

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**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.

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**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.

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**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.