

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

	1991-92	1992-93
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Resource Management Services - Inland Fisheries and Wildlife		
All Other	(\$5,880)	(\$9,860)
Provides for a deappropriation of funds for the abolishment of the pheasant stamp program.		

See title page for effective date.

CHAPTER 60

S.P. 313 - L.D. 851

An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement

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

14 MRSA §1106, is amended to read:

§1106. Disagreement by jury; instructions

When a jury, not having agreed, returns into court stating the fact, the presiding justice may, in ~~his~~ the exercise of judicial discretion, explain any questions of law if proposed ~~to him~~ or restate any particular testimony and send them out again for further consideration. ~~They shall not be sent out a 3rd time in consequence of their disagreement unless on account of difficulties not stated when they first came into court.~~

See title page for effective date.

CHAPTER 61

H.P. 424 - L.D. 607

An Act Regarding Amber Lights on Snowplows and Sanding Equipment

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

Sec. 1. 29 MRSA §1367-B, sub-§5, ¶A, as enacted by PL 1987, c. 644, §8, is amended to read:

A. Vehicles equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light, which ~~shall~~ must be mounted on top of the vehicle in such a manner as to emit an

amber beam of light over a ~~360 degree~~ 360° angle, or an amber strobe, or combination of strobes, that emits as a minimum a beam of 1,000,000 candlepower and that provides visible light coverage over a 360° range. The lighting ~~shall~~ must be in use only on a public way when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

Sec. 2. 29 MRSA §1462, sub-§1, as enacted by PL 1989, c. 50, is amended to read:

1. **Amber lights required on vehicles.** All vehicles, while being used for the express purpose of plowing snow or sanding on public ways ~~shall~~, must be equipped with at least 2 auxiliary lights to be mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle. The lights ~~shall~~ must emit an amber beam of light ~~and shall~~, be at least 6 inches in diameter and ~~shall~~ be equipped with blinker attachments. In lieu of the lights specified, vehicles may be equipped with ~~at least one~~ either an auxiliary rotary flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits as a minimum a beam of 1,000,000 candlepower and that provides visible light coverage over a 360° range. When the left wing of the plow is in operation and extends over the center of the road, an auxiliary light ~~shall~~ must show the extreme end of the left wing. This light may be attached to the vehicle with the beam of light pointed at the left wing. These lights may be controlled by a separate switch or may be controlled by the regular lighting system and ~~shall~~ must be in operation whenever the vehicles are used for plowing snow and sanding on public ways in either the nighttime or daytime. The use of these auxiliary lights ~~shall~~ does not relieve the owner or operator from conforming to section 1366.

Sec. 3. 29 MRSA §1462, sub-§2, as enacted by PL 1989, c. 50, is amended to read:

2. **Display required during operations.** Any vehicle, while engaged in snow removal or sanding operations on a public way, ~~shall~~ must display the ~~flashing or rotating~~ amber lights or strobes required by subsection 1 or authorized by section 1367-B, subsection 5.

See title page for effective date.

CHAPTER 62

H.P. 600 - L.D. 860

An Act to Amend the Warranty and Disclosure Requirements Applicable to Certain Sellers of Repossessed Vehicles

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

Sec. 1. 10 MRSA §1475, sub-§2-A, as enacted by PL 1989, c. 878, Pt. F, §3, is amended by amending the last blocked paragraph to read:

Any dealer who offers for sale to the consuming public a repossessed vehicle that has been obtained by the dealer through ~~a wholesale transaction~~ any transaction other than a retail sale 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. 2. 10 MRSA §1475, sub-§3, as amended by PL 1989, c. 684, §5, is further amended by amending the 4th blocked paragraph from the end to read:

Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained by the dealer through ~~a whole-sale transaction~~ any transaction other than a retail sale is not subject to the provisions of this subsection.

See title page for effective date.

CHAPTER 63

H.P. 247 - L.D. 338

An Act to Amend the Laws Pertaining to Car Dealerships

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

29 MRSA §2605, as amended by PL 1989, c. 260, is further amended to read:

§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~~ must 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~~ must also contain the following if it applies:

“We may also charge for our repair services either by the flat rate or “menu price” method. Ask our service advisor to explain what method will be used in charging you and to show you how much it may cost you.”

The notice must also contain the following:

“The current edition of the National Automobile Dealer’s Association Official Used Car Guide New England Edition is available for your review upon request.”

See title page for effective date.

CHAPTER 64

S.P. 315 - L.D. 853

An Act to Amend the Maine Lemon Law

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

10 MRSA §1163, sub-§2, ¶A, as amended by PL 1987, c. 359, §3, is further amended to read:

A. The full purchase price or, if a leased vehicle, the lease payments made to date, including any paid finance charges on the purchased or leased vehicle;

See title page for effective date.

CHAPTER 65

H.P. 414 - L.D. 597

An Act Requiring Motor Vehicle Operators to Furnish Their Date of Birth upon the Request of a Law Enforcement Officer

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

29 MRSA §2501, 3rd ¶, as enacted by PL 1981, c. 117, §1, is amended to read:

Whoever, while operating a vehicle in violation of this Title, fails or refuses, when requested by an officer authorized to make arrests, to give ~~his~~ the operator’s correct name ~~and~~ address and date of birth is guilty of a Class E crime.

See title page for effective date.