

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

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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

6. Disclosure of notice requirement. No consumer may be required to notify the manufacturer of a claim under this section, unless the manufacturer has clearly and conspicuously disclosed to the consumer, in the warranty or owner's manual, that written notification of the nonconformity is required before the consumer may be eligible for a refund or replacement of the vehicle. The manufacturer shall include with the warranty or owner's manual the name and address to which the consumer shall send the written notification.

6-A. Notification of dealer. Consumers may also satisfy a manufacturer's notice requirement by notifying in writing the authorized dealer of a claim under this section. The dealer shall act as the manufacturer's agent and immediately communicate to the manufacturer the consumer's claim.

7. Disclosure at time of resale for failure to make effective repair. ~~No~~ A motor vehicle ~~which that~~ is returned to the manufacturer under subsection 2; may not be resold without clear and conspicuous written disclosure to any subsequent purchaser, whether that purchaser is a consumer or a dealer, of the following information:

- A. That the motor vehicle was returned to the manufacturer under this chapter;
- B. That the motor vehicle did not conform to the manufacturer's express warranties; and
- C. The ways in which the motor vehicle did not conform to the manufacturer's express warranties.

8. Disclosure at time of retail sale under settlement agreement. A motor vehicle that is surrendered to a manufacturer as a result of a settlement of a state-certified arbitration must, at the time that motor vehicle is first offered for retail sale to the public, be affixed with a clear and conspicuous written disclosure stating that the vehicle was the subject of a Maine Lemon Law settlement agreement.

Sec. 6. 10 MRSA §1168, sub-§1, ¶¶A and B, as enacted by PL 1987, c. 359, §8, are amended to read:

- A. Those warranties ~~shall be~~ are deemed to apply to the leased motor vehicles; and
- B. The consumer lessee ~~shall be~~ is deemed to be the first purchaser of the motor vehicle for the purpose of any warranty provisions limiting warranty benefits to the original purchaser.

Sec. 7. 10 MRSA §1169, sub-§1, as amended by PL 1999, c. 212, §4, is further amended to read:

1. Neutral motor vehicle arbitration. All manufacturers shall submit to state-certified, ~~new car~~ motor vehicle arbitration if arbitration is requested by the consumer within ~~2~~ 3 years from the date of original delivery to the consumer of a ~~new~~ motor vehicle or within the term of the express warranties, whichever comes first, and the State has accepted the application as making proper Maine Lemon Law claims. State-certified arbitration must be performed by one or more neutral arbitrators selected by the Department of the Attorney General operating in accordance with the rules adopted pursuant to this chapter. The Attorney General may contract with an independent entity to provide arbitration or the Attorney General's office may appoint neutral arbitrators. Each party to an arbitration is entitled to one rejection of a proposed arbitrator.

See title page for effective date.

CHAPTER 338

S.P. 507 - L.D. 1515

An Act To Promote and Monitor Competition in the Solid Waste Industry

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

Sec. 1. 38 MRSA §2112 is enacted to read:

§2112. Small container contract restrictions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Small container" means a 2- to 10-cubic-yard container or dumpster.

B. "Small containerized solid waste hauling service" means providing solid waste hauling service to customers by providing the customer with a small container or dumpster that is picked up and emptied mechanically using a front-loading or rear-loading truck. "Small containerized solid waste hauling service" does not include hand pickup service or service using a compactor that is attached to or part of a small container.

C. "Solid waste hauling service" means the collection, removal and transportation to a solid waste transfer station or disposal site of trash and garbage. As used in this paragraph, trash and garbage do not include construction and demolition debris, medical waste, hazardous waste, organic waste, special waste such as contaminated soil or sludge or recyclable materials.

2. Contracts. Contracts for the provision of small containerized solid waste hauling service to customers located in this State are governed by the following provisions.

A. If a contract under this subsection contains an automatic renewal provision, the contractor shall notify the customer by mail between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days of receipt of the contractor's notification, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. Notice of termination by the customer may be by any reasonable method, including mail, electronically transmitted facsimile and e-mail. A contract may not contain terms that require a customer to provide notice of termination prior to the time frames provided for in this paragraph.

B. The financial charge for early termination of a contract under this subsection may not exceed 3 times the current monthly charge.

C. A contract under this subsection may not require the customer to inform a contractor concerning prices or other terms offered by competitors or require the customer to afford the contractor an opportunity to match or respond to a competitor's offer.

This subsection does not apply to contracts in force on the effective date of this subsection.

Sec. 2. 38 MRSA §2124-A, as enacted by PL 1995, c. 588, §4, is amended by adding at the end a new paragraph to read:

The report must include an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices. When the office determines that a decline in available landfill capacity has generated or has the potential to generate supra-competitive prices, it shall include this finding in its report and shall include recommendations for legislative or regulatory changes as necessary.

See title page for effective date.

CHAPTER 339

H.P. 1084 - L.D. 1479

An Act To Protect Maine Consumers from Hidden Fees and Charges

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

Sec. 1. 33 MRSA §1952, sub-§§4-A and 5-A are enacted to read:

4-A. Face value. "Face value" means the original purchase price or original issued value of a gift obligation if unused or, if partially used, the remaining balance prior to the deduction of any service charges, fees or dormancy charges.

5-A. Gift obligation. "Gift obligation" means an obligation of a business association arising from a transaction between the business association and a consumer to provide goods or services at a future date. This includes, but is not limited to, a gift certificate, gift card, on-line gift account or other representation or evidence of the obligation.

Sec. 2. 33 MRSA §1953, sub-§1, ¶G, as amended by PL 2003, c. 20, Pt. T, §21, is further amended to read:

G. A gift ~~certificate~~ obligation, 3 years after December 31st of the year in which the ~~certificate~~ was sold; the gift obligation occurred. A period of limitation may not be imposed on the owner's right to redeem the gift obligation. The amount unclaimed is the price paid by the purchaser for face value of the gift ~~certificate~~ obligation, except that the amount unclaimed is 60% of the ~~certificate's~~ gift obligation's face value if the issuer of the ~~certificate~~ gift obligation does not impose a dormancy charge or period of limitations on the owner's right to redeem the certificate at 100% of face value. Fees or charges may not be imposed on gift obligations unless they are noted on the gift obligation and are in accordance with section 1956. The amount of these charges or fees may not be unconscionable;

See title page for effective date.

CHAPTER 340

H.P. 1113 - L.D. 1520

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §555, sub-§2-B, as enacted by PL 2001, c. 507, §1, is amended to read:

2-B. Participation in federal pilot program; temporary exemptions from hours-of-service regulations. The Commissioner of Public Safety shall bureau may grant temporary exemptions from the weekly restrictions in the intrastate hours-of-service regulations for the transportation of home heating oil