

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

---

---

**Augusta, Maine**  
**2010**

|               |     |       |
|---------------|-----|-------|
| OTHER SPECIAL | \$0 | \$500 |
| REVENUE FUNDS |     |       |

See title page for effective date.

## CHAPTER 638

### H.P. 1154 - L.D. 1626

#### An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

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

**Sec. 1. 26 MRSA §1193, sub-§5, ¶A**, as repealed and replaced by PL 1985, c. 506, Pt. A, §51, is amended to read:

A. Dismissal wages, wages in lieu of notice, terminal pay, ~~vacation pay~~ or holiday pay; or

**Sec. 2. Requests for transfers for costs incurred.** Notwithstanding any other provision of law to the contrary, executive branch departments and agencies may request transfers from the Salary Plan program for the additional General Fund and Highway Fund costs incurred as a result of the additional unemployment benefits authorized by this Act.

See title page for effective date.

## CHAPTER 639

### H.P. 1170 - L.D. 1642

#### An Act Relating to Road Noise

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

**Sec. 1. 29-A MRSA §1912, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Muffler required.** A person may not operate a motor vehicle unless that vehicle is equipped with an adequate muffler properly maintained to prevent excessive or unusual noise. For purposes of this subsection, "excessive or unusual noise" includes motor noise emitted by a motor vehicle that is noticeably louder than similar vehicles in the environment.

**Sec. 2. 29-A MRSA §1912, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Amplification prohibited.** A person may not operate a motor vehicle with an exhaust system that has been modified to ~~amplify~~ when the result of that

modification is the amplification or increase ~~the~~ of noise emitted by the motor above that emitted by the muffler originally installed on the vehicle.

**Sec. 3. Working group; excessive highway traffic noise.** The Department of Public Safety, Bureau of State Police shall convene a working group to study issues relating to highway traffic noise, including, but not limited to, unwarranted noise created when an exhaust system is not properly installed or maintained or is altered. The working group must include representatives from municipal and county law enforcement, a commercial motor carrier association, the Department of Transportation, the Maine Turnpike Authority and a neighborhood or neighborhood association affected by highway noise. The working group shall submit a report, including findings and recommendations, to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2011.

See title page for effective date.

## CHAPTER 640

### H.P. 1103 - L.D. 1566

#### An Act Relating to the Membership of the Workers' Compensation Board

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

**Sec. 1. 39-A MRSA §151, sub-§1**, as amended by PL 2003, c. 608, §5, is further amended to read:

**1. Board established.** Pursuant to Title 5, section 12004-G, subsection 35, the Workers' Compensation Board is established as an independent board composed of 7 members. The members of the board, including the executive director, must be appointed by the Governor within 30 days after a new board member is authorized or a vacancy occurs, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature. Notwithstanding the provisions of Title 3, section 157, the designated committee shall complete its review of the appointments of the Governor within 15 days of the Governor's written notice of appointment and the vote of the Legislature must be taken no later than 7 days after the vote of the designated committee.

The board consists of 3 representatives of management, 3 representatives of labor and the executive director appointed pursuant to subsection 1-A. All management representatives must be appointed from a list provided by the Maine Chamber of Commerce and Industry or other bona fide organization or association

of employers. All labor representatives must be from a list provided by the Executive Board of the Maine AFL-CIO or other bona fide labor organization or association of employees representing at least 10% of the Maine work force. Any list submitted to the Governor must have at least 4 times the number of names as there are vacancies for the group represented by the vacancies.

A member of the board is not liable in a civil action for any act performed in good faith in the execution of duties as a board member.

A member of the board may not be a lobbyist required to be registered with the Commission on Governmental Ethics and Election Practices, a service provider to the workers' compensation system or a representative of a service provider to the workers' compensation system. In addition to the conflict of interest provisions in section 152, subsection 8, a member of the board may not take part in reaching a decision or recommendation in any matter that directly affects an insurer, self-insurer, group self-insurer or labor organization that the member represents.

Members of the board representing management and labor hold office for staggered terms of 4 years, commencing and expiring on February 1st, except for initial appointees and members appointed to fill unexpired terms. ~~A member representing management or labor may not serve for more than 2 full terms.~~

See title page for effective date.

## CHAPTER 641

### S.P. 629 - L.D. 1664

#### An Act To Enhance the Redevelopment of the Brunswick Naval Air Station

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

**Whereas,** the imminent closure of the Brunswick Naval Air Station will result in the reduction of state, regional and local tax base; and

**Whereas,** the closure is estimated to negatively affect the State by \$140,000,000; 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 §13083-G**, as enacted by PL 2005, c. 599, §1, is amended to read:

#### **§13083-G. Midcoast Regional Redevelopment Authority established; goals**

The Midcoast Regional Redevelopment Authority is established as a body corporate and politic and a public instrumentality of the State to carry out the purposes of this article. The authority is entrusted with acquiring and managing the properties within the geographic boundaries of Brunswick Naval Air Station.

The authority is established to facilitate the rapid development of the properties within the geographic boundaries of Brunswick Naval Air Station. In order to achieve this objective, the authority shall make every effort to:

**1. Short-term goal.** Recover civilian job losses in the primary impact community resulting from the base closure;

**2. Intermediate goal.** Recover economic losses and total job losses in the primary impact community resulting from the base closure; and

**3. Long-term goal.** Facilitate the maximum redevelopment of base properties.

**Sec. 2. 5 MRSA §13083-I, sub-§4**, as enacted by PL 2005, c. 599, §1, is amended to read:

**4. Liability.** The liability of the authority is governed by the Maine Tort Claims Act. A member of the board of trustees or an employee of the authority is not subject to any personal liability for having acted in the service of the member's or employee's duty as a member of the board or an employee of the authority within the course and scope of membership or employment to carry out a power or duty under this article. The authority shall indemnify a member of the board or an employee of the authority against expenses actually and necessarily incurred in connection with the defense of an action or proceeding in which a member of the board or an employee is made a party by reason of past or present association with the authority.

**Sec. 3. 5 MRSA §13083-L, sub-§5** is enacted to read:

**5. Airport; Brunswick Naval Air Station Fund established.** The authority has all the powers of a municipality to operate as an airport authority under Title 30-A, chapter 213 for use in connection with a public airport, heliport or other location for the landing or taking off of aircraft. To support this operation, there is established a nonlapsing fund to be known as the Brunswick Naval Air Station Airport Fund, referred to in this section as "the fund," for the purpose of receiving funds from the State and gifts, grants, devises, bequests, trusts or security documents. The State shall credit to the fund any appropriation made to the authority in each fiscal year.