

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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(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,