

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

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.

1998-99

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

Dam Safety Program

Positions - Legislative Count	(1.000)
Personal Services	\$36,048

Provides for the appropriation of funds for one Dam Inspector position to carry out dam inspections and provide technical assistance in order to carry out the purposes of this Act.

Sec. 3. Nonlapsing funds. Notwithstanding any other provision of law, any balance remaining on June 30, 1997 in the General Fund Maine Emergency Management Agency account in the Department of Defense and Veterans' Services may not lapse but must be carried forward to June 30, 1998 to be used to carry out inspections for the Dam Safety Program as approved by Public Law 1997, chapter 1.

Sec. 4. Effective date. The section of this bill that amends the Maine Revised Statutes, Title 37-B, section 1065, subsection 5 takes effect October 1, 1998.

See title page for effective date, unless otherwise indicated.

CHAPTER 518

H.P. 1216 - L.D. 1716

An Act to Establish Family Development Accounts

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

Whereas, low-income Maine families lack the income and resources to save money and develop assets in a manner that will assist them to overcome poverty and respond to unanticipated crises; and

Whereas, family development accounts are a method to develop the means and incentive for low-income families to invest in their future; and

Whereas, private funding will be more quickly and readily attracted to the State of Maine to match

savings in family development accounts if the legal framework for them is immediately effective; 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. 5 MRSA §12004-I, sub-§25-B is enacted to read:

<u>25-B.</u>	<u>Advisory</u>	<u>Not</u>	<u>10 MRSA</u>
<u>Finance</u>	<u>Committee on</u>	<u>Authorized</u>	<u>§1079</u>
	<u>Family</u>		
	<u>Development</u>		
	<u>Accounts</u>		

Sec. 2. 10 MRSA c. 110, sub-c. IV-A is enacted to read:

SUBCHAPTER IV-A

FAMILY DEVELOPMENT ACCOUNT PROGRAM

§1075. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Account holder. "Account holder" means a person, whose family income is below 200% of the nonfarm income official poverty line as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, subsection 2, who owns a family development account.

2. Community development organization. "Community development organization" means a charitable organization, a community action agency or a nonprofit organization under the Internal Revenue Code, Section 501(c)(3) approved by the authority to administer a family development account program.

3. Family development account; account. "Family development account" or "account" means a financial instrument established pursuant to this subchapter.

4. Family development account reserve fund. "Family development account reserve fund" means the fund created by an approved community development organization for the purposes of funding the adminis-