

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

decreed, the register of probate shall file a certificate of adoption with the State Registrar of Vital Statistics on a form prescribed and furnished by the state registrar.

The petitioners shall furnish with the petition such information as the State Registrar of Vital Statistics requires, on a form prescribed and furnished by the state registrar, and shall certify to the truth of that information.

The register of probate shall furnish such information from the official court record as the State Registrar of Vital Statistics requires and certify to the court action under the seal of the Probate Court.

When the State Registrar of Vital Statistics receives a certificate of adoption, an annulment or revocation of adoption or an amendment thereof from a court for a person born outside this State, the state registrar shall forward that certificate, annulment, revocation or amendment to the appropriate registration authority in the state of birth.

Sec. 2. 22 MRSA §4008, sub-§3, ¶E, as repealed and replaced by PL 1985, c. 506, Pt. A, §44, is amended to read:

E. The Protection and Advocacy Agency for the Developmentally Disabled in Maine protection and advocacy agency for persons with disabilities, as designated pursuant to Title 5, section 19502, in connection with investigations conducted in accordance with Title 5, chapter 964 511. The determination of what information and records are relevant to the investigation shall must be made by agreement between the department and the agency; and

Sec. 3. 22 MRSA §4008, sub-§3, ¶F, as amended by PL 1989, c. 700, Pt. A, §89, is further amended to read:

F. When The Commissioner of Education when the information concerns teachers and other professional personnel issued certificates under Title 20-A, persons employed by schools approved pursuant to Title 20-A or any employees of schools operated by the Department of Education, the information shall be disclosed to the Commissioner of Education; and

Sec. 4. 22 MRSA §4008, sub-§3, ¶G is enacted to read:

G. The prospective adoptive parents. Prior to a child being placed for the purpose of adoption, the department shall disclose fully to the prospective adoptive parents available information regarding the child's medical and genetic background and any reasonably available background or history that pertains to serious sexual, emotional or physical

abuse of or harm to the child, with protection for the identity of persons other than the child.

Sec. 5. 22 MRSA §8205 is enacted to read:

§8205. Disclosure of child's background

Prior to a child being placed for the purpose of adoption, a child placing agency shall disclose fully to the prospective adoptive parents available information regarding the child's medical and genetic background and any reasonably available background or history that pertains to serious sexual, emotional or physical abuse of or harm to the child, with protection for the identity of persons other than the child.

See title page for effective date.

CHAPTER 631

H.P. 1319 - L.D. 1909

An Act to Regulate Certain Warranty Practices for Repairs to Watercraft

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

10 MRSA c. 204-B is enacted to read:

CHAPTER 204-B

WATERCRAFT MANUFACTURERS, DISTRIBUTORS AND DEALERS

§1196. Definitions

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

1. Distributor or wholesaler. "Distributor" or "wholesaler" means any person who sells or distributes new or used watercraft or engines for watercraft to watercraft dealers or who maintains distributor representatives within this State.

2. Franchise. "Franchise" means an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor or wholesaler grants to a watercraft dealer a license to use a trade name, service mark or related characteristic, and in which there is a community of interest in the marketing of watercraft or engines for watercraft or services related to watercraft at wholesale, retail, leasing or otherwise.

3. Franchisee. "Franchisee" means a watercraft dealer to whom a franchise is offered or granted.

4. Franchisor. “Franchisor” means a manufacturer, distributor or wholesaler who grants a franchise to a watercraft dealer.

5. Manufacturer. “Manufacturer” means any person, partnership, firm, association, corporation or trust, resident or nonresident, that manufactures or assembles new watercraft or engines for watercraft, or imports for distribution through distributors of watercraft, or any partnership, firm, association, joint venture, corporation or trust, resident or nonresident, that is controlled by the manufacturer. The term “manufacturer” includes the term “distributor” or “wholesaler.”

6. Watercraft. “Watercraft” means any type of vessel, boat or craft used or capable of being used as a means of transportation on water. “Watercraft” does not include a seaplane.

7. Watercraft dealer. “Watercraft dealer” means any person who sells or solicits or advertises the sale of new or used watercraft or engines for watercraft. “Watercraft dealer” does not include receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court or public officers while performing their duties as such officers.

§1197. Warranty

1. Parts or labor; satisfaction of warranty. If a franchisor requires or permits a franchisee to perform labor or provide parts to satisfy a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations and:

A. Reimburse the franchisee at the retail rate customarily charged for any parts provided by the franchisee to satisfy the warranty; and

B. Reimburse the franchisee for any labor performed by the franchisee to satisfy the warranty. Reimbursement for labor may not be less than the retail rate customarily charged by that franchisee for the same labor when not performed to satisfy a warranty. To be entitled to reimbursement under this section, a franchisee must post in a place conspicuous to service customers the rate for labor not performed to satisfy a warranty.

2. Restrictions prohibited. A franchisor may not, by agreement, by restriction upon reimbursement or otherwise, restrict the nature or extent of labor performed or parts provided if such a restriction impairs the franchisee’s ability to satisfy a warranty created by the franchisor by performing labor competently or by providing parts in accordance with generally accepted standards.

3. Claim. A claim by a franchisee for compensation for parts provided or for reimbursement for labor

performed to satisfy a warranty must be approved or disapproved within 30 days of receipt by the franchisor. A claim that is approved must be paid within 30 days of its approval. If a franchisor disapproves a claim, it shall notify the franchisee that submitted the claim within 30 days of disapproval of the specific reasons for disapproval.

4. Costs; fees. If a franchisee brings a legal action to collect a disapproved claim and is successful in that action, the court shall award the franchisee the cost of the action and reasonable attorney’s fees. Reasonable attorney’s fees must be determined by the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the franchisee.

See title page for effective date.

CHAPTER 632

H.P. 1235 - L.D. 1799

An Act to Clarify Relevant Information in Administrative Rule-making Procedures

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

Sec. 1. 5 MRSA §8052, sub-§4, as amended by PL 1981, c. 524, §3, is further amended to read:

4. Relevant information considered. The agency shall consider all relevant information available to it, including, but not limited to, economic, environmental, fiscal and social impact analyses and statements and arguments filed, before adopting any rule.

See title page for effective date.

CHAPTER 633

S.P. 742 - L.D. 1937

An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System

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

4 MRSA §1353, sub-§4, ¶A, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

A. During the first ~~5~~ 2 years, the allowance ~~shall continue~~ continues as long as the beneficiary ~~cannot~~ can not perform the duties of a judge.

See title page for effective date.
