

# MAINE STATE LEGISLATURE

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*M*  
*R.C.B.*

L.D. 1744

DATE: 3/18/96

(Filing No. H- 784)

**LEGAL AND VETERANS AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 1269, L.D. 1744, Bill, "An Act to Revise the State Active Service Laws"

Amend the bill by striking out all of the emergency preamble.

Further amend the bill in section 2 in that part designated "~~§181-A.~~" by striking out all of subsections 2 and 3 (page 1, lines 39 to 47 in L.D.) and inserting in their place the following:

'2. By order of a justice or sheriff. In case of, or in the event of imminent danger of, insurrection, invasion, tumult, riot or conspiracy to commit a felony, to offer violence to persons or property or by force to break the laws of this State or the United States, a Justice of the Supreme Judicial Court or a Justice of the Superior Court or a county sheriff may request in writing aid from a commanding officer in the state military forces. The commanding officer to whom the request is made shall order out, in aid of the civil authorities, all or part of the military forces under that commanding officer's command and shall immediately report to the Adjutant General and to that commanding officer's military superior for further instructions. The commanding officer may receive only general directions from the civil authority requesting the aid and remains strictly responsible to the commanding officer's military superior for the manner in which the troops are used to accomplish the desired end.

3. Upon request of local officials. In the event of an emergency requiring immediate action, the commanding officer, upon written request of the mayor of a city, the municipal officers of a town or a municipality, may order out, for the

**COMMITTEE AMENDMENT**

R.O.B.

2 defense or protection of the community, the forces under the  
3 commanding officer's command or any part of those forces. The  
4 commanding officer shall immediately report to the Adjutant  
5 General and to the commanding officer's immediate commanding  
6 officer for further instructions.

7 4. Drug enforcement duties. The Governor may order Maine  
8 National Guard members to active state service to support federal  
9 drug enforcement operations under the National Defense  
10 Authorization Act of 1989.

11 5. Military duty by consent. The Governor, or the  
12 Governor's designee, may order a member of the Maine National  
13 Guard, with that member's consent, to perform active state  
14 service of any nature.'

15 Further amend the bill in section 4 in that part designated  
16 "\$183." in subsection 1 in the 6th line (page 3, line 7 in L.D.)  
17 by striking out the following: "Governor, the Adjutant General,  
18 the Deputy Adjutant General" and inserting in its place the  
19 following: 'Governor,'

20 Further amend the bill by inserting after section 6 the  
21 following:

22 'Sec. 7. Allocation. The following funds are allocated from  
23 Other Special Revenue to carry out the purposes of this Act.

24 1996-97

25 **DEFENSE AND VETERANS'**  
26 **SERVICES, DEPARTMENT OF**

27 **Military Training and**  
28 **Operations**

29	Personal Services	\$100,000
30	All Other	150,000

31 Allocates funds to authorize the Department  
32 of Defense and Veterans' Services to expend  
33 funds received as reimbursement for services  
34 provided by the Maine National Guard.

35	<b>DEPARTMENT OF DEFENSE AND</b>	
36	<b>VETERANS' SERVICES</b>	
37	<b>TOTAL</b>	<u>\$250,000'</u>

38 Further amend the bill by striking out all of the emergency  
39 clause.

H. O. S.

COMMITTEE AMENDMENT "A" to H.P. 1269, L.D. 1744

2 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
4 consecutively.

6 Further amend the bill by inserting at the end before the  
statement of fact the following:

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**FISCAL NOTE**

12

**1996-97**

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**APPROPRIATIONS/ALLOCATIONS**

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Other Funds \$250,000

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**REVENUES**

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Other Funds \$250,000

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Authorizing nonemergency state activations by the Maine National Guard will require additional Other Special Revenue allocations of \$250,000 in fiscal year 1996-97 to authorize the expenditure of funds paid to the Department of Defense and Veterans' Services as reimbursement for services provided by the Maine National Guard. These allocations are based on currently anticipated activations during fiscal year 1996-97.'

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**STATEMENT OF FACT**

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This amendment removes the bill's emergency preamble and emergency clause.

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The amendment also retains existing language allowing a Justice of the Supreme Judicial Court, a Justice of the Superior Court, a county sheriff and certain local officials to request assistance from the state military forces under certain circumstances.

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The amendment also strikes language in the bill that would have allowed the Adjutant General and the Deputy Adjutant General to order a member of the Maine National Guard, with the member's consent, to perform active state service and to order into active state service necessary personnel and equipment of the Maine National Guard. This amendment grants that authority to the Governor or the Governor's designee.

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The amendment also adds an allocation section and a fiscal note to the bill.

**COMMITTEE AMENDMENT**