

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

border of New Hampshire, appointed by the Speaker of the House;

D. One motor vehicle dealer franchisee who is a member of the Maine Auto Dealers Association appointed by the President of the Senate; and

E. One franchisor who is a member of the Alliance of Automobile Manufacturers, appointed by the Governor.

**2. Appointments; chairs; convening.** The appointments of members of the commission must be made no later than 30 days following the effective date of this section. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Senate member is the Senate chair and the House member is the House chair. Within 30 days after appointment of all members, the chairs of the commission shall call and convene the first meeting of the commission.

**3. Duties.** The commission shall study the Maine Revised Statutes, Title 10, section 1176 to determine the best manner in which to implement the retail reimbursement provisions for parts and labor for warranty work while protecting the interests of warranty and nonwarranty repair consumers, the interests of franchisees in receiving retail rate reimbursements and the question of cost recovery by franchisors.

**4. Report.** The commission shall submit a report of its findings and recommendations and accompanying legislation to the joint standing committee of the Legislature having jurisdiction over business and economic development matters no later than November 1, 2000. The joint standing committee of the Legislature having jurisdiction over business and economic development matters may report out a bill based upon the report. If the commission requires a limited extension of time to make its report it may apply to the Legislative Council which may grant the extension.

**5. Staff assistance.** The commission may request staffing assistance from the Legislative Council.

**6. Compensation.** The legislative members are entitled to receive the legislative per diem and reimbursement for necessary expenses for their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

**7. Commission budget.** The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within

10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

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**Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor**

Personal Services	\$880
All Other	1,300

Provides funds for the per diem and expenses of legislative members of the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor and to print the required report.

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<b>TOTAL</b>	\$2,180
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**Emergency clause.** In view of the emergency cited in the preamble, section 4 of this Act takes effect when approved.

Effective May 8, 2000, unless otherwise indicated.

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**CHAPTER 767**

**S.P. 775 - L.D. 2174**

**An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods**

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

**Whereas**, law enforcement agencies and retail merchants in this State have seen increasing evidence that counterfeit goods are being brought into this State to be sold to unsuspecting consumers; and

**Whereas**, the sale of these counterfeit goods reduces the opportunity of legitimate merchants to compete in the marketplace; and

**Whereas**, the sale of these counterfeit goods is often undertaken by unlicensed individuals and results in revenue lost to the State; and

**Whereas**, the use of counterfeit Universal Price Code, "UPC," labels is also increasing in this State and results in revenue lost to the State and to its merchants; and

**Whereas**, the public health and well-being of the citizens of this State may be threatened by the unauthorized sale of certain consumer goods, such as infant formulas, cosmetics, personal care products, nonprescription drugs and medical devices, at unused property sales or flea markets; 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. 17-A MRSA §901, sub-§3, ¶B**, as enacted by PL 1975, c. 499, §1, is amended to read:

B. "Misabeled" means having a label or trademark varying from the standard of truth and disclosure in labeling prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage. "Misabeled" includes but is not limited to counterfeiting or the unauthorized reproducing of a trademark.

**Sec. 2. 17-A MRSA §901, sub-§3-A** is enacted to read:

**3-A.** A commodity or item bearing marks in violation of this section or personal property, including, but not limited to, tools, machines, equipment, instrumentalities or vehicles of any kind, employed or used in connection with the violation is contraband and may be seized by a law enforcement officer. A person convicted of a violation of this section forfeits to the State all rights, privileges, interests and claims to property seized under this subsection.

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

Effective May 8, 2000.

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## CHAPTER 768

H.P. 1754 - L.D. 2460

### An Act to Establish Criteria for Tax Incentive Programs

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

**Sec. 1. 5 MRSA §13070-J, sub-§1, ¶E** is enacted to read:

E. "Economic development proposal" means proposed legislation that establishes a new program or that expands an existing program that:

(1) Is intended to encourage significant business expansion or retention in the State; and

(2) Contains a tax expenditure, as defined in section 1664, or a budget expenditure with a cost that is estimated to exceed \$100,000 per year.

**Sec. 2. 5 MRSA §13070-J, sub-§§3 and 4**, as enacted by PL 1997, c. 761, §2, are amended to read:

**3. Report.** Annually, an employer receiving an economic development incentive, the value of which exceeds \$10,000 in one year, shall submit a written report to the commissioner no later than August 1st of the following year containing but not limited to the following information:

A. The amount of assistance received by the employer in the preceding year from each economic development incentive and the uses to which that assistance has been put;

B. The total amount of assistance received from all economic assistance programs;

C. The number, type and wage level of jobs created or retained as a result of an economic development incentive;

D. Current employment levels for the employer for all operations within the State, the number of employees in each job classification and the average wages and benefits for each classification;