

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Allocates funds to authorize expenditures from the Lakes Heritage Trust Fund.

PART B

Sec. B-1. 38 MRSA §2013 is enacted to read:

§2013. Priority watershed protection grants program

A priority watershed protection grants program is established, to be administered by the department, for the purpose of providing financial assistance to entities to conduct projects that implement best management practices or other management measures in order to reduce or eliminate nonpoint source pollution in surface waters of the State. Funding may not be used to pay salaries of state agency staff.

1. Project elements. Each project proposal must either create a watershed management plan or implement an existing plan. A plan must include the following elements:

A. An assessment of water quality and uses of water bodies within the watershed;

B. An inventory of the types of land uses and the types and severity of nonpoint source pollution in the watershed;

C. An evaluation of the types and severity of other factors that may be affecting water quality;

D. A determination of nonpoint source pollution controls and measures necessary to improve or protect water quality;

E. An implementation strategy to address nonpoint sources of pollution in the watershed that includes costs and schedules for implementing best management practices or other management measures and agreements outlining responsibilities for meeting this strategy;

F. Actions to inform eligible landowners of the importance of utilizing best management practices on a voluntary or cost-shared basis;

G. An objective evaluation of the plan following implementation; and

H. Actions to achieve self-sustaining financial support of the plan.

2. Project approval. The board shall approve funding for projects based on the following preferences, considering public comments on project proposals that have been submitted to the board:

A. Projects that have been given a high-priority status by the Land and Water Resources Council, established in Title 5, section 3331, subsection 1, in accordance with the comprehensive watershed protection program under Title 5, section 3331, subsection 7;

B. Projects that demonstrate extensive local support in either funding or services;

C. Projects that seek to solve current pollution problems and plan for future protection of resources; and

D. Projects that create techniques, products or information that can be of use in more than one setting or in other projects in the State.

Sec. B-2. Evaluation of program. By December 31, 1999, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resource matters an evaluation of the priority watershed protection grants program, established in the Maine Revised Statutes, Title 38, section 2013, as a means of controlling nonpoint sources of pollution and improving water quality. The report must include recommendations for improving the program, including funding options.

Sec. B-3. Contingent upon ratification of bond issue. This Part takes effect only if a \$13,000,000 General Fund bond issue, including \$500,000 for mitigation of storm water pollution through the establishment of a comprehensive watershed protection program, is approved by the voters of the State.

See title page for effective date, unless otherwise indicated.

CHAPTER 520

S.P. 411 - L.D. 1332

An Act to Permit the Sale of Used License Plates

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

Sec. 1. 29-A MRSA §463, sub-§1-A is enacted to read:

1-A. Discontinued registration plates. Notwithstanding subsection 1, a general issue registration plate that is of a design no longer issued by the

Secretary of State is the property of the person to whom the plate was issued.

See title page for effective date.

CHAPTER 521

S.P. 584 - L.D. 1747

An Act to Improve Transportation in Maine

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

Sec. 1. 10 MRSA §1171, sub-§1-B is enacted to read:

1-B. Broker. "Broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle and who is not:

A. A franchised dealer or a bona fide employee of a franchised dealer when acting on behalf of a franchised dealer;

B. A manufacturer or distributor or a bona fide employee of a manufacturer or distributor when acting on behalf of a manufacturer or distributor; or

C. At any point in the transaction the bona fide owner of the vehicle involved in the transaction.

Sec. 2. 10 MRSA §1171, sub-§9, as enacted by PL 1975, c. 573, is amended to read:

9. Fraud. "Fraud" includes in addition to its normal legal connotation, the following: A misrepresentation in any manner, whether intentionally false or due to gross negligence of a material fact an intentionally false representation; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

Sec. 3. 10 MRSA §1171, sub-§10, as repealed and replaced by PL 1981, c. 331, §3, is amended to read:

10. Manufacturer. "Manufacturer" means any a person, partnership, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles, or imports for distribution through distributors of motor vehicles, or any partnership, firm, association, joint venture, corporation or trust, resident or nonresident, which that is controlled by the manufacturer. The term "manufacturer" includes the ~~term~~ terms "franchisor,"

"distributor," "distributor branch," "factory branch" and "factory representative."

Sec. 4. 10 MRSA §1171, sub-§§12 and 13, as enacted by PL 1975, c. 573, are amended to read:

12. Motor vehicle dealer. "Motor vehicle dealer" means any a person other than a manufacturer, distributor, distributor branch, distributor representative, factory branch or factory representative who sells or solicits or advertises the sale of new or used motor vehicles. ~~It shall~~ "Motor vehicle 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~~ public officers.

13. New motor vehicle. "New motor vehicle" means a motor vehicle which that has not been previously sold to any person except a distributor ~~or,~~ wholesaler or motor vehicle dealer for resale by a franchise.

Sec. 5. 10 MRSA §§1171-A and 1171-B are enacted to read:

§1171-A. Corporate affiliates

A franchisor may not use any subsidiary corporation, affiliated corporation, other corporation in which it owns or controls more than 5% of the stock or other corporation, partnership, association or person to accomplish what would otherwise be prohibited conduct under this chapter on the part of the franchisor. This section does not limit the right of any entity included within the scope of this section to engage in reasonable and appropriate business practices in accordance with the usage of the trade in which it is engaged.

§1171-B. Manufacturer; license

1. License. Effective January 1, 1999, the Secretary of State may grant a manufacturer license under the following conditions.

A. Except as provided by this section, a person may not engage in business or serve in the capacity of or act as a manufacturer or distributor without obtaining a license as provided in this section.

B. An application for a license for a manufacturer or distributor must be on a form prescribed by the Secretary of State, must contain the manufacturer or distributor's address of its principal place of business, the address where notices should be sent and the address of its registered agent in this State and must be accompanied by