

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

Sec. 6. 10 MRSA §1174, sub-§3, ¶U is enacted to read:

U. To cancel, terminate, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer not less than 180 days prior to the effective date of such termination, cancellation, noncontinuance or nonrenewal that occurs in whole or in part as a result of any change in ownership, operation or control of all or any part of the business of the manufacturer, whether by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, operation of law or otherwise; or the termination, suspension or cessation of a part or all of the business operations of the manufacturer; or discontinuance of the sale of the product line or a change in distribution system by the manufacturer, whether through a change in distributors or the manufacturer's decision to cease conducting business through a distributor altogether.

In addition to any other payments or requirements in this chapter, if a termination, cancellation, noncontinuance or nonrenewal was premised in whole or in part upon any of the occurrences set forth in this paragraph, the manufacturer is liable to the licensed new motor vehicle dealer in an amount at least equivalent to the fair market value of the franchise arising from the termination, cancellation, noncontinuance or nonrenewal of the franchise.

(1) If liability is based on the fair market value of the franchise, which must include diminution in value of the facilities leased or owned by the dealer as a result of the loss of the franchise to operate in the facilities, the fair market value must be computed on the date in divisions (a) to (c) that yields the highest fair market value:

(a) The date the manufacturer announces the action that results in termination, cancellation, noncontinuance or nonrenewal;

(b) The date the action that results in termination, cancellation, noncontinuance or nonrenewal first becomes general knowledge; or

(c) The date 12 months prior to the date on which the notice of termination, cancellation, noncontinuance or nonrenewal is issued.

If the termination, cancellation, noncontinuance or nonrenewal is due to the manufacturer's change in distributors, the manufacturer may avoid paying fair market value to the licensed new motor vehicle dealer if the new distributor or the manufac-

turer offers the dealer a franchise agreement with terms acceptable to the dealer.

If an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity shall honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions; and

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

Effective June 11, 2009.

CHAPTER 368

H.P. 420 - L.D. 582

An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent

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

Sec. 1. 18-A MRSA §3-108, sub-§(a), ¶(2), as enacted by PL 1983, c. 256, is amended to read:

(2). Appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed, at any time within 3 years after the conservator becomes able to establish the death of the protected person; ~~and~~

Sec. 2. 18-A MRSA §3-108, sub-§(a), ¶(3), as amended by PL 2005, c. 683, Pt. C, §5, is further amended to read:

(3). A proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful may be commenced within the later of 12 months from the informal probate or 3 years from the decedent's death; ~~and~~

Sec. 3. 18-A MRSA §3-108, sub-§(a), ¶(4) is enacted to read:

(4). Appropriate probate, appointment or testacy proceedings may be commenced in relation to a claim for personal injury made against the decedent by a person without actual notice of the death

of the decedent at any time within 6 years after the cause of action accrues. If the proceedings are commenced more than 3 years after the decedent's death, any recovery is limited to applicable insurance.

See title page for effective date.

CHAPTER 369

H.P. 873 - L.D. 1254

An Act To Repeal Inactive Boards and Commissions

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

PART A

Sec. A-1. 5 MRSA c. 165, as amended, is repealed.

Sec. A-2. 5 MRSA c. 316, as amended, is repealed.

Sec. A-3. 5 MRSA §12004-A, sub-§6, as repealed and replaced by PL 1991, c. 397, §1, is repealed.

Sec. A-4. 5 MRSA §12004-G, sub-§4, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. A-5. 5 MRSA §12004-G, sub-§14-E, as enacted by PL 2005, c. 12, Pt. PP, §2, is repealed.

Sec. A-6. 5 MRSA §12004-I, sub-§18-E, as enacted by PL 2003, c. 710, §1, is repealed.

Sec. A-7. 5 MRSA §12004-I, sub-§24, as amended by PL 2003, c. 414, Pt. B, §9 and affected by c. 614, §9, is repealed.

Sec. A-8. 5 MRSA §12004-I, sub-§47-F, as enacted by PL 2003, c. 465, §2, is repealed.

Sec. A-9. 5 MRSA §12004-I, sub-§57-D, as enacted by PL 1999, c. 85, §1, is repealed.

Sec. A-10. 5 MRSA §12004-J, sub-§10, as enacted by PL 1991, c. 417, §2, is repealed.

Sec. A-11. 5 MRSA §12006, sub-§2, as amended by PL 2007, c. 395, §23, is further amended to read:

2. Legislative repeal of inactive boards. The Secretary of State shall submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters on or before January 15th 30th in the first regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A during either of the prior 2 calendar years or have been inactive during the preceding 24 months. The joint standing committee of the

Legislature having jurisdiction over state government matters may submit legislation to the first regular session of each biennium to repeal those boards.

Sec. A-12. 5 MRSA §12006, sub-§3, ¶C, as enacted by PL 2003, c. 643, §6, is amended to read:

C. State Poet Laureate Advisory Selection Committee, as established in section 12004-I, subsection 5-A; ~~and~~

Sec. A-13. 5 MRSA §12006, sub-§3, ¶D, as enacted by PL 2003, c. 643, §6, is amended to read:

D. Board of Emergency Municipal Finance, as established in Title 30-A, section 6101-2;

Sec. A-14. 5 MRSA §12006, sub-§3, ¶E is enacted to read:

E. State Compensation Commission, as established in Title 3, section 2-B;

Sec. A-15. 5 MRSA §12006, sub-§3, ¶F is enacted to read:

F. Maine-Canadian Legislative Advisory Commission, as established in Title 3, section 227;

Sec. A-16. 5 MRSA §12006, sub-§3, ¶G is enacted to read:

G. New England and Eastern Canada Legislative Commission, as established in Title 3, section 231;

Sec. A-17. 5 MRSA §12006, sub-§3, ¶H is enacted to read:

H. State House and Capitol Park Commission, as established in Title 3, section 901-A; and

Sec. A-18. 5 MRSA §12006, sub-§3, ¶I is enacted to read:

I. Maine Agricultural Bargaining Board, as established in Title 13, section 1956.

Sec. A-19. 5 MRSA c. 407, sub-c. 2, as amended, is repealed.

Sec. A-20. 7 MRSA §1, as amended by PL 1995, c. 693, §3, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural Resources, is established and is maintained for the improvement of agriculture and the advancement of the interests of husbandry. The Department of Agriculture, Food and Rural Resources is referred to in this Title as the "department" and consists of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following: ~~The Aroostook Water and Soil Management Board~~, the Board of Pesticide Control, the Maine Milk Commission, the Maine Potato Board, the Seed Potato