

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

§3118. Glass-breaking games

A person, firm, corporation, association or organization may not hold, conduct or operate games of skill, as defined in Title 17, section 1831, subsection 6, that involve the breaking of glass. A violation of this section is a Class E crime.

Sec. 15. Transition. The following provisions govern the transfer of the administration of the provisions regarding returnable beverage containers under the Maine Revised Statutes, Title 32, chapter 28 from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

1. The Department of Environmental Protection is the successor in every way to the powers, duties and functions of the Department of Agriculture, Conservation and Forestry under Title 32, chapter 28. The department may enter into a memorandum of understanding to foster the administration of this program.

2. All existing rules, regulations and procedures in effect, in operation or adopted by the Department of Agriculture, Conservation and Forestry or any of its administrative units or officers pursuant to Title 32, chapter 28 are hereby declared in effect and continue in effect until rescinded, revised or amended by the proper authority. All rules, regulations and procedures administered pursuant to Title 32, chapter 28 are administered by the Department of Environmental Protection.

3. All existing contracts, agreements and compacts in effect under the authority of the Department of Agriculture, Conservation and Forestry under Title 32, chapter 28 continue in effect.

4. All records, property and equipment belonging to or allocated for the use of the Department of Agriculture, Conservation and Forestry for the purposes of Title 32, chapter 28 become, on the effective date of this Act, part of the property of the Department of Environment Protection.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Department of Agriculture, Conservation and Forestry used for the purposes of Title 32, chapter 28 may be used by the Department of Environment Protection until existing supplies of those items are exhausted.

See title page for effective date.

CHAPTER 167**S.P. 514 - L.D. 1388****An Act To Clarify the Used Car Information Laws**

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

Sec. 1. 10 MRSA §1471, sub-§§2-B, 6-C and 7-A is enacted to read:

2-B. Livery service. "Livery service" means a service that for a fee arranges, schedules or procures a vehicle for rent or hire or provides a ride for hire.

6-C. Rideshare. "Rideshare" means a program, activity or action in which a person uses that person's private vehicle to transport a person for a fee.

7-A. Vehicle history report. "Vehicle history report" means a written or electronic report, record or document that describes or provides information on the service history of a vehicle.

Sec. 2. 10 MRSA §1475, sub-§2-A, ¶B, as enacted by PL 1989, c. 878, Pt. F, §3, is amended to read:

B. The dealer's duty to disclose promptly the name and address of the previous owner of the motor vehicle, or dealer, upon the request of any person, the principal use to which the motor vehicle was put by that owner, such as personal transportation, police car, daily rental car, taxi, ride-share, livery service or other descriptive term, and the type of sale or other means by which the person acquired the motor vehicle, such as trade-in, sheriff's sale, repossession, auction or other descriptive term, to the extent that such information is reasonably available to the person;

Sec. 3. 10 MRSA §1475, sub-§2-A, ¶G, as amended by PL 1995, c. 269, §2, is further amended to read:

G. If the vehicle is repossessed, a statement identifying this fact; ~~and~~

Sec. 4. 10 MRSA §1475, sub-§2-A, ¶H, as enacted by PL 1995, c. 269, §3, is amended to read:

H. The dealer's duty to disclose conspicuously in writing the dealer's policy in relation to the return of deposits received from any person. A dealer shall require that a person making a deposit sign the form on which the disclosure appears: and

Sec. 5. 10 MRSA §1475, sub-§2-A, ¶I is enacted to read:

I. A dealer that provides to a consumer a vehicle history report prepared by a person other than the dealer has no liability for inaccuracies in the vehicle history report if the dealer makes the following disclosure: "[Name of dealer] is pleased to provide you a courtesy copy of a service history report for the vehicle you are considering purchasing. [Name of dealer] makes no representation as to the accuracy of this service history report."

Sec. 6. 10 MRSA §1475, sub-§3, as amended by PL 2003, c. 240, §1, is further amended to read:

3. Written statement. A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

- A. The make, model, model year and any identification or serial numbers of the motor vehicle;
- B. The name and address of the seller, the principal use to which the motor vehicle was put by the seller, such as personal transportation, police car, daily rental car, taxi, rideshare, livery service or other descriptive term;
- C. A statement identifying any and all mechanical defects known to the seller at the time of sale; and
- D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained by the dealer through any transaction other than a retail sale is not subject to the provisions of this subsection.

A dealer is not subject to the provisions of this subsection if that dealer offers for sale to consumers a used motor vehicle that has been obtained by the dealer through an auction located outside the State at which buyers are limited to licensed dealers and the seller of the used motor vehicle is neither a resident of this State nor a dealer licensed in this State, if the dealer clearly discloses on the written disclosure statement required by subsections 1 and 2-A that the vehicle was acquired at an out-of-state auction and that historical information regarding mechanical defects and substantial damage is not available.

The seller of the used motor vehicle shall sign and date this written statement and the dealer who buys the vehicle shall maintain a record of it for 2 years following the sale of the motor vehicle.

As used in subsection 2-A and this subsection, "substantial collision damage" means any damage to a motor vehicle from a collision when the costs of repair of that damage, at the time of repair, including replacement of mechanical and body parts, exceed \$2,000 \$3,000.

See title page for effective date.

CHAPTER 168

S.P. 516 - L.D. 1390

An Act To Amend the Boundaries of the Capitol Area

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 14-A established the policy, composition and duties of the Capitol Planning Commission for the purpose of developing effective planning to accommodate the needs of a growing State Government; and

Whereas, the Maine Revised Statutes, Title 1, section 814, subsection 2 delineates the boundaries of the Capitol Area within the City of Augusta over which the Capitol Planning Commission has planning jurisdiction; and

Whereas, since 1920 the Department of Transportation has owned and occupied a 9-acre parcel of land on the northerly side of Capitol Street known as the motor transport property for use as a highway maintenance facility; and

Whereas, due to the functional obsolescence of the motor transport property, the Department of Transportation recently relocated its highway maintenance operations to a modern facility elsewhere in Augusta and now desires to sell the motor transport property; and

Whereas, the motor transport property is located within the Capitol Area boundaries and is subject to the agency rules established by the Capitol Planning Commission that govern the use and development of Capitol Area property; and

Whereas, sale of the motor transport property has been impeded by the conditions and restrictions imposed by Capitol Planning Commission rules, which originally envisioned the site for use as a state office building or parking garage; and

Whereas, the need for a new state office building or state parking garage has been eliminated due to the extensive renovation of both of the existing facilities in recent years; and

Whereas, the motor transport property is now vacant, deteriorating and creating potentially detrimental health, safety and environmental conditions; and

Whereas, removal of the motor transport property from Capitol Planning Commission restrictions as soon as possible is necessary to enhance the property's marketability, expedite its sale and eliminate its current industrial use in favor of the development of a commercial, mixed-use site that will augment the City of Augusta's tax base and contribute to the overall aesthetic of the Capitol Area's West Campus; 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,