

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1991

2. Waiver. After written petition from a building owner, the commissioner shall grant a waiver from subsection 1 if the building design conforms to the residential standards set forth in subsection 3 or 4. A waiver granted by the commissioner under this subsection must be in writing and state the commissioner's reason for granting the waiver.

3. Residential standards; electric heat. If the commissioner grants a waiver under subsection 2, the building owner shall renovate the building or construct a new building so that the entire building conforms to the minimum energy efficiency standards established in this section. If a waiver is granted under subsection 2 for a building to be remodeled or a building that receives an addition, only the remodeled portion of the building or the addition must conform to the following minimum energy efficiency standards.

A. All ceilings that face an outdoor or unheated space must be insulated to an R-value of 57 or greater.

B. All walls that face an outdoor or unheated space must be insulated to an R-value of 38 or greater.

C. All floors over unheated spaces must be insulated to an R-value of 25 or greater.

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-15 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-15 when the insulation extends around the perimeter and horizontally or diagonally beneath or away from the slab for a distance equivalent to the depth of the frost line.

E. All foundation walls adjacent to a heated space must be insulated from the top of the foundation to the frost line to an R-value of 19 or greater.

F. All windows and glass in doors, when the glass in the door constitutes 1/3 or more of the door area, must have a total window unit R-value of 2.5 or greater.

G. All exterior doors must be insulated or equipped with a storm door.

H. All new construction and renovation must comply with infiltration and ventilation standards established by the commissioner.

4. Performance-based compliance. Effective January 1, 1992, the commissioner may waive the requirements of subsection 3 for any building if the commissioner determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

The commissioner shall adopt rules that establish a performance-based compliance procedure for residential buildings before January 1, 1992.

5. Violation. A building owner who violates this section or rules adopted under this section commits a civil violation for which a forfeiture of not less than \$100 nor more than 5% of the value of construction must be adjudged.

6. Notification. An agency, municipality or granting authority that provides a housing subsidy as described in this section must notify the Department of Economic and Community Development, Energy Conservation Division that the application complies with the residential energy requirements of this section. Notification must be in a form prescribed by rule by the commissioner.

Sec. 4. Application. This Act applies to applications for public funds, guarantees or bond proceeds pursuant to this Act submitted on or after January 1, 1992.

Sec. 5. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 276

H.P. 307 - L.D. 437

An Act to Reclassify Spenser Stream

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

38 MRSA §467, sub-§4, ¶D, as repealed and replaced by PL 1989, c. 228, §2, is amended to read:

D. Dead River Drainage.

(1) Dead River, main stem.

(a) From the Long Falls Dam to a point 5,100 feet below the dam - Class A.

(b) From a point 5,100 feet below Long Falls Dam to its confluence with the Kennebec River - Class AA.

(2) Dead River, tributaries - Class A unless otherwise specified.

(a) Black Brook below Dead River Hatchery - Class B.

(b) Stratton Brook, Eustis, from the upper Route 16/27 bridge to its confluence with Flagstaff Lake - Class B.

(c) Spenser Stream - Class B A.

See title page for effective date.

CHAPTER 277

H.P. 75 - L.D. 103

An Act to Amend the Law Concerning Family Medical Leave

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

Sec. 1. 26 MRSA §844, as amended by PL 1987, c. 861, §§19 and 20, is further amended to read:

§844. Family medical leave requirement

1. **Family medical leave entitlement.** Every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 8 10 consecutive work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than 25 employees. The following conditions apply to family medical leave granted under this subchapter:

A. The employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice;

B. The employer may require certification from a physician to verify the amount of leave requested by the employee, except that an employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods; and

C. The employer and employee may negotiate for more or less leave, but both parties must agree.

2. **Unpaid leave.** Family medical leave granted under this subchapter may consist of unpaid leave. If an employer provides paid family medical leave for fewer than 8 10 weeks, the additional weeks of leave added to attain the total of 8 10 weeks required may be unpaid.

Sec. 2. 26 MRSA §845, sub-§2, as enacted by PL 1987, c. 661, is amended to read:

2. **Maintenance of employee benefits.** During any family medical leave taken under this subchapter, the employer shall make it possible for employees to continue their employee benefits at the employee's expense. The employer and employee may negotiate for the employer

to maintain benefits at the employer's expense for the duration of the leave.

Sec. 3. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

See title page for effective date.

CHAPTER 278

H.P. 1249 - L.D. 1816

An Act to Allow Municipalities to Request Extensions under the Growth Management Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, several municipalities face a July 1, 1991 deadline for adoption of a comprehensive plan consistent with the Comprehensive Planning and Land Use Regulation Act, after which existing zoning ordinances could be challenged; and

Whereas, invalidation of existing zoning ordinances could result in a number of legal complications for municipalities and private landowners; and

Whereas, other provisions of the Comprehensive Planning and Land Use Regulation Act create deadlines for submission of zoning ordinances to the State for review and comment which, for some municipalities, may pose a severe hardship; 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. 30-A MRSA §4313, sub-§§1 and 2, as enacted by PL 1989, c. 562, §2, are amended to read:

1. **Comprehensive plan.** Any comprehensive plan not consistent with the requirements, goals and guidelines of this subchapter is void 6 12 months after the applicable date established under section 4343, subsection 1. Subject to subsection 2 and notwithstanding section 4352,