

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**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**  
**1997**

of value from an employee whose rate is determined by sections 1304 to 1313 upon the statement, representation or understanding that failure to comply with such request or demand will prevent the employee from procuring or retaining employment. ~~No~~ A person ~~shall~~ may not aid, directly or indirectly, assist or abet another to violate the ~~above prohibition~~ prohibitions of this subsection. Any person violating the prohibitions of this subsection ~~shall be punished by a fine~~ is subject to a forfeiture of not less than \$50 ~~nor more than~~ \$250.

~~Nothing herein shall~~ This section may not be construed to make unlawful any provision in a collective bargaining agreement between an employer and a labor organization ~~which that~~ relates, in any manner, to the conditioning of employment on union membership or on the payment of regular and periodic dues, or of initiation fees, to a labor organization.

**§1313. Existing contracts**

Sections 1304 to 1313 ~~shall~~ apply only to contracts for construction on public works let after January 1, 1968; and to construction on public works for which there has been determined the fair minimum wage and benefits rates as provided in sections 1304 to 1313; and ~~such that~~ determination has not been appealed ~~from~~ as provided by section 7.

**Sec. 11. 26 MRSA §1314**, as enacted by PL 1967, c. 403, is amended to read:

**§1314. Exceptions**

Whenever a public works construction is built in whole or in part by federal funds and is under the jurisdiction of the Davis-Bacon or other Federal Act ~~which that~~ requires the Secretary of Labor to establish the minimum wage and benefits and ~~such those~~ minimum wages and benefits are established by ~~him~~ the Secretary of Labor, sections 1304 to 1313 ~~shall do~~ do not apply.

**Sec. 12. 26 MRSA §1315**, as corrected by RR 1995, c. 2, §68, is amended to read:

**§1315. Cooperation with United States Department of Labor**

The Bureau of Labor Standards may exchange wage and benefits finding information with the United States Department of Labor ~~where when~~ when the Secretary of Labor is required to establish the minimum wage and benefits rates as defined in section 1314.

See title page for effective date.

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**CHAPTER 758**

**H.P. 1453 - L.D. 2044**

**An Act to Promote Access to Public Higher Education**

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

**Sec. 1. 20-A MRSA c. 208** is repealed.

**Sec. 2. 20-A MRSA c. 208-A** is enacted to read:

**CHAPTER 208-A**

**POSTSECONDARY ENROLLMENT**

**§4771. Eligible institution; defined**

As used in this chapter, unless the context otherwise indicates, "eligible institution" means the institutions of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy.

**§4772. Postsecondary courses; student eligibility**

A secondary school student may be eligible to receive state subsidy for postsecondary courses, as specified in section 4775, if the following requirements are satisfied:

**1. Availability.** The eligible institution has space available for the secondary school student;

**2. Academic standing.** The student is maintaining a minimum secondary school grade point average of at least 3.0 on a scale of 4.0, or the equivalent of a "B" average, as determined by the school unit;

**3. Course prerequisites.** The eligible institution has determined that the student has satisfactorily completed all course prerequisites;

**4. School approval.** The school unit approves; and

**5. Parental approval.** The student's parent approves.

**§4773. Dissemination of information**

School administrative units shall provide general information concerning postsecondary education options available to parents and students.

**§4774. Credits**

**1. High school credit.** A school administrative unit may grant academic credit toward a high school

diploma to a student who successfully completes a course under this chapter.

**2. Postsecondary credit.** The eligible institution shall grant full credit to any student who successfully completes a course at the eligible institution under this chapter. The course must apply to graduation requirements at the eligible institution in which it was taken or be transferable to another eligible institution on an equal basis with a course taken by any other student at the eligible institution.

**§4775. Payment; appropriations**

The department shall pay 50% of the in-state tuition for the first 3 credit hours taken each semester by a student at an eligible institution and up to 6 credit hours per academic year. The eligible institution may not make any additional tuition charges for the course but may impose fees and charges, other than tuition, that are ordinarily imposed on students not covered by this chapter. Funds appropriated to the department to carry out the purposes of this chapter must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**1998-99**

**EDUCATION,  
DEPARTMENT OF**

**Support Systems**

All Other	\$75,000
Provides funds to the Department of Education to enable 250 secondary school students per semester to take postsecondary courses at eligible institutions.	

See title page for effective date.

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**CHAPTER 759**

**H.P. 1465 - L.D. 2056**

**An Act Concerning the Maine State Housing Authority's Share of the Transfer Tax**

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

**Sec. 1. 36 MRSA §4641-B, last ¶,** as amended by PL 1997, c. 24, Pt. C, §7, is further amended to read:

The State Tax Assessor shall pay all net receipts to the Treasurer of State, who shall credit  $\frac{3}{4}$   $\frac{1}{2}$  of the revenue to the General Fund and who shall monthly pay the remaining  $\frac{1}{4}$   $\frac{1}{2}$  to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

**Sec. 2. Effective date.** This Act takes effect on July 1, 1999.

Effective July 1, 1999.

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**CHAPTER 760**

**H.P. 1450 - L.D. 2041**

**An Act to Correct and Supplement Funding for the Maine School of Science and Mathematics**

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

**Sec. 1. 20-A MRSA §8205, sub-§16,** as repealed and replaced by PL 1995, c. 625, Pt. A, §22, is amended to read:

**16. Report.** To report ~~biennially~~ annually to the Governor ~~and~~ the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the results of the assessment in subsection 15 ~~by the board of trustees~~ and the general status of the school and to provide ~~annually to the Governor and the Legislature~~ a financial audit of the school conducted by an independent auditor;

**Sec. 2. 20-A MRSA §8205, sub-§16-A** is enacted to read:

**16-A. Quarterly financial statements.** To submit quarterly financial statements to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.