

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-ninth Legislature

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Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction approved by the Commissioner of Education after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the Legislature, on recommendation of the commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical.

When a municipality having more than 100 resident pupils educated at public expense in grades 9 through 12 has contracted with a School Administrative District to educate all of the pupils in said district in grades 9 through 12, for a period of 20 years, said municipality shall, during the life of said contract, be paid out of moneys appropriated and apportioned for the purposes of this section, the percentage of said municipality's expenditures for capital outlay purposes as is payable to municipalities falling in Class 21, under Table II, in section 237-E, irrespective of the municipality's actual classification as computed under Table II in section 237-E.'

Sec. 22. R. S., c. 41, § 249, amended. The first sentence of the 2nd paragraph of section 249 of chapter 41 of the Revised Statutes, as amended by section 103 of chapter 364 of the public laws of 1957 and by section 35 of chapter 443 of the public laws of 1957, is further amended to read as follows:

'No contract, lease or agreement between an administrative unit and the authority shall be valid unless first approved by the vote of a majority of the residents of a town voting on this question, or of each town involved in the case of a community school district voting on this question, or by the residents of a School Administrative District in the manner provided in section III-T.'

Effective September 12, 1959

Chapter 354

AN ACT Repealing the Two Inch Clam Law.

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

Sec. 1. R. S., c. 37-A, § 50, amended. The first paragraph of section 50 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'Any municipality may enact a municipal ordinance fixing the time when clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the municipality. The ordinance may also provide limitations on the amount of clams, quahogs and mussels which may be taken within the municipality, and may likewise provide that municipal licenses be required for the taking of any such species within the municipality, and may fix the license fees. The ordinance may also provide for the size of soft-shell clams which may be taken from the flats within the municipality.'

Sec. 2. R. S., c. 37-A, § 54, amended. Section 54 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'Sec. 54. **Minimum legal size for quahogs.** It is unlawful for any person to take or have in his possession quahogs ~~or soft-shell clams~~ which are less than 2 inches in the longest diameter to the amount of more than 10% of any lot.

I. Definitions. A lot, as used in this section, means the total number of quahogs ~~or soft-shell clams~~ in any bulk pile. Where quahogs ~~or soft-shell clams~~ are in a box, barrel or other container, the contents of each box, barrel or other container constitute a separate lot.

II. Method of determining tolerance. The tolerance of 10% must be determined by numerical count of not less than one peck nor more than 4 pecks, taken at random from various parts of the lot, except that the tolerance must be determined by numerical count of the entire lot when the lot contains less than one peck.

III. Exception for permittee. The provisions of this section do not apply to the possession of ~~seed clams or~~ seed quahogs under authority of a permit, issued by the commissioner, as provided in section 49.

IV. Penalties. Whoever violates the provisions of this section shall be punished by the following penalties:

A. For the first offense by a fine of not less than \$10 nor more than \$25, or by imprisonment for not more than 30 days.

B. For the 2nd offense by a fine of not less than \$20 nor more than \$50, or by imprisonment for not more than 30 days.

C. For the 3rd offense by a fine of not less than \$40 and not more than \$100, or by imprisonment of not more than 60 days.

D. For the 4th and subsequent offenses by a fine of \$100, or by imprisonment for not more than 60 days.'

Sec. 3. Effective date. This act shall become effective March 1, 1960 and remain in effect until January 1, 1962.

Effective March 1, 1960

Chapter 355

AN ACT Relating to Excise Taxes on Malt Beverages Sold to Vessels of Foreign Registry.

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

R. S., c. 61, § 22, amended. The last paragraph of section 22 of chapter 61 of the Revised Statutes, as amended by section 5 of chapter 218 of the public laws of 1957, is further amended to read as follows:

'Excise taxes on malt beverages imposed by the State shall not apply to malt beverages sold by wholesalers holding licenses from the commission to any instrumentality of the United States, or to any vessel of foreign registry.'

Effective September 12, 1959