

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION**

JULY 1989

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**Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670**

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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 289-1670

ANNIKA E. LANE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

SPONSOR(S)

MICHAUD
PERKINS
DEXTER
JACQUES

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill requires that a person be licensed by the State based on an experience qualification in order to engage in the business of water well drilling. This bill establishes the Maine Water Well Drilling Commission, comprised of both public officials and private individuals, to promulgate and enforce standards of practice for water well drillers in the State.

LD 1413 An Act to Establish a State Arbitration Program for Lemon Motor Vehicles

SPONSOR(S)

BRANNIGAN
ALLEN
CONSTANTINE
TITCOMB

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-500 ALLEN
S-222

SUMMARY

Most states, including this State, have enacted automobile lemon laws, which statutorily define when a car is so defective as to be considered a lemon. However, in order to take advantage of the statutory remedies, lemon owners are required to first utilize the manufacturer's arbitration program, if the program meets federal standards.

This bill adopts a state-administered lemon law arbitration program which would be available to any Maine consumer who has purchased a seriously defective new motor vehicle. State arbitration would be limited to the issue of whether a motor vehicle was so defective as to be eligible for a refund or replacement by the manufacturer under the Maine lemon law.

The Attorney General's Consumer and Antitrust Division would process all potential lemon complaints and then assign, by bid, the actual arbitration to a neutral arbitrator.

Unlike the arbitration boards established by the manufacturers, the state arbitrator program is required to order a refund or replacement, rather than further repairs, whenever the consumer's vehicle meets the statutory definition of a lemon.

This arbitration program would be financed by a \$1 fee collected by the dealer at the completion of the sale and deposited in the General Fund.

In addition to establishing a state-administered lemon law arbitration program, this bill revises the Maine lemon law in the following ways:

1. Defines when a lemon motor vehicle is in nonconformity with express or implied warranties;
2. Allows consumers to apply lemon law remedies to breaches of not only express warranties but also implied warranties;