

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1752

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DATE: 2-21-02

(Filing No. H-837)

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LEGAL AND VETERANS AFFAIRS

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12 the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

18
20 COMMITTEE AMENDMENT "A" to H.P. 1288, L.D. 1752, Bill, "An
Act to Update the Department of Defense, Veterans and Emergency
Management Laws"

22
24 Amend the bill in section 9 in the first paragraph in the
4th line (page 2, line 5 in L.D.) by striking out the following:
26 "Reserve Components" and inserting in its place the following:
'Reserves'

28
30 Further amend the bill in section 10 in subsection 1 in the
9th line (page 2, line 28 in L.D.) by striking out the
following: "Reserve Components" and inserting in its place the
following: 'Reserves'

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34 Further amend the bill in section 10 in subsection 2 in the
3rd line (page 2, line 37 in L.D.) by striking out the
following: "Reserves Reserve Components" and inserting in its
36 place the following: 'Reserves'

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40 Further amend the bill in section 11 in that part designated
"§812." in subsection 2 in paragraph A in the 5th line (page 4,
line 16 in L.D.) by striking out the following: "Reserve
42 Components" and inserting in its place the following: 'Reserves'

44 Further amend the bill by striking out all of section 21.

46 Further amend the bill by striking out all of sections 27
and 28 and inserting in their place the following:

COMMITTEE AMENDMENT

R.O.S.

2 'Sec. 27. 37-B MRSA §264, sub-§3, ¶G, as amended by PL 2001,
4 c. 353, §2, is further amended to read:

6 G. A 6 1/2-acre parcel of land located on the northeasterly
8 side of U.S. Route One across from the Belfast Armory and
part of the parcel of land described in the Waldo County
Registry of Deeds, Book 411, Page 446; and

10 'Sec. 28. 37-B MRSA §264, sub-§3, ¶H, as enacted by PL 2001, c.
12 353, §3, is amended to read:

14 H. The Caribou Armory, located at 55 Bennett Drive,
Caribou, for market value but not including the
16 organizational maintenance shop, known as OMS5, nor the
metal storage building; and

18 'Sec. 29. 37-B MRSA §264, sub-§3, ¶I is enacted to read:

20 I. The Fort Fairfield Armory located at 25 Columbia Street,
22 Fort Fairfield.'

24 Further amend the bill in section 47 in that part designated
"~~§415-A.~~" in subsection 7 in the first line (page 20, line 7 in
L.D.) by striking out the following: "by rule"

26 Further amend the bill by inserting after section 63 the
28 following:

30 'Sec. 64. 37-B MRSA §504, sub-§4, ¶A-1, as repealed and
32 replaced by PL 1999, c. 790, Pt. D, §11, is amended to read:

34 A-1. As used in this subsection, unless the context
indicates otherwise, the following terms have the following
36 meanings.

38 (1) "Eligible dependent" means the wife, husband,
surviving spouse, unmarried minor child, unmarried
dependent child enrolled in secondary school or
40 unmarried adult child who became incapable of
self-support before reaching 18 years of age on account
42 of mental or physical defects.

44 (2) "Eligible veteran" means any person who:

46 (a) Served in the active United States Armed
Forces and who:

703

2 (i) If discharged, received an honorable
4 discharge or a general discharge under
6 honorable conditions, provided that the
discharge was not upgraded through a program
of general amnesty; and

8 ~~(ii) -- Was a resident of the State at the time
10 of entering military service, -- death or the
death of an eligible dependent;~~

12 (b) Served in the Maine National Guard and died
14 as a result of injury, disease or illness
sustained while serving on active state service as
provided in chapter 3, subchapter III; or

16 (d) Served in the Reserve Components of the
18 United States Armed Forces and was entitled to
retired pay under 10 United States Code, chapter
20 1223 or would have been entitled to retired pay
under chapter 1223 except that the person was
22 under 60 years of age.'

24 Further amend the bill in section 72 in that part designated
26 "**§703.**" in subsection 2-A in the 2nd line (page 31, line 27 in
L.D.) by inserting after the following: "coordination" the
following: 'and implementation'

28 Further amend the bill by striking out all of sections 77
30 and 78.

32 Further amend the bill by inserting after section 92 the
following:

34 '**Sec. 93. 37-B MRSA §825**, as enacted by PL 1983, c. 460, §3,
36 is amended by adding at the end a new paragraph to read:

38 Notwithstanding any other provision of law, the Governor may
40 enter into an agreement with the Federal Emergency Management
Agency for debris removal financial assistance and agree on
42 behalf of the State to indemnify the Federal Government against
any claim arising from such removal as required by 42 United
44 States Code, Section 5173.'

46 Further amend the bill by striking out all of sections 98 to
101.

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

R.O.S.

2 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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This bill authorizes the sale of the Caribou Armory and the Fort Fairfield Armory in accordance with established procedures. The sale of these 2 armories will result in increased dedicated revenues to the Capital Repair Account established in the Military Bureau. The amount of revenue can not be determined at this time.

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This bill also eliminates the requirement that the Military Bureau pay the spouse or child of a veteran a maximum of \$300 per year toward the cost of higher education and adds the requirement that State-supported postsecondary vocational schools or institutions of collegiate grade waive mandatory fees and lab fees for spouses and children of veterans. The Maine Technical College System estimates the loss of dedicated revenue from student tuition as a result of these measures to be approximately \$60,500 per year. This estimate is based on an average mandatory course and lab fee of \$800 per year per student and an estimated 55 dependents enrolled. The total loss of revenue may be higher or lower depending on the actual fees waived and the number of dependents enrolled.

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The University of Maine System estimates the loss of dedicated revenue from student tuition as a result of waiving the cost of mandatory course and lab fees to be approximately \$168,000 annually. This estimate is based on the assumption that 254 students, which is the number of students who had their tuition waived under this program in fiscal year 2000-01, would have their mandatory course and lab fees waived. The total loss of revenue to the University of Maine will be higher or lower depending on the actual number of dependents enrolled and the actual fees waived.

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The Department of Defense, Veterans and Emergency Management will incur some minor additional costs for the increased number of veterans who will be eligible for burial in veterans cemeteries. These costs can be absorbed within the department's existing budgeted resources.'

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SUMMARY

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This amendment specifies that the sale of the Caribou Armory must be at market value. Current law states that a veteran is

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COMMITTEE AMENDMENT "A" to H.P. 1288, L.D. 1752

2 eligible for burial in the veterans' cemetery if he or she was a
resident of the State at the time of entering military service or
4 at the time of death. This requirement is repealed by this
amendment. The amendment also authorizes the Governor to enter
6 into an agreement with the Federal Emergency Management Agency
for debris removal financial assistance. Under this agreement
the Governor is authorized to indemnify the Federal Government
8 against any claim arising from such removal as required by
federal law. The amendment also makes several technical changes
10 to the bill and adds a fiscal note to the bill.