, is amended to read:

1. ~~If the court imposes a suspended sentence of imprisonment with probation or a suspended fine with section 1152 sentencing alternative which includes a period of probation, it shall attach such conditions of probation, as authorized by this section, as it deems to be reasonable and appropriate to assist the convicted person to lead a law-abiding life, provided that in every case it shall be a condition of probation that the convicted person refrain from criminal conduct.~~

Sec. 5. 17-A MRSA §1252-A is enacted to read:

§1252-A. Deductions

Unless otherwise specifically provided by law, deductions for good time and meritorious good time shall be calculated in accordance with the laws in effect on the date the offense was committed. When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed for the same offense, calculation of good time and meritorious good time shall be in accordance with the laws which governed this calculation on the sentence previously imposed.

Sec. 6. 17-A MRSA §1256, sub-§6, as enacted by PL 1981, c. 324, §34, is amended to read:

6. If it is discovered subsequent to the imposition of a sentence of imprisonment that the sentencing court was unaware of a previously imposed sentence of imprisonment which is not fully discharged, the court shall resentence the defendant and shall specify whether the sentences are to be served concurrently or consecutively. The court shall not resentence the defendant if the sentences are ~~required to be served consecutively pursuant to subsection 1~~ consecutive as a matter of law.

Effective September 29, 1987.