

# 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: 5-19-03

(Filing No. S-181)

LEGAL AND VETERANS AFFAIRS

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 516, L.D. 1537, Bill, "An Act To Clarify that the Maine Military Authority Is Part of the Military Bureau"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, the Maine Military Authority is encountering substantial difficulties in executing its cooperative agreements with the United States Department of Defense, National Guard Bureau because it is not absolutely clear that the Maine Military Authority, while not part of the State's combat forces that may be activated by the Governor, is part of the Maine National Guard within the Department of Defense, Veterans and Emergency Management, Military Bureau; and

Whereas, the Military Bureau, Maine National Guard employs close to 200 employees at the former Loring Air Force Base and the Maine Military Authority is funded solely by federal funds; and

COMMITTEE AMENDMENT

2           **Whereas,** the Military Bureau, Maine National Guard plans to  
3 bid on a large federal contract within the next few months before  
4 nonemergency legislation would take effect and clarification in  
5 this Act will facilitate the continued operation and expansion of  
6 the Maine Military Authority; and

8           **Whereas,** the Adjutant General needs legislative  
9 confirmation that transferring the Fort Fairfield Armory to the  
10 Town of Fort Fairfield for the negotiated price is within the  
11 parameters set forth by the Legislature; and

12           **Whereas,** the Town of Fort Fairfield has secured grant  
13 funding to rehabilitate the armory and must take ownership of the  
14 armory as soon as possible or risk losing the grant money;

16           **Whereas,** in the judgment of the Legislature, these facts  
17 create an emergency within the meaning of the Constitution of  
18 Maine and require the following legislation as immediately  
19 necessary for the preservation of the public peace, health and  
20 safety; now, therefore,

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

24           **Sec. 1. 37-B MRSA §101,** as enacted by PL 1983, c. 460, §3, is  
25 amended to read:

26           **§101. Purpose**

28           The Military Bureau ~~shall--have~~ has jurisdiction over and  
29 responsibility for the administration of the state military  
30 forces and the Maine Military Authority.

32           **Sec. 2. 37-B MRSA §102, sub-§1, ¶A,** as enacted by PL 1983, c.  
33 460, §3, is amended to read:

36           A. The Maine Army National Guard and the Maine Air National  
37 Guard, referred to in this Title as the "National Guard,"  
38 when either or both are not in federal service, but not the  
39 Maine Military Authority; and

40           **Sec. 3. 37-B MRSA §264, sub-§3, ¶I,** as enacted by PL 2001, c.  
41 662, §29, is amended to read:

44           I. The Fort Fairfield Armory located at 25 Columbia Street,  
45 Fort Fairfield by means of a quitclaim deed, subject to all  
46 easements of record, to the Inhabitants of the Town of Fort  
47 Fairfield for the sum of \$1 as long as the inhabitants of  
48 the Town of Fort Fairfield agree to indemnify and hold  
49 harmless the State from all claims, including any  
50 environmental clean-up costs that may arise from the land or

2 buildings constituting the Fort Fairfield Armory and this  
3 transfer is determined to be a transfer for not less than  
4 appraised value as specified in subsection 1 in view of the  
5 economic conditions of northern Aroostook County, the  
6 financial contributions made by the Town of Fort Fairfield  
7 to the armory and the environmental conditions existing at  
8 the site.

9  
10 **Sec. 4. 37-B MRSA §391**, as enacted by PL 2001, c. 374, §8, is  
11 amended to read:

12 **§391. Maine Military Authority established**

13  
14 The Maine Military Authority is established as a body  
15 corporate and politic and a public instrumentality of the State  
16 Military Bureau, Maine National Guard, and the exercise of the  
17 powers conferred by this chapter is deemed and held to be the  
18 performance of essential governmental functions. The authority  
19 consists of the Maine Readiness Sustainment Maintenance Center  
20 and shall report to the Adjutant General. The authority exists  
21 for the purpose of, but is not limited to, operating the existing  
22 Maine Readiness Sustainment Maintenance Center, which maintains,  
23 rebuilds, repairs, stores and manufactures equipment for the  
24 United States Department of Defense, National Guard Bureau, and  
25 maintaining, rebuilding, repairing, storing and manufacturing  
26 equipment for the State and its political subdivisions, for the  
27 United States Department of the Army, Department of the Air  
28 Force, Department of the Navy and Department of the Treasury and  
29 for foreign governments in conjunction with the foreign military  
30 sales program of the United States Department of Defense.

31 **Emergency clause.** In view of the emergency cited in the  
32 preamble, this Act takes effect when approved.  
33

34

35

36 **SUMMARY**

37  
38 This amendment replaces the bill. The amendment clarifies  
39 that the Maine Military Authority is a part of the Maine National  
40 Guard within the Department of Defense, Veterans and Emergency  
41 Management, Military Bureau and is under the jurisdiction of the  
42 Military Bureau, while it is not part of the state military  
43 forces. The amendment also specifies that the proposed sale of  
44 the Fort Fairfield Armory for \$1 is for not less than the  
appraised value of that property.

**FISCAL NOTE REQUIRED**  
(See attached)

Approved: 05/16/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1537**

**An Act Regarding the Maine Military Authority and the Sale of the Fort  
Fairfield Armory**

**LR 1891(02)**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-181**

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor revenue increase - Other Special Revenue Funds