

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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C. Night hunting, in violation of section 7406, subsection 5;

D. Discharging a firearm within 100 yards of a residential dwelling without owner permission, in violation of section 7406, subsection 13;

E. Abuse of another person's property while hunting, in violation of section 7406, subsection 16;

F. Hunting or trapping bear after having killed one, exceeding the bag limit on bear or buying or selling bear in violation of section 7452, subsection 3, 4 or 9;

G. Hunting or possessing caribou, in violation of section 7456-B;

H. Exceeding the bag limit on deer, hunting deer after having killed one or buying or selling deer, in violation of section 7458, subsection 1, 2 or 3;

I. Illegally hunting moose, illegally possessing moose or buying or selling moose, in violation of section 7464, subsection 1, 2 or 8; or

J. Illegally hunting wild turkeys, illegally possessing wild turkeys, buying or selling wild turkeys or using illegal methods to hunt wild turkeys, in violation of section 7469, subsection 1, 2, 9 or 10.

**1-B. Mandatory fishing license revocation for certain violations.** Notwithstanding subsection 1, the commissioner must revoke for a period of at least one year the fishing license of any person convicted of a violation of one of the following:

A. Introducing fish into inland waters without a permit in violation of section 7371, subsection 3 as it applies to section 7203, subsection 1;

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 7604, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish;

C. Taking fish by jigging, in violation of section 7607;

D. Importing live bait fish or smelts, in violation of section 7613;

E. Buying or selling freshwater sport fish, in violation of section 7615;

F. Taking fish by explosive, poisonous or stupefying substances, in violation of section 7617; and

G. Abuse of another person's property while fishing, in violation of section 7624.

See title page for effective date.

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## CHAPTER 137

S.P. 197 - L.D. 633

### An Act to Amend the Mechanic's Lien Laws

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

**Sec. 1. 10 MRSA §3251**, as amended by PL 1991, c. 280, is further amended to read:

#### **§3251. Lien established**

Whoever performs labor or furnishes labor or materials, including repair parts of machines used, or performs services as a surveyor, an architect or an engineer, or as a real estate licensee, or as an owner-renter, owner-lessor, or owner-supplier of equipment used in erecting, altering, moving or repairing a house, building or appurtenances, including any public building erected or owned by any city, town, county, school district or other municipal corporation, or in constructing, altering or repairing a wharf or pier, or any building thereon, including the surveying, clearing, grading, draining, excavating or landscaping of the ground adjacent to and upon which any such ~~above-named~~ objects are constructed, by virtue of a contract with or by consent of the owner, has a lien thereon and on the land on which it stands and on any interest such owner has in the same, to secure payment thereof, with costs. If the owner of the building has no legal interest in the land on which the building is erected or to which it is moved, the lien attaches to the building, and if the owner of the wharf or pier has no legal interest in the land on which the wharf or pier is erected, the lien attaches to the wharf or pier, and in either case may be enforced as provided. If the owner of such land, building, wharf or pier, so contracting, is a minor or married woman, such lien exists and such minority or coverture does not bar a recovery in any proceeding brought to enforce it.

**Sec. 2. 10 MRSA §3255, sub-§2**, as enacted by PL 1975, c. 734, is amended to read:

**2. Bona fide purchaser.** Any person who is a bona fide purchaser for value of a house, building or appurtenances, a public building erected or owned by any city, town, county, school district or other municipal corporation, or a wharf or pier or any building thereon, including the ground adjacent to and upon which any such objects are constructed, ~~shall take~~ takes title free of the lien described in this chapter; unless, before the bona

fide purchaser takes title to the premises on which such lien attaches, the person performing or furnishing that labor, materials or services either has filed the notice required by section 3253 or has filed a notice in the office of the register of deeds in the county or registry district in which these premises are located; setting forth a description of the property sufficiently accurate to identify it; the names of the owners; that the claimant is going to perform or furnish, is performing or furnishing; or has performed or furnished labor, materials or services; and that the claimant may claim a lien therefor. If the claimant is a real estate licensee, the claimant shall also send notice by certified mail, return receipt requested, or provide actual written notice as described in this subsection to the bona fide purchaser before the purchaser takes title to the premises on which the claimant's lien attaches. If notice is not provided, the purchaser takes title free of this lien. If notice provided by this subsection is filed, the lien claimant must also comply with the notice requirements of section 3253 and institute the legal action required by subsection 1 to the extent that this compliance is required in order to preserve ~~his~~ the claimant's lien claim. The notice provided by this subsection ~~shall~~ is only be effective relative to a bona fide purchaser for value for the period of 120 days from the date of recording thereof; provided that this notice may again be recorded any number of times, but further notices shall are also only be effective relative to a bona fide purchaser for value for the period of 120 days each from the date of their respective recordings.

See title page for effective date.

## CHAPTER 138

### H.P. 265 - L.D. 343

#### An Act to Define Farmers' Market

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this Act regulates farm markets, which will be operating this summer; 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,

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

**Sec. 1. 7 MRSA §415** is enacted to read:

**§415. Farmers' market**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which all sellers meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, firewood and Christmas trees.

**2. Prohibitions.** The following acts are prohibited.

A. A person may not use the term "farmers' market" to describe a market or other sales location that does not meet the terms of the definition set forth in subsection 1.

B. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the product offered by that person was grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been purchased directly from another farmer.

**3. Penalty.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$200 may be adjudged.

**4. Relationship to farmers' market rules.** This section does not prohibit a market from imposing more stringent requirements on its sellers than those imposed by subsection 2, paragraph B.

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

Effective May 18, 1993.

## CHAPTER 139

### H.P. 580 - L.D. 784

#### An Act Clarifying Identification of Financial Institution Off-premise Facilities

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