

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

thiness may not be excluded by the hearsay rules, if the presiding officer determines that:

A. The statement is offered as evidence of a material fact and does not constitute unduly repetitious evidence;

B. The statement is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs; and

C. The general purposes of the rules of evidence and the interests of justice are best served by admission of the statement into evidence.

3. Process service. A sheriff or other officer empowered to execute civil process may execute a process issued under this Title and is entitled to receive the compensation prescribed by law for that service.

See title page for effective date.

CHAPTER 109

H.P. 491 - L.D. 649

An Act Regarding Priorities in the Probate Code

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

Sec. 1. 18-A MRSA §3-203, sub-§(e), as enacted by PL 1979, c. 540, §1, is amended to read:

(e) Appointment of one who does not have priority, ~~including priority resulting from renunciation or nomination determined pursuant to this section,~~ may be made only in formal proceedings. Appointment of one who has priority resulting from renunciation or nomination pursuant to subsection (c) may be made in informal proceedings. Before appointing one without priority, the judge ~~must~~ shall determine that those having priority, although given notice of the proceedings, have failed to request appointment or to nominate another for appointment; and that administration is necessary.

See title page for effective date.

CHAPTER 110

H.P. 501 - L.D. 659

An Act to Provide Protection for Mortgagees Under the Utility Laws

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

Sec. 1. 35-A MRSA §706, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6. Subsequent purchaser takes title free of lien. Any person who is a bona fide purchaser for value of rental property ~~shall take~~ takes title to that property free of the lien established under subsection 3 unless, before the purchaser's deed is recorded, the utility has filed the certificate set out in subsection 4. The interest of any mortgagee of rental property ~~shall be~~ is not affected by the lien established unless, before the mortgage is recorded, the utility has filed the certificate set out in subsection 4.

See title page for effective date.

CHAPTER 111

H.P. 508 - L.D. 666

An Act to Facilitate the Conduct of Business of the Maine Technical College System

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

Whereas, it is necessary for this legislation to be enacted as an emergency measure so that the Maine Technical College System can better conduct the business of the college system; 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:

Sec. 1. 20-A MRSA §12705, sub-§1, as amended by PL 1991, c. 140, §2, is further amended to read:

1. Membership. The board of trustees consists of ~~10~~ 13 appointed voting members and 3 ex officio, voting members as follows:

C. ~~Nine~~ Twelve from the field of business and industry, the field of labor, the field of education and the general public;

D. The Commissioner of Education, or the commissioner's successor, who serves ex officio;

E. The Commissioner of Economic and Community Development, or the commissioner's successor, who serves ex officio;

F. The Commissioner of Labor, or the commissioner's successor, who serves ex officio; and

G. One member who is from the student body of one of the technical college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 5 eligible students from the student governments from 5 of the campuses within the Maine Technical College System; the 6th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed.

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

Effective May 12, 1993.

CHAPTER 112

S.P. 223 - L.D. 694

An Act to Require That Purchasers of Used Cars Be Informed Whether the Cars Were the Subjects of Lemon Law Decisions

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

Sec. 1. 10 MRSA §1471, sub-§6-B is enacted to read:

6-B. Seller. "Seller" means any person who sells a used motor vehicle to a dealer, including, but not limited to, individuals, other new or used motor vehicle dealers, motor vehicle manufacturers and insurance companies.

Sec. 2. 10 MRSA §1475, sub-§3, as amended by PL 1991, c. 62, §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 any transaction other than a retail sale 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.

Sec. 3. 10 MRSA §1475, sub-§4 is enacted to read:

4. Lemon law buybacks. If a vehicle has been the subject of a complaint pursuant to chapter 203-A or any state's new motor vehicle lemon law that protects consumers from motor vehicles that do not conform to all manufacturer express warranties and that complaint was either filed in court or accepted for state-certified arbitration and the manufacturer subsequently purchased back the vehicle, either as the result of a court or arbitration order or voluntary settlement:

A. The dealer must disclose this fact, if known, when disclosing any defects pursuant to subsection 2-A; and