

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

or in the other departments and agencies of the State Government. The State Auditor shall prepare and publish a report for each fiscal year, setting forth the essential facts of such audits in summary form, within the following fiscal year after the books of the State Controller have been officially closed. If the State Auditor finds in the course of an audit evidences of material weaknesses, reportable conditions, improper transactions, or of incompetence in keeping accounts or handling funds or of any other improper practice of financial administration, the State Auditor shall report the same to the Governor and the Legislature immediately. After reporting evidence of material weaknesses or reportable conditions, the State Auditor shall provide for subsequent review to ensure that those conditions are addressed in a timely manner and report to the Governor and the Legislature to confirm the status of the correction of those conditions. If the State Auditor finds evidences of illegal transactions, the State Auditor shall immediately report those transactions both to the Governor and to the Attorney General. All such evidences must be included in the annual reports of the State Auditor and the State Auditor may, at the State Auditor's discretion, make them public at any time during the fiscal year.

See title page for effective date.

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**CHAPTER 209**

**H.P. 1185 - L.D. 1695**

**An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers**

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

**Sec. 1. 25 MRSA §2930, sub-§2**, as enacted by PL 1997, c. 291, §3, is repealed and the following enacted in its place:

**2. Telecommunications providers.** A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development and maintenance of the network, the development and maintenance of any databases and the processing of calls, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single oc-

currence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, without limitation on the amount.

For purposes of this subsection, the term "telecommunications provider" means a local exchange carrier, a commercial mobile radio service provider, as defined in United States Code, Title 47, Section 332(d), an employee of a local exchange carrier or commercial mobile radio service provider acting within the scope of the employee's employment, or an agent of a local exchange carrier or commercial mobile radio service provider acting within the scope of the agent's agency.

See title page for effective date.

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**CHAPTER 210**

**S.P. 489 - L.D. 1474**

**An Act to Enhance Equity Under the Maine Milk Pool Laws**

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

**Whereas**, changes in milk pricing and milk marketing have created inequities in the milk pool law; and

**Whereas**, dairy farming is a difficult business and an integral part of the Maine economy and rural way of life; and

**Whereas**, passage of this legislation would aid in restoring the original intention of the milk pool law; 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. 7 MRSA §3153, sub-§2, ¶A**, as amended by PL 1989, c. 436, §5, is further amended to read:

A. Effective June 1, 1984, each Maine market dealer shall, on a monthly basis, calculate for its Maine market producers the amount of payment at the adjusted base minimum price that would be payable to its Maine market producers according to the blend price calculated using that dealer's utilization rate, and the amount of payment at the base minimum price that would be due its Maine market producers according to the blend price calculated using the applicable utilization rate for the New England Milk Marketing Order. Each Maine market dealer shall make an initial payment at the base minimum price to its Maine market producers according to the blend price calculated using the Federal Milk Order utilization rate or the Federal Milk Order Zone 1 blend price, whichever is greater, but shall comply in all other respects with chapter 603. Any additional payment at the adjusted base minimum price that would be due its Maine market producers pursuant to that dealer's applicable utilization rate ~~shall~~ **must** be made to the Maine Milk Pool. Based on the fact that northern Maine market producers presently operate at significantly higher costs because of their remoteness from markets and supplies, that they face greater risks because they operate on a closer margin and because their markets are less secure, payments to the Maine Milk Pool at the adjusted base minimum price attributable to northern Maine market producers ~~shall~~ **must** be reduced by 1/2 and those producers' initial payments under this section ~~shall~~ **must** be increased by the corresponding amounts. The commissioner shall adopt by rule such procedures as are necessary to implement this section.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect June 1, 1999.

Effective June 1, 1999.

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## CHAPTER 211

H.P. 1210 - L.D. 1739

### An Act Relating to New and Used Car Document Fees

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

**Sec. 1. 29-A MRSA §953-A** is enacted to read:

### §953-A. Document fees

A dealer selling a new or used motor vehicle shall post on the vehicle any document preparation fee that will be added to the vehicle's sale price. A violation of this section is prima facie evidence of an unfair trade practice and is a violation of Title 5, section 207.

See title page for effective date.

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## CHAPTER 212

H.P. 1405 - L.D. 2010

### An Act to Amend the Maine Lemon Laws

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

**Sec. 1. 10 MRSA §1161, sub-§4**, as enacted by PL 1985, c. 220, §1, is amended to read:

**4. Reasonable allowance for use.** "Reasonable allowance for use" means ~~that amount obtained by multiplying the total purchase price of the vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of miles that the vehicle traveled prior to the manufacturer's acceptance of its return~~ an amount that can not exceed the lesser of 1/3 of that amount allowed per mile by the United States Internal Revenue Service as provided by regulation, revenue procedure or revenue ruling promulgated under the United States Internal Revenue Code, Title 26, Section 162 for the use of a personal vehicle for business purposes or 10% of the purchase price of the vehicle.

**Sec. 2. 10 MRSA §1163, sub-§2, ¶C**, as enacted by PL 1985, c. 220, §3, is amended to read:

C. ~~Costs~~ Reasonable costs incurred by the consumer for towing and storage of the vehicle and for procuring alternative transportation while the vehicle ~~was out of service by reason of repair~~ could not be driven because it did not conform to any applicable express warranty.

**Sec. 3. 10 MRSA §1168, sub-§3** is enacted to read:

**3. Termination of lease and obligations.** The lessee's lease agreement with the motor vehicle lessor and all contractual obligations terminate upon a decision that the vehicle does not conform to the vehicle's express warranty and the return of the vehicle to the lessor. The lessee may not be liable to the manufacturer or motor vehicle lessor for any further costs or charges under the lease agreement.