

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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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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,

subsection 2, a zoning ordinance based on a comprehensive plan voided under this subsection remains valid and in effect until amended or repealed.

2. Zoning ordinances. Any zoning ordinance not consistent with a comprehensive plan adopted according to this subchapter is void 18 months after the applicable date established under section 4343, subsection 1 unless the office has extended the deadline for submission of the zoning ordinance pursuant to section 4343, subsection 1-B, in which case any zoning ordinance not consistent with a comprehensive plan adopted according to this subchapter is void 6 months after the extended deadline.

Sec. 2. 30-A MRSA §4326, sub-§5, as amended by PL 1989, c. 562, §6, is further amended to read:

5. Implementation program. An implementation program ~~shall~~ must be adopted that is consistent with the strategies in subsection 3. ~~A Except as otherwise provided in this subsection, a zoning ordinance shall must be adopted within 18 months of the applicable deadline date established in section 4343, subsection 1, with the remainder of the strategies adopted according to the timetable set in the plan and the provisions of section 4313. If the office has extended the deadline for submission of the zoning ordinance pursuant to section 4343, subsection 1-B, a zoning ordinance must be adopted within 6 months after the extended deadline, with the remainder of the strategies adopted according to the timetable set in the plan and the provisions of section 4313.~~

Sec. 3. 30-A MRSA §4343, sub-§1-B, as enacted by PL 1989, c. 562, §10, is repealed and the following enacted in its place:

1-B. Zoning ordinance; schedule. Municipalities shall follow the following schedule for zoning ordinance submission.

A. Each municipality shall submit for review a zoning ordinance proposed as part of its implementation program within one year of the applicable date for submission of the comprehensive plan established under subsection 1.

B. Each municipality may request up to a 6-month extension of the zoning ordinance submission deadline determined under paragraph A. The office shall revise the submission deadline by up to 6 additional months if the office finds that the municipality has made a good faith effort to develop a plan and zoning ordinance consistent with this subchapter and that the municipality is likely to be eligible for state assistance under section 4344, subsection 4.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 14, 1991.

CHAPTER 279

H.P. 661 - L.D. 940

An Act to Increase the Availability of Sign Language Training

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

Sec. 1. 1 MRSA §132 is enacted to read:

§132. Deaf Culture Week

The Governor shall annually issue a proclamation setting aside the last full week in September as Deaf Culture Week. The proclamation must invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study. The Department of Education shall make appropriate information available to the people and the schools within its budget.

Sec. 2. 1 MRSA §219 is enacted to read:

§219. Official state language of the deaf community

American sign language is the official state language of the deaf community.

Sec. 3. 20-A MRSA §4726, as repealed and replaced by PL 1985, c. 178, is amended to read:

§4726. Foreign languages

Each school administrative unit:

1. Required to offer. Shall offer one 2-year sequence in a foreign language; and

2. Encouraged to offer. Is encouraged to offer one or more additional foreign languages as part of its secondary school program; ~~and~~ .

~~**3. American sign language.** May offer American sign language to fulfill the foreign language requirement under subsection 2.~~

American sign language is a foreign language and may be offered to fulfill the requirements of this section.

Sec. 4. 20-A MRSA §4805, sub-§8 is enacted to read:

8. Deaf Culture Week. Deaf Culture Week is the last full week in September in accordance with Title 1, section 132.

Sec. 5. Pilot project. Representatives from the Governor Baxter School for the Deaf, the Department of Education and the University of Maine System shall produce as a pilot project a course of instruction in American