

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

enforcement in fiscal year 1996-97. If, after October 1, 1997, the Commissioner of Inland Fisheries and Wildlife and the State Controller agree that the amount transferred under this section is not sufficient to fully reimburse the warden service for those expenditures, the State Controller shall transfer by October 30, 1997 those additional funds identified by the commissioner and the controller as necessary to fully reimburse the warden service for those costs.

Sec. 5. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer an amount equal to the amounts credited pursuant to the Maine Revised Statutes, Title 12, section 7824, subsection 3, paragraph B, subparagraph (1-A) from the carrying balances-inland fisheries and wildlife program in each fiscal year beginning in fiscal year 1997-98 to the General Fund as undedicated revenue.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Enforcement Operations			
All Other	\$42,000	\$24,536	\$24,536
Provides allocations from the Snowmobile Enforcement Fund to authorize expenditures for snowmobile enforcement activities.			

See title page for effective date.

CHAPTER 514

H.P. 342 - L.D. 464

An Act Regarding Potato Bin Pilers and Refund of Sales Tax

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

Sec. 1. 36 MRSA §2013, sub-§1, ¶C, as repealed and replaced by PL 1993, c. 680, Pt. A, §30, is amended to read:

C. "Depreciable machinery and equipment" means that part of the following machinery and

equipment for which depreciation is allowable under the Code and repair parts for that machinery and equipment:

(1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles, but excluding motor vehicles as defined in section 1752, subsection 7; attachments and equipment for the production of field and orchard crops; ~~and~~ new or used machinery and equipment for use directly and primarily in production of milk, animal husbandry and production of livestock, including poultry; and new or used machinery and equipment not used directly and primarily in commercial agricultural production, but used exclusively to transport potatoes from a truck into a storage location;

(2) New or used watercraft, nets, traps, cables, tackle and related equipment necessary to and used directly and primarily in the operation of a commercial fishing venture, but excluding motor vehicles as defined in section 1752, subsection 7; or

(3) New or used watercraft, machinery or equipment used directly and primarily for aquacultural production, including, but not limited to: nets; ropes; cables; anchors and anchor weights; shackles and other hardware; buoys; fish tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating systems; boilers and related pumping systems; diving equipment; feeders and related equipment; power-generating equipment; tank water-level sensors; aboveground piping; water-oxygenating systems; fish-grading equipment; safety equipment; and sea cage systems, including walkways and frames, lights, netting, buoys, shackles, ropes, cables, anchors and anchor weights; but excluding motor vehicles as defined in section 1752, subsection 7.

See title page for effective date.

CHAPTER 515

S.P. 196 - L.D. 624

An Act to Expand the Family Medical Leave Laws

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

Sec. 1. 26 MRSA §844, sub-§1, as amended by PL 1991, c. 277, §1, is further amended to read:

1. Family medical leave entitlement. Every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 10 consecutive work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than ~~25~~ 15 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.

Sec. 2. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor Standards 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 Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an insufficient supply of those notices or future changes in the law.

See title page for effective date.

CHAPTER 516

S.P. 440 - L.D. 1414

An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office

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

Sec. 1. 5 MRSA §241, as amended by PL 1973, c. 792, §1, is further amended by adding at the end a new paragraph to read:

If a person elected to the office of State Auditor is not qualified as, or has not successfully completed or passed the examination for, a certified public accountant, public accountant or certified internal auditor at the time of election and fails to become so qualified within 9 months of being sworn into office, as required by section 242, that person may no longer serve as State Auditor and is ineligible for reelection by the same Legislature and the office of State Auditor is deemed vacant.

See title page for effective date.

CHAPTER 517

H.P. 591 - L.D. 782

An Act to Ensure the Availability of Expertise on Dam Safety

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

Sec. 1. 37-B MRSA §1065, sub-§5, as enacted by PL 1989, c. 545, §1, is amended to read:

5. Correction of unsafe conditions. After receiving a report on a dam from a state dam inspector, if the director determines that a dam is an imminent threat to the safety of the public, the director may order the owners, lessees or persons in control of the dam to make alterations to the dam or its operations, including, but not limited to:

- A. Breach or removal of the dam;
- B. Repair or maintenance of the dam;
- C. Operation of the dam in a specified manner;
- D. Preparation of and adherence to an emergency operations plan satisfactory to the agency; or
- E. Maintenance of appropriate records relating to water levels, dam operation and dam maintenance.

When the director issues an order under this subsection, the director shall ensure that a state dam inspector is available to provide technical assistance to the owners, lessees or persons in control of the dam and to the municipality in which the dam is located.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.