

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1752

H.P. 1274

House of Representatives, December 22, 2003

An Act To Update Laws Affecting the Military

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Representative CANAVAN of Waterville.

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

4 **Sec. 1. 5 MRSA §17652, sub-§5**, as reallocated by RR 2003, c.
5 1, §4, is amended to read:

6 **5. Certain members of the Maine National Guard.** A member
7 of the Maine National Guard who is not governed by section 17651
8 and who is on active state service for more than ~~15~~ 5 consecutive
9 days pursuant to Title 37-B may elect to be a member of the Maine
10 State Retirement System. A member of the Maine National Guard on
11 active state service pursuant to Title 37-B who does not elect to
12 participate in the Maine State Retirement System or is not
13 eligible to participate in the Maine State Retirement System
14 shall participate in the United States Social Security System.
15 Once a member of the Maine National Guard makes an election under
16 this subsection, that election is irrevocable. A member of the
17 Maine National Guard on active state service pursuant to Title
18 37-B may participate in the tax-deferred arrangement of chapter
19 67.

20 **Sec. 2. 18-A MRSA §5-207, sub-§(c)**, as amended by PL 1999, c.
21 303, §1, is further amended to read:

22 (c) If necessary, the court may appoint a temporary
23 guardian, with the status of an ordinary guardian of a minor, but
24 the authority of a temporary guardian may not last longer than 6
25 months.

26 Notwithstanding this subsection, if one of the parents of the
27 minor is a member of the Reserves of the United States Armed
28 Forces under an order to active duty for a period of more than 30
29 days, a temporary guardianship that would otherwise expire is
30 automatically extended until 30 days after the parent is no
31 longer under those active duty orders or until an order of the
32 court so provides. This exception applies only if the parent's
33 service is in support of:

34 (1) An operational mission for which members of the reserve
35 components have been ordered to active duty without their
36 consent; or

37 (2) Forces activated during a period of war declared by
38 Congress or a period of national emergency declared by the
39 President or Congress.

40 Notice of hearing on the petition for the appointment of a
41 temporary guardian must be served as provided under subsection
42 (a), except that the notice must be given at least 5 days before
43 the hearing, and notice need not be given to any person whose
44 address and present whereabouts are unknown and ~~cannot~~ can not be

ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.

Sec. 3. 37-B MRSA §147, sub-§2, as amended by PL 2001, c. 662, §21, is further amended to read:

2. Rights. Any person who has served as a commissioned officer in the state military forces for at least 9 years may, upon personal request, be placed upon the retired list. When placed upon the retired list, an officer must be given the highest rank that person held and federally recognized during the person's term of service. ~~If, at the time of the person's retirement, that person has served as a commissioned officer in the state military forces or federal military service for 15 years or more, the person may be retired with a rank one grade higher than the highest rank that person held during the person's service.~~ Retired officers are entitled to wear the uniform of the rank with which they were retired. No commissioned officer in the state military forces may be removed from office without the person's consent, except by sentence of a court-martial or by a board of officers in a manner prescribed by law.

Sec. 4. 37-B MRSA §188, as enacted by PL 1983, c. 460, §3, is repealed.

Sec. 5. 37-B MRSA §306, as enacted by PL 1983, c. 460, §3, is amended to read:

§306. Tax exemption

~~All~~ Notwithstanding Title 36, section 502 or any other provision of law, all real estate and personal property owned or leased by the State, by any municipality, or by any organization of the state military forces and used for military purposes Military Bureau is exempt from all taxation during the period of that ownership or lease and use.

Sec. 6. 37-B MRSA §342, sub-§5, ¶B, as amended by PL 2001, c. 662, §36, is further amended to read:

B. All officials and employees of the State who are members of the National Guard or the Reserves of the United States Armed Forces must have a leave of absence not to exceed 17 work days each calendar year from their respective duties, without loss of pay or time, when ~~engaged~~ in performing military training duty and without loss of time or leave for all other military ~~training~~ duty, during which the members are so engaged.

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SUMMARY

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This bill amends laws relating to military personnel and the tax exemption for military property. It repeals the provision that provides a commanding officer authority, under certain circumstances, to close a place where intoxicating beverages, arms, ammunition or explosives are sold.

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