

**§1187. Maine Motor Vehicle Franchise Board; established**

The Maine Motor Vehicle Franchise Board, as established in Title 5, section 12004-G, subsection 6-B and referred to in this chapter as "the board," is established for the purpose of enforcing the provisions of this chapter. [PL 2003, c. 356, §12 (NEW).]

**1. Membership.** The board consists of 7 regular members and 4 alternate members:

A. Ten members appointed by the Governor:

(1) Three regular members and 2 alternate members who are or have been franchised new motor vehicle dealers in the State of Maine;

(2) A regular member and an alternate member who are or have been employees or representatives of franchisors; and

(3) Two regular members and one alternate member who are members of the public; and [PL 2005, c. 61, §2 (AMD).]

B. One regular member appointed by the Secretary of State who is not and has not been either a motor vehicle dealer or manufacturer representative and who is an attorney employed by the Secretary of State and assigned to the Bureau of Motor Vehicles. [PL 2005, c. 61, §2 (AMD).]  
[PL 2005, c. 61, §2 (AMD).]

**2. Chair.** The member appointed by the Secretary of State is the chair of the board. The chair shall:

A. Act as the presiding officer in all matters that come before the board; [PL 2003, c. 356, §12 (NEW).]

B. Make preliminary rulings on discovery and other questions; [PL 2003, c. 356, §12 (NEW).]

C. Participate fully in board deliberations; and [PL 2003, c. 356, §12 (NEW).]

D. Vote on the merits of complaints that come before the board only when necessary to break a tie. [PL 2003, c. 356, §12 (NEW).]

[PL 2003, c. 356, §12 (NEW).]

**3. Terms.** Regular appointments to the board are for 5-year terms. A member may not serve more than 2 consecutive 5-year terms. The terms of the initial board members must be staggered, with 2 members serving a term of 3 years, 2 members serving a term of 4 years and 2 members serving a term of 5 years. Alternate members are appointed for 5-year terms. The term of the member who serves as chair is without limit.

[PL 2005, c. 61, §3 (AMD).]

**4. Vacancy.** Any vacancy on the board must be filled by the Governor or the Secretary of State by appointment of a person of the same category as the board member being replaced to hold office for the unexpired term.

[PL 2003, c. 356, §12 (NEW).]

**5. Compensation.** With the exception of the chair, whose position is funded pursuant to section 1187-A, members of the board are entitled to a per diem of \$100 for each day actually engaged in the performance of their duties and may be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

[PL 2003, c. 356, §12 (NEW).]

**6. Rulemaking.** The board shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 356, §12 (NEW).]

**7. Affiliation.** The board is affiliated with the Department of the Secretary of State, Bureau of Motor Vehicles.

[PL 2003, c. 356, §12 (NEW).]

**SECTION HISTORY**

PL 2003, c. 356, §12 (NEW). PL 2005, c. 61, §§2,3 (AMD).

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