

§1171-B. Manufacturer; license

1. License. Effective January 1, 1999, the Secretary of State may grant a manufacturer license under the following conditions.

A. Except as provided by this section, a person may not engage in business or serve in the capacity of or act as a manufacturer or distributor without obtaining a license for each line make maintained in the State as provided in this section. [PL 2003, c. 434, §1 (AMD); PL 2003, c. 434, §37 (AFF).]

B. An application for a license for a manufacturer or distributor must be on a form prescribed by the Secretary of State. The applicant shall file a separate application for each separate line make. The application must contain the manufacturer or distributor's address of its principal place of business, the address where notices should be sent and the address of its registered agent in this State and must be accompanied by its annual report and a list of its franchised new motor vehicle dealers in this State. [PL 2003, c. 434, §1 (AMD); PL 2003, c. 434, §37 (AFF).]

C. All licensees may apply for issuance of a license for each succeeding year by complying with the application process specified by this section and rules of the Secretary of State. A license or renewal of a license is issued subject to provisions of this chapter and rules of the Secretary of State. [PL 1997, c. 521, §5 (NEW).]

D. The annual fee for a license is \$1,500. [PL 2003, c. 434, §1 (AMD); PL 2003, c. 434, §37 (AFF).]

E. Manufacturers and distributors of motorcycles and recreational vehicles are exempt from the manufacturer licensing requirements. [PL 1999, c. 470, §2 (NEW).]
[PL 2003, c. 434, §1 (AMD); PL 2003, c. 434, §37 (AFF).]

2. Sanctions, denial, revocation or suspension of license. The Secretary of State shall sanction, deny, revoke or suspend a license under the following conditions.

A. The Secretary of State may deny an application for a license, revoke or suspend an outstanding license, place on probation a person whose license has been suspended or reprimand a licensee for any of the following reasons:

(1) Material misrepresentation in any application or other information filed under this section or rules of the Secretary of State; or

(2) Failure to maintain the qualifications for a license. [PL 1997, c. 521, §5 (NEW).]

B. A license may not be denied, revoked or suspended and disciplinary action may not be taken under this section except after a hearing conducted by the Secretary of State in accordance with the Maine Administrative Procedure Act. [PL 1997, c. 521, §5 (NEW).]
[PL 1997, c. 521, §5 (NEW).]

3. Civil penalty. If the board determines after a proceeding conducted in accordance with this chapter that a manufacturer or distributor is violating or has violated any provision of this chapter or any rule or order of the board issued pursuant to this chapter, the board shall levy a civil penalty of not less than \$1,000 nor more than \$10,000 for each violation. If the violation involves multiple transactions within a 60-day period, these multiple transactions are deemed a single violation.

In determining the amount of a civil penalty levied under this chapter, the board shall consider:

A. The seriousness of the violation, including but not limited to the nature, circumstances, extent and gravity of the prohibited acts and the harm or potential harm created to the safety of the public; [PL 1997, c. 521, §5 (NEW).]

B. The economic damage to the public caused by the violation; [PL 1997, c. 521, §5 (NEW).]

- C. Any previous violations; [PL 1997, c. 521, §5 (NEW).]
 - D. The amount necessary to deter future violations; [PL 1997, c. 521, §5 (NEW).]
 - E. Efforts made to correct the violation; and [PL 1997, c. 521, §5 (NEW).]
 - F. Any other matters that justice may require. [PL 1997, c. 521, §5 (NEW).]
- [PL 2003, c. 356, §4 (AMD).]

4. Rules. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 1997, c. 521, §5 (NEW).]

5. License fees collected. License fees collected under subsection 1, paragraph D and subsection 3 are deposited in the Highway Fund.
[PL 1997, c. 521, §5 (NEW).]

SECTION HISTORY

PL 1997, c. 521, §5 (NEW). PL 1999, c. 470, §2 (AMD). PL 2003, c. 356, §4 (AMD). PL 2003, c. 434, §1 (AMD). PL 2003, c. 434, §37 (AFF).

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