

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

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

B. The manufacturer must disclose this fact when selling the vehicle to a dealer and completing the statement required by subsection 3.

Sec. 4. 10 MRSA §1477, sub-§3, as amended by PL 1989, c. 198, §4, is further amended to read:

3. Private remedies. In addition to any other remedy, if a dealer violates this chapter, 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 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~~ a 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.

See title page for effective date.

CHAPTER 113

H.P. 519 - L.D. 703

An Act to Amend the Civil Violation and Civil Forfeiture Laws for Natural Gas and Natural Gas Pipeline Utilities

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

Sec. 1. 35-A MRSA §4516, sub-§§1 and 2, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

1. Violation of this Title. A natural gas pipeline utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title commits a civil violation for which a ~~forfeiture penalty~~ not to exceed ~~\$1,000~~ \$25,000 for each violation may be adjudged. Each day of violation constitutes a separate offense.

2. Maximum civil penalty. The maximum civil ~~forfeiture penalty~~ may not exceed ~~\$200,000~~ \$500,000 for any related series of violations.

Sec. 2. 35-A MRSA §4705, sub-§§1 and 2, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

1. Violation of this Title. A gas utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title commits a civil violation for which a ~~forfeiture penalty~~ not to exceed ~~\$1,000~~ \$25,000 for each violation may be adjudged. Each day of violation constitutes a separate offense.

2. Maximum civil penalty. The maximum civil ~~forfeiture penalty~~ may not exceed ~~\$200,000~~ \$500,000 for any related series of violations.

See title page for effective date.

CHAPTER 114

H.P. 534 - L.D. 718

An Act to Amend the Recording Requirements for Proceedings Involving Real Estate

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

Sec. 1. 14 MRSA §2401, sub-§2, as amended by PL 1991, c. 726, §1, is further amended to read:

2. Identification on docket. On and after January 1, 1992, judicial proceedings in any Maine court, including appeals from judicial proceedings, that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to proceedings involving:

- A. Partition actions;
- B. Boundary and access disputes;
- C. Insolvency;
- D. Mortgage foreclosure;
- E. Declaratory judgment actions;
- F. Attachment ~~and mechanic, mechanics liens and~~ other statutory liens;
- G. Dissolution; and
- H. Actions to quiet title.