

# 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**

on behalf of students harmed by fraud, misrepresentation, violation of this subchapter or applicable rules. The Finance Authority of Maine has concurrent power to bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by failure to pay refunds of tuition due from the school or its owners or employees.

See title page for effective date.

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## CHAPTER 772

H.P. 1488 - L.D. 2087

### An Act to Clarify the Tax-exempt Status of 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-§7**, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

**7. Property management.** To lease and to acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. Any lease or lease-purchase agreement must have a term not to exceed 10 years and must be subject to annual appropriation of funds. The community of Limestone retains ownership of the Limestone Elementary School and the Limestone Junior Senior High School and shares those facilities with the school;

**Sec. 2. 20-A MRSA §8207**, as amended by PL 1997, c. 562, Pt. E, §1, is further amended to read:

#### §8207. Financing authority

The board of trustees may borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the school for renovation and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the school are legal obligations of the school on behalf of the State and are payable solely from its the school's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph B, and these borrowings by the school do not constitute a debt debts or liability liabilities of, and those bonds and notes are not includable in any debt limitation of the State or any municipality or political subdivision of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate,

place of payment, form and other details of the bonds or notes of the school. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the school are signed by the treasurer and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the school may not exceed \$3,000,000 at any one time, excluding temporary notes and renewal notes. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the school by the Town of Limestone, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the school. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712. Bonds, notes and other evidences of indebtedness issued under this section are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the school. The board of trustees may also borrow funds in anticipation of revenues for current operating expenses for a term not exceeding 13 months. Indebtedness incurred and evidences of indebtedness issued under this chapter are deemed to constitute a proper public purpose and all income derived is exempt from taxation in the State. The net earnings of the school may not inure to the benefit of any private person. If the school is dissolved, the distribution of all property owned by the school must be determined by the Legislature in accordance with this chapter and may not inure to the benefit of any private person.

See title page for effective date.

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## CHAPTER 773

H.P. 1503 - L.D. 2125

### An Act to Improve Public Sector Labor Relations

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 26 MRSA §964-A** is enacted to read:

**§964-A. Continuation of grievance arbitration provisions**

If a contract between a public employer and a bargaining agent expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract pertaining to disciplinary action remain in effect until the parties execute a new contract.

**Sec. 2. 26 MRSA §979-A, sub-§6, ¶J**, as amended by PL 1997, c. 668, §4, is further amended to read:

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency; or

**Sec. 3. 26 MRSA §979-A, sub-§6, ¶K**, as amended by PL 1997, c. 668, §5, is further amended to read:

K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs; ~~or~~.

**Sec. 4. 26 MRSA §979-A, sub-§6, ¶L**, as enacted by PL 1997, c. 668, §6, is repealed.

**Sec. 5. 26 MRSA §979-R** is enacted to read:

**§979-R. Continuation of grievance arbitration provisions**

If a contract between a public employer and a bargaining agent expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract pertaining to disciplinary action remain in effect until the parties execute a new contract.

**Sec. 6. 26 MRSA §1284-A** is enacted to read:

**§1284-A. Continuation of grievance arbitration provisions**

If a contract between a public employer and a bargaining agent expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract pertaining to disciplinary action remain in effect until the parties execute a new contract.

**Sec. 7. Application.** This Act applies to all collective bargaining contracts that expire on or after August 1, 1998.

**Sec. 8. Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs J and K and repeal Title 26, section 979-A, subsection 6, paragraph L, apply retroactively to April 2, 1998.

See title page for effective date.

**CHAPTER 774**

**H.P. 1489 - L.D. 2088**

**An Act to Amend the Laws Concerning Access to Capital for Maine Businesses**

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

**Sec. 1. 10 MRSA §1100-T, sub-§2-A**, as amended by PL 1995, c. 658, §4, is further amended to read:

**2-A. Eligibility of private venture capital funds for tax credit certificate.** The authority shall adopt rules in accordance with the Maine Administrative Procedure Act to implement application of the program to investment in a private venture capital fund. Without limitation, the requirements for eligibility for a tax credit certificate for investment in a private venture capital fund include the following.

~~A. A tax credit certificate may be issued in an amount not more than 30% of the amount of cash actually invested in a private venture capital fund in any calendar year. A tax credit certificate may be issued to an individual who invests in a private venture capital fund in an amount that:~~

(1) Is not more than 30% of the amount of cash actually invested in a private venture capital fund in any calendar year by the individual; and

(2) Does not exceed 30% of the amount of cash invested by the fund in eligible businesses.

The aggregate amount of credits issued to investors in a fund may not exceed 30% of the amount of cash invested by the fund in eligible businesses.

~~B. Each state business in which the private venture capital fund invests must be a manufacturer; must provide a service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State; or must bring capital into the State, as determined by the authority. As~~