

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 866

H.P. 1959 — L.D. 2654

## AN ACT to Amend the Education Laws.

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

Sec. 1. 20-A MRSA §1254, sub-§1, ¶¶ C and D, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

C. On the death of a school director; or

D. When a school director resigns; or

Sec. 2. 20-A MRSA §1254, sub-§1, ¶E, is enacted to read:

E. Except in municipalities having a municipal charter, when a director is absent without excuse from 3 consecutive regular board meetings, the board may declare that a vacancy exists.

Sec. 3. 20-A MRSA §1653, sub-§2, ¶B, as amended by PL 1983, c. 806, §22, is further amended to read:

B. If any representative on the school committee in a community school district which does not include grades one to 12 is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists and the school committee in the representative's town may choose from among its members another representative to the community school committee. The new member shall be chosen on the basis of seniority.

Except in municipalities having a municipal charter, if any representative on the school committee in a community school district which includes grades one to 12 is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The municipality shall elect another representative to the community school committee in the same manner as provided for original election under subsection 1, paragraph B. The successor shall serve for the remainder of the unexpired term.

Sec. 4. 20-A MRSA §2305, sub-§3, ¶¶ C and D, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

C. On the death of a member; or

D. When a member resigns; or

Sec. 5. 20-A MRSA §2305, sub-§3, ¶E is enacted to read:

E. Except in municipalities having a municipal char-

ter, when a member is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists.

Effective August 4, 1988.

## CHAPTER 867

S.P. 1010 — L.D. 2650

## AN ACT to Repeal from the Budget Bill the Provisions Concerning Municipal Shellfish Licenses.

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

12 MRSA §6671, sub-§3, as amended by PL 1987, c. 816, Pt. KK, §13, is further amended to read:

3. Shellfish conservation ordinance. Within any area of the municipality, a shellfish conservation ordinance may regulate or prohibit the possession of shellfish; may fix the amount of shellfish that may be taken; shall limit the size of soft-shell clams in accordance with article 5; may fix the qualifications for a license, including municipal residency; may fix license fees; and may authorize the municipal officers to open and close flats under specified conditions. A program or ordinance shall not regulate areas closed by regulation of the commissioner. An ordinance may also provide for enforcement, protection and evaluation of a green crab fencing program. No municipal commercial license may be issued unless the applicant has a current shellfish license, as provided in section 6601. The municipality shall provide and reserve a minimum number of commercial licenses for nonresidents which shall be a number not less than 10% of the number provided for residents ~~and be offered by the municipality to nonresidents on a first come, first serve basis.~~ When the number of resident licenses is less than 10 but more than 5, at least one nonresident license shall be provided. When the number of resident licenses is 5 or less, nonresident licenses shall not be required. The fee for a nonresident license shall be not more than 10 times the fee for a resident license, provided that in no case may the fee for a nonresident license exceed \$150. Notice of the number and the procedure for application shall be published in a trade or industry publication; or in a newspaper or combination of newspapers with general circulation; which the municipal officers consider effective in reaching persons affected, ~~and sent by mail to the last known address of each nonresident license holder for the previous year~~ not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes. The period of issuance for resident and nonresident licenses shall be the same. Subsequent to that period, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents.

Effective August 4, 1988.