

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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:

Sec. 1. 9-B MRSA §334, sub-§4, as repealed and replaced by PL 1991, c. 386, §2, is amended to read:

4. Use of established facilities by additional institutions. A satellite facility established under this chapter must be made available for use by other financial institutions authorized to do business in this State. The superintendent may not approve the establishment of any satellite facility unless all financial institutions using the facility have equal access to the facility, except that a financial institution owning an off-premise facility may designate that facility as accepting cash deposits for its customers only. When a facility is shared, the identification and promotion of that facility must be generic to include the facility or name or logo of the network system; not to a specific and may include the name of the sponsoring financial institution. If the name of the sponsoring financial institution is displayed, it must be equal in prominence to the name of the network system or logo.

See title page for effective date.

CHAPTER 140

H.P. 608 - L.D. 823

An Act to Increase the Penalties for Littering

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

Sec. 1. 17 MRSA §2264-A, sub-§§1 and 2, as enacted by PL 1989, c. 820, §5, are amended to read:

1. Disposal of less than 15 pounds or less than 27 cubic feet of litter. A person who disposes of less than 15 pounds or less than 27 cubic feet of litter is subject to a forfeiture of not more than ~~\$200~~ \$500 nor less than ~~\$25~~ \$100 for the first violation and a forfeiture of not more than \$500 nor less than ~~\$100~~ \$200 for a subsequent violation.

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter is subject to a forfeiture of not more than \$500 nor less than \$200 for the first violation and a forfeiture of not more than \$1,000 nor less than \$500 for a subsequent violation.

See title page for effective date.

CHAPTER 141

H.P. 228 - L.D. 296

An Act to Amend the Hunting Laws

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

Sec. 1. 12 MRSA §7077-A is enacted to read:

§7077-A. Mandatory license revocation for certain violations

1. Shooting domestic animals. Notwithstanding any other provision of this Part, a person convicted of shooting a domestic animal in violation of section 7406, subsection 14 is not eligible to obtain a license to hunt in this State for a period of 5 years from the date of conviction.

2. Offenses against a person. Notwithstanding any other provision of this Part, a person convicted of a violation of Title 17-A, chapter 9, if the offense occurred in the context of a hunting activity and if, through failure of the hunter to make proper target identification, the offense resulted in the injury or death of another person, is not eligible to obtain a license to hunt in this State for a period of 10 years from the date of the conviction.

3. Notice and hearing. The commissioner shall give notice to any person whose license has been revoked pursuant to this section as provided by section 7077, subsection 7.

A. Any person whose licenses have been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why the licenses should not have been revoked.

B. If, after the hearing, the commissioner finds that the person has not been convicted or that the conditions of subsection 1 or 2 do not apply, the revocation is rescinded. If the commissioner finds that the person has been convicted and that the conditions of subsection 1 or 2 apply, the revocation remains in effect. If the petitioner denies any of the facts contained in the record, the petitioner has the burden of proof.

A hunting license held by a person whose license eligibility is restricted in accordance with subsection 1 or 2 is considered revoked on the date of conviction and must be surrendered to the commissioner.

A person whose privilege to hold a hunting license has been revoked under this section becomes eligible to obtain a hunting license at the end of the period of ineligibility described in subsection 1 or 2 only upon successful completion of a firearms training program established under section 7035, subsection 10.

See title page for effective date.