

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Protection, in consultation with the Director of the Bureau of Forestry within the Department of Conservation, shall review rules adopted by the commissioner or the Board of Environmental Protection pertaining to timber harvesting and timber harvesting activities in shoreland areas and provide for the repeal or amendment of rules that duplicate or conflict with the rules adopted by the Commissioner of Conservation pursuant to Maine Revised Statutes, Title 12, section 8867-B. The Commissioner of Environmental Protection and the board shall ensure that any necessary changes become effective January 1, 2006.

See title page for effective date.

CHAPTER 336

H.P. 637 - L.D. 860

An Act To Allow Smelt Fishing in Long Lake in Aroostook County

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

Sec. 1. 12 MRSA §7552-A is enacted to read:

§7552-A. Smelt fishing in Long Lake

Notwithstanding section 7552, a person may fish for smelt by use of a dip net in the parts of Long Lake and its tributaries that are within Township 17, Range 3, Aroostook County. A person may not:

1. Exceed daily bag limit. Exceed the daily bag limit of 2 quarts per person. A person who violates this subsection commits a Class E crime; or

2. Harvest for commercial purposes. Harvest smelt for commercial purposes. A person who violates this subsection commits a Class D crime for which a fine of not less than \$1,000 may be adjudged.

This section is repealed December 31, 2005.

See title page for effective date.

CHAPTER 337

H.P. 664 - L.D. 887

An Act To Amend the Maine "Lemon Law"

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

Sec. 1. 10 MRSA c. 203-A is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 203-A

MANUFACTURER WARRANTIES ON MOTOR VEHICLES

Sec. 2. 10 MRSA §1161, sub-§3, as amended by PL 1987, c. 359, §2, is further amended to read:

3. Motor vehicle. "Motor vehicle" means any motor driven vehicle, designed for the conveyance of passengers or property on the public highways, ~~which~~ that is sold or leased in this State, except that the term "motor vehicle" does not include any commercial vehicle used primarily for commercial purposes with a gross vehicle weight of 8,500 pounds or more.

Sec. 3. 10 MRSA §1161, sub-§4, as amended by PL 1999, c. 212, §1, is further amended to read:

4. Reasonable allowance for use. "Reasonable allowance for use" means 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 based upon the mileage reported for that motor vehicle on the application for state-certified arbitration accepted by the State plus all mileage directly attributable to use by a consumer beyond 20,000 miles or 10% of the purchase price of the vehicle.

Sec. 4. 10 MRSA §1161-A is enacted to read:

§1161-A. Short title

This chapter may be known and cited as "the Maine Lemon Law."

Sec. 5. 10 MRSA §1163, as amended by PL 1999, c. 212, §2, is further amended to read:

§1163. Rights and duties

1. Repair of nonconformities. If a ~~new~~ motor vehicle does not conform to all express warranties, the manufacturer, its agent or authorized dealer shall make those repairs necessary to conform the vehicle to the express warranties if the consumer reports the nonconformity to the manufacturer, its agent or authorized dealer during the term of the express warranties, within a period of ~~2~~ 3 years following the date of original delivery of the motor vehicle to a consumer, or during the first 18,000 miles of operation of that motor vehicle, whichever is the earlier date occurs earliest. This obligation exists notwithstanding the fact that the repairs are made after the expiration of the appropriate time period.