

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 1. 10 MRSA §1471, sub-§2, as amended by PL 1989, c. 198, §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~~ auction businesses 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; and banks, except when the finance company or bank engages in the wholesale sale of a repossessed vehicle through an auction business licensed by the Secretary of State or to a vehicle dealer licensed by the Secretary of State, 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-§2, ¶F, as amended by PL 1985, c. 265, §2, is further amended to read:

F. A statement, if applicable, disclosing that the vehicle was returned to the manufacturer, its agent or authorized dealer, for its nonconformity with express warranties. The statement ~~shall~~ must identify the nature of the nonconformities; ~~and~~

Sec. 3. 10 MRSA §1475, sub-§2, ¶G, as enacted by PL 1985, c. 265, §3, is amended to read:

G. The Division of Motor Vehicles may promulgate rules related to this section including, but not limited to, rules establishing uniform disclosure forms and stickers. The Division of Motor Vehicles may include in any such rule establishing uniform disclosure forms and stickers any information ~~which~~ that the Federal Trade Commission requires to be disclosed on a sticker pursuant to the Motor Vehicle Trade Regulation Rule, published in 16 Code of Federal Regulations, Part 455, except that the Division of Motor Vehicles ~~shall~~ may not include in any such uniform disclosure form or sticker information from the Federal Trade Commission rule ~~which~~ that conflicts in any manner with the information required by this section; and

Sec. 4. 10 MRSA §1475, sub-§2, ¶H is enacted to read:

H. Any dealer who offers for sale to the consuming public a repossessed vehicle that has been obtained by the dealer through a wholesale transaction and who meets the warranty and disclosure requirements of section 1474 and subsection 1 and this subsection, has no other liability under this chapter,

except for any additional warranties negotiated between the dealer and the consumer.

Sec. 5. 10 MRSA §1475, sub-§3, as amended by PL 1989, c. 198, §2, 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.

Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained by the dealer through a wholesale transaction is not subject to the provisions of this subsection.

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.

See title page for effective date.

CHAPTER 685

S.P. 757 - L.D. 1982

An Act Concerning the Sale of Land Owned by Consumer-owned Water Utilities

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

35-A MRSA §6109 is enacted to read:

§6109. Sale of land by consumer-owned water utility

The following provisions govern the sale or transfer by a consumer-owned water utility of land or property owned by that water utility for the purposes of providing a source of supply, storing water or protecting sources of supply or water storage, including reservoirs, lakes, ponds, rivers and streams, land surrounding or adjoining reservoirs, lakes, ponds, rivers or streams, wetlands and watershed areas.

1. Notice of proposed sale. A consumer-owned water utility shall, at least 8 months prior to the sale of land under this section, give notice of that proposed sale to the commission. The utility shall provide additional notice as prescribed by rule by the commission as follows.

A. Notice must be given to the municipality or municipalities where the land is located.

B. One notice must be given to each of the customers of the consumer-owned water utility in a manner prescribed by the commission.

C. Notice must be published in a newspaper of general circulation in the area encompassed by the consumer-owned water utility.

2. Time of sale. Land subject to the provisions of this section may not be sold within the first 8 months after notice of the proposed sale has been given to the commission unless all or part of that time period is waived by the commission for good cause shown.

3. Sale at a price below market value. The trustees of a consumer-owned water utility may sell land to the State, an agency of the State, a municipality or other governmental body, or a private nonprofit organization at a price below market value. Land purchased under this subsection must be used for:

A. The purposes of retaining or protecting the natural scenic or open-space values of the property;

B. Assuring the availability of the property for recreational or open-space use;

C. Protecting natural resources; or

D. Maintaining or enhancing air or water quality.

The sale of consumer-owned water utility land pursuant to this subsection may not be considered unreasonable or imprudent solely by reason of its sale at a price below market value.

4. Rules. The commission may promulgate rules to implement this section, including, but not limited to, rules governing the authority of the ratepayers of the consumer-owned water utility to endorse or prohibit the

sale of land by a consumer-owned water utility under this section and to prohibit or endorse any condition of that sale.

5. Right of first refusal. The municipality in which the land is located shall have the right of first refusal to purchase any land that lies within that municipality's boundaries and is offered for sale under this section. That right is assignable by the municipality.

See title page for effective date.

CHAPTER 686

H.P. 1625 - L.D. 2247

**An Act to Clarify the Law Governing the
Aroostook County Finance Committee**

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

Whereas, the committee members are to be elected on the Tuesday after the first Monday of November; and

Whereas, the nomination petitions must be completed before the election date; 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:

30-A MRSA §739, sub-§1, ¶A, as enacted by PL 1989, c. 475, §§1 and 2, is amended to read:

A. Finance committee members shall be elected on the Tuesday following the first Monday of November in each even-numbered year. Nominations for the office of finance committee member are to be nonpartisan and are to be made by petition in accordance with Title 21-A, chapter 5, subchapter II, except that candidates need not verify by oath or affirmation that they are not enrolled in a party and the number of signatures of voters on a nomination petition for a candidate in each district subdivision must be at least 25 and not more than 40. The election shall must be conducted and the results determined as provided for the election of county commissioners in section 61.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 15, 1990.
