

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**CHAPTER 186**

**H.P. 915 - L.D. 1291**

**An Act to Amend the Income Eligibility Criteria of the Small Community Wastewater Program**

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

**Sec. 1. 38 MRSA §411, first ¶**, as amended by PL 1993, c. 223, §1, is repealed and the following enacted in its place:

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay a percentage of the cost of individual projects serving single-family dwellings, seasonal dwellings or commercial establishments according to the following schedule:

<u>ANNUAL INCOME</u>	<u>SINGLE-FAMILY DWELLING</u>	<u>SEASONAL DWELLING</u>	<u>COMMERCIAL ESTABLISHMENT</u>
\$0 to \$5,000	100%	25%	50%
\$5,001 to \$20,000	90%	25%	50%
\$20,001 to \$30,000	50%	25%	50%
\$30,001 to \$40,000	25%	25%	25%
\$40,001 or more	0%	0%	0%

**Sec. 2. 38 MRSA §411**, as amended by PL 1993, c. 223, §1, is further amended by adding after the first paragraph 2 new paragraphs to read:

For the purposes of this section, "annual income" means the sum of all the property owner's federal taxable income for the previous year for single-family or seasonal dwellings and gross profit for commercial establishments.

To determine eligibility, the commissioner may require an applicant to submit a copy of the relevant

federal income tax return of the owner or owners. In addition to any penalty adjudged under section 349, a person who knowingly makes any false statement, representation or certification in the application for a grant under this section and who receives such a grant shall, upon conviction, make restitution to the department in an amount equal to the amount of the grant plus interest and reasonable recovery cost incurred by the department.

See title page for effective date.

**CHAPTER 187**

**S.P. 394 - L.D. 1082**

**An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology**

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

**Sec. 1. 32 MRSA §14202, sub-§12**, as enacted by PL 1993, c. 659, Pt. A, §13, is repealed.

**Sec. 2. 32 MRSA §14224, sub-§2-A**, as enacted by PL 1993, c. 659, Pt. A, §14, is amended to read:

**2-A. Operation of tanning device; public access.** An establishment in which a tanning device as that term is defined in rules adopted by the Department of Human Services is operated on the effective date of this subsection is not required to partition off the working area of the establishment or maintain a separate entrance in order to provide public access to the tanning device. If such an establishment undergoes a material alteration or adds more tanning devices, then the establishment may be prohibited from providing public access to the tanning device through the working area.

See title page for effective date.

**CHAPTER 188**

**H.P. 859 - L.D. 1190**

**An Act to Ensure Disclosures under the Used Car Information Laws**

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

**Sec. 1. 10 MRSA §1475, sub-§2-A**, as amended by PL 1991, c. 837, Pt. A, §25, is further amended to read:

**2-A. Required contents of disclosure statement.** The statement required by subsection 1 must contain a complete description of the motor vehicle to be sold, including, but not limited to:

- A. The make, model, model year and any identification or serial numbers of the motor vehicle;
- B. The dealer's duty to disclose promptly the name and address of the previous owner of the motor vehicle, or dealer, upon the request of any person, the principal use to which the motor vehicle was put by that owner such as personal transportation, police car, daily rental car, taxi or other descriptive term, and the type of sale or other means by which the person acquired the motor vehicle, such as trade-in, sheriff's sale, repossession, auction or other descriptive term, to the extent that such information is reasonably available to the person;
- C. A statement identifying any and all mechanical defects known to the dealer at the time of sale;
- D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if that information is known to the dealer;
- E. A statement, if applicable, that implied warranties with respect to the vehicle are excluded or modified. Nothing in this paragraph may be construed to affect the requirements of Title 11, section 2-316;
- 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 must identify the nature of the nonconformities; and
- G. If the vehicle is repossessed, a statement identifying this fact.

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

Any dealer who offers for sale to the consuming public a repossessed vehicle that has been obtained by

the dealer through 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.

The dealer must require the buyer to sign and date the disclosure statement, provide the buyer with a copy of the signed and dated statement and maintain a copy of the signed and dated statement for 3 years following the sale of the vehicle.

**Sec. 2. 10 MRSA §1475, sub-§3,** as amended by PL 1993, c. 112, §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 and date this written statement and the dealer who buys the vehicle shall maintain a record of it for ~~one year~~ 2 years following the sale of the motor vehicle.

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.