

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 5/26/15

(Filing No. H-192)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 470, L.D. 694, Bill, "An Act To Improve the Veterans' Services Laws"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 37-B MRSA §504, sub-§4, ¶H is enacted to read:

H. A person is not eligible for interment under this chapter if the person has:

- (1) Been convicted of the crime of murder;
- (2) Been convicted of a crime in another jurisdiction punishable by a sentence of life imprisonment or death;
- (3) Been convicted of a Class A or Class B crime under:
 - (a) Title 17-A, chapter 11;
 - (b) Title 17-A, chapter 12; or
 - (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3);
- (4) Been convicted of a Class C crime under Title 17-A, section 853, subsection 1;
- (5) Been convicted of a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151;
- (6) Been convicted under any other jurisdiction's sex offender laws requiring the person to register for life; or
- (7) Been found to have committed any crime listed in subparagraphs (1) to (6) but has not been convicted because the person has not been available for trial due to the person's death or flight to avoid prosecution. A finding under this subparagraph must be made by the appropriate federal official. Any such finding may be based only upon a showing of clear and convincing evidence, after an

1 opportunity for a hearing in a manner prescribed by the appropriate federal
2 official. For purposes of this subparagraph, "appropriate federal official" means
3 the Secretary of Veterans Affairs, in the case of the National Cemetery
4 Administration, or the Secretary of the Army, in the case of the Arlington
5 National Cemetery.'

6 **SUMMARY**

7 This amendment replaces section 1 of the bill with a new provision regarding who is
8 ineligible for interment in the Maine Veterans' Memorial Cemetery System. The
9 amendment specifies that a person is not eligible for interment if the person has been
10 convicted of the crime of murder; a crime in another jurisdiction punishable by a sentence
11 of life imprisonment or death; a crime under any other jurisdiction's sex offender laws
12 requiring the person to register for life; a military, tribal or federal offense requiring
13 registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006,
14 Public Law 109-248, 42 United States Code, Chapter 151; or a sexual offense requiring a
15 person to register under Maine's sex offender registration acts for life, including a Class C
16 crime under the Maine Revised Statutes, Title 17-A, section 853, subsection 1 or a Class
17 A or Class B crime under:

- 18 1. Title 17-A, chapter 11;
- 19 2. Title 17-A, chapter 12; or
- 20 3. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3).

21 The amendment also specifies that a person is not eligible for interment if the person
22 has been found to have committed any of the previously listed crimes but has not been
23 convicted because the person has not been available for trial due to the person's death or
24 flight to avoid prosecution. Any such finding may be based only upon a showing of clear
25 and convincing evidence, after an opportunity for a hearing in a manner prescribed by the
26 appropriate federal official.

27 **FISCAL NOTE REQUIRED**
28 **(See attached)**



Approved: 05/12/15 *MRC*

127th MAINE LEGISLATURE

LD 694

LR 487(02)

An Act To Improve the Veterans' Services Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-192)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Reduced risk of loss of funds - Federal Expenditures Funds

Fiscal Detail and Notes

This bill prohibits, in accordance with federal law, interment in the Maine Veterans' Memorial Cemetery System if a person has been convicted of certain crimes. Without this provision, federal funding could be withheld if the Veterans' Administration determines an ineligible person has been interred.