

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

secretary of the effective date for the statewide standards.

Sec. 6. PL 2003, c. 335, §§7 and 8 are amended to read:

Sec. 7. Review of rules pertaining to timber harvesting in shoreland areas within unorganized and deorganized areas. ~~No later than October 1, 2005, the~~ The Maine Land Use Regulation Commission, in consultation with the Director of the Bureau of Forestry within the Department of Conservation, shall review the commission's rules pertaining to timber harvesting and timber harvesting activities in shoreland areas and provide for the repeal or amendment of rules that duplicate or conflict with the rules adopted by the Commissioner of Conservation pursuant to the Maine Revised Statutes, Title 12, section 8867-B. The commission shall ensure that any necessary changes in rule become effective ~~January 1, 2006~~ on the date established pursuant to Title 38, section 438-B, subsection 5.

Sec. 8. Review of rules pertaining to timber harvesting in shoreland areas. ~~No later than October 1, 2005, the~~ The Commissioner of Environmental Protection, in consultation with the Director of the Bureau of Forestry within the Department of Conservation, shall review rules adopted by the commissioner or the Board of Environmental Protection pertaining to timber harvesting and timber harvesting activities in shoreland areas and provide for the repeal or amendment of rules that duplicate or conflict with the rules adopted by the Commissioner of Conservation pursuant to the Maine Revised Statutes, Title 12, section 8867-B. The Commissioner of Environmental Protection and the board shall ensure that any necessary changes become effective ~~January 1, 2006~~ on the date established pursuant to Title 38, section 438-B, subsection 5.

Sec. 7. Commissioner of Conservation directed to submit legislation. The Commissioner of Conservation, in consultation with the Commissioner of Environmental Protection, shall prepare legislation to make statutory revisions necessary to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas and to further clarify as necessary the responsibilities of the Department of Conservation, Bureau of Forestry in administering and enforcing the standard. The Commissioner of Conservation shall submit the legislation for introduction in the legislative session prior to the effective date for rules adopted pursuant to the Maine Revised Statutes, Title 12, section 8867-B as determined by Title 38, section 438-B, subsection 5.

See title page for effective date.

CHAPTER 227

S.P. 240 - L.D. 742

An Act To Postpone the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund

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

Sec. 1. 2 MRSA §102, sub-§3, as enacted by PL 2003, c. 469, Pt. B, §1, is amended to read:

3. Nonhospital capital expenditures. For the first ~~3~~ 6 years of the plan, the nonhospital component of the capital investment fund must be at least 12.5% of the total.

This subsection is repealed July 1, ~~2007~~ 2008.

See title page for effective date.

CHAPTER 228

H.P. 977 - L.D. 1413

An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law

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

Sec. 1. 26 MRSA §848, as enacted by PL 1987, c. 661, is repealed and the following enacted in its place:

§848. Judicial enforcement

1. Injunction and damages. A civil action may be brought in the appropriate court by an employee against any employer to enforce this subchapter. The court may enjoin any act or practice that violates or may violate this subchapter and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this subchapter. The court also may:

A. Award damages equal to the wages, salary, employment benefits or other compensation denied or lost to the employee by reason of the violation; or

B. Order the employer to pay liquidated damages of \$100 to the employee for each day that the violation continued.

2. Additional damages. The court also may order the employer to pay an additional amount as