

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 188

S.P. 355 - L.D. 1038

An Act To Improve Landowners' Access to Their Land

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

Sec. 1. 23 MRSA §704, sub-§10 is enacted to read:

10. Requirements waived. The department may waive the requirements of rules adopted pursuant to this section and may issue a permit for a driveway when the property abuts no other road affording vehicular access to a person's property and the property is outside the compact area of an urban compact municipality. The department may not deny a person the right to build on or to have vehicular access to property owned by that person unless the access is determined inconsistent with access management safety standards.

See title page for effective date.

CHAPTER 189

H.P. 590 - L.D. 831

An Act To Clarify the Law Relating to Motor Vehicle Repair Posters

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

Sec. 1. 29-A MRSA §1801, sub-§5 is enacted to read:

5. Shop supplies. "Shop supplies" means small parts and materials used or consumed in the process of repair, including, but not limited to, nuts and bolts, electrical wire, rags, tape, brake cleaners and other items maintained as inventory.

Sec. 2. 29-A MRSA §1802, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. No liability without agreement. A customer is not liable for a charge in excess of the specific amount designated in accordance with subsection 1 without further specific oral or written agreement. A repair facility shall charge a customer by using the same labor rate per hour and shop supplies calculation as is used in any estimate the repair facility provides.

Sec. 3. 29-A MRSA §1802, sub-§3 is enacted to read:

3. Shop supplies. A repair facility may bill for shop supplies calculated as a percentage of labor or by other calculation, if disclosed to the customer, as a single line item.

Sec. 4. 29-A MRSA §1805, sub-§2, as amended by PL 1997, c. 221, §1, is further amended to read:

2. Flat rate. The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle. PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE. We use the same labor rate method in any estimate we provide and any bill you receive."

Sec. 5. 29-A MRSA §1805, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 6. 29-A MRSA §1805, sub-§4 is enacted to read:

4. Shop supplies. If the repair facility charges a separate line item for shop supplies, the notice must also contain the following:

"WE CHARGE FOR SHOP SUPPLIES. Our service manager will explain shop supplies and how much they may cost you."

See title page for effective date.

CHAPTER 190

S.P. 473 - L.D. 1375

An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits

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

Sec. 1. 30-A MRSA §5954-A, sub-§1, as enacted by PL 1999, c. 231, §2, is amended to read:

1. Authority. In addition to its other enumerated powers, but subject to the limitations imposed under subsection 2, the bank, on behalf of or in partnership with one or more governmental units or nonprofit corporations organized under the Internal Revenue Code, Section 501, may aggregate governmental units and nonprofit corporations ~~for the purpose of obtaining electricity necessary for the daily operation of the governmental units or nonprofit~~