

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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5. Emission testing. Compliance with this standard shall be determined by methods promulgated in 40 Code of Federal Regulations, Part 60.503, or other methods approved by the commissioner and the United States Environmental Protection Agency.

See title page for effective date.

CHAPTER 198

H.P. 903 - L.D. 1260

An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer

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

Sec. 1. 10 MRSA §1471, sub-§2, as amended by PL 1985, c. 569, §1, is further amended to read:

2. Dealer. "Dealer" means and includes a natural person, firm, corporation, partnership and any other legal entity that is engaged in the business of selling, offering for sale; or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State and includes the officers, agents and employees thereof. "Dealer" also includes, but is not limited to, persons licensed to engage in the business of selling, offering for sale or negotiating the sale of used motor vehicles in states other than this State, finance companies, banks, car rental companies and insurance companies that sell or transfer title to used motor vehicles within the State at licensed auction locations in this State or by any other means. "Dealer" does not include departments or agencies of the State when selling, offering for sale or negotiating the sale of used state-owned motor vehicles.

Sec. 2. 10 MRSA §1475, sub-§3, as amended by PL 1987, c. 593, is further amended to read:

3. Written statement. A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;

B. The name and address of the seller, the principal use to which the motor vehicle was put by the seller, such as personal transportation, police car, daily rental car, taxi or other descriptive term;

C. A statement identifying any and all mechanical defects known to the seller at the time of sale; and

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

The seller of the used motor vehicle shall sign this written statement and the dealer who buys the vehicle shall maintain a record of it for one year following the sale of the motor vehicle.

The word "seller," as used in this subsection, includes any person who sells a used motor vehicle to a dealer, including, but not limited to, individuals, other new or used motor vehicle dealers and insurance companies.

As used in subsections 2 and 3, "substantial collision damage" means any damage to a motor vehicle from a collision when the costs of repair of that damage, at the time of repair, including replacement of mechanical and body parts, exceeded by 3 times the amount of damage that would at the time of the collision have required a report of the collision to a law enforcement agency under the provisions of Title 29, section 891.

Sec. 3. 10 MRSA §1477, sub-§2, as amended by PL 1983, c. 311, §4, is further amended to read:

2. Civil penalty. Each violation of this chapter constitutes a civil violation and shall be punished by a forfeiture of not less than \$100 nor more than \$1,000. No action may be brought for a civil violation under this subsection more than 2 years after the date of the occurrence of the violation. No dealer may be held liable for a civil violation under this subsection if ~~he~~ that dealer shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error. The failure of a dealer or a seller of a used motor vehicle to disclose all information concerning a vehicle which is sold to another dealer as required by section 1475, when the information is known to the dealer or seller at the time of the sale or transfer of the vehicle, shall also be considered a violation of this chapter and shall constitute a civil violation that is subject to the civil penalties provided for in this subsection.

Sec. 4. 10 MRSA §1477, sub-§3, as enacted by PL 1983, c. 311, §5, is amended to read:

3. Private remedies. In addition to any other remedy, if a dealer violates this chapter, ~~he~~ that dealer is liable to the purchaser in an amount determined by the court of not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 2 years after the date of the occurrence of the violation. No dealer may be held liable under this subsection if ~~he~~ that dealer shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

In addition to any other remedy, if a dealer or the seller of a used motor vehicle who sells the vehicle to another dealer fails to disclose facts concerning that vehicle which are required to be disclosed by the provisions of section 1475, which facts were known by the dealer or seller at the time the disclosure was made, the dealer or seller is liable to the purchasing dealer in an amount determined by the court of

not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 30 months after the date of the occurrence of the violation.

Sec. 5. 29 MRSA §367, sub-§1, ¶D and E, as enacted by PL 1981, c. 437, §14, are amended to read:

D. Odometer reading at the time of sale or transfer of interest in the vehicle; and

E. Any additional information which may be required by the official form provided by the Secretary of State; and

Sec. 6. 29 MRSA §367, sub-§1, ¶F is enacted to read:

F. A statement that a completed disclosure, required by Title 10, section 1475, subsection 1, was affixed to the vehicle before it was sold or transferred at auction.

See title page for effective date.

CHAPTER 199

H.P. 965 - L.D. 1343

An Act Concerning Fishing Licenses for Developmentally Disabled Persons

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

12 MRSA §7076, sub-§13 is enacted to read:

13. Mentally retarded person. A 3-year complimentary license to fish shall be issued to any mentally retarded person, as defined in Title 20-A, section 7001, subsection 3, upon application to the commissioner.

See title page for effective date.

CHAPTER 200

S.P. 101 - L.D. 120

An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988

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

Sec. 1. 26 MRSA §2005, sub-§3, as enacted by PL 1987, c. 471, §4, and c. 542, Pt. F, §4, is repealed and the following enacted in its place:

3. Membership. The council shall be composed of 30 members appointed by the following and serving at the pleasure of the appointing authority. Appointments, consistent with the requirements of the United States Job Training Partnership Act, Section 122(a)(2) and Section 122(a)(3), as amended by the United States Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418, shall represent the following sectors.

A. The Governor shall appoint 9 representatives from the private sector. Those members shall be chief executive officers or executives who hold high-level management positions, including one current member from each existing Private Industry Council who represents the private sector.

B. The Governor shall appoint 7 members representing any of the following:

(1) Representatives of state bodies, such as the Department of Educational and Cultural Services, the Department of Economic and Community Development, the Department of Labor, the Department of Human Services, the Maine Occupational Information Coordinating Committee, the University of Maine System, the Maine Vocational-Technical Institute and other agencies which the Governor determines have a direct interest in employment and training and human resource utilization within the State; and

(2) Representatives of municipalities or counties who are nominated by the municipal officers or the county commissioners and representatives of local education agencies who are nominated by those agencies.

C. The Governor shall appoint 5 representatives of organized labor and 4 representatives of community-based organizations in the State.

D. The Governor shall appoint 3 representatives of the general public.

E. The President of the Senate, or the President's designee; and the Speaker of the House of Representatives, or the Speaker's designee shall serve on the council.

Sec. 2. 26 MRSA §2005, sub-§5, ¶D, as enacted by PL 1987, c. 471, §4, and c. 542, Pt. F, §4, is amended to read:

D. Review the plans of all state agencies identified in the "Human Resource Development Coordination Criteria."

The council shall advise the Governor and Legislature on these plans and certify the consistency of such plans with the criteria contained in the "Human Resource Development Coordination Criteria."