

MAINE STATE LEGISLATURE

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Date: 5/24/07

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1129, L.D. 1607, Bill, "An Act To Establish a Fund to Provide American Flags at Veterans' Graves"

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, honoring veterans buried in the Maine Veterans' Memorial Cemetery System by placing the United States flag on their graves is our duty as citizens; and

Whereas, the somber occasion of Memorial Day 2007, the day that we honor the sacrifices of those that served their country, will come to pass prior to the adjournment of the First Regular Session of the 123rd Legislature; and

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

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

Sec. 1. 37-B MRSA §504, sub-§5, as amended by PL 1999, c. 401, Pt. II, §1, is further amended to read:

5. Weekend visitation. The superintendent director of the cemetery system shall arrange visiting hours to provide public access to the cemeteries at least one Saturday or Sunday each month. Regularly scheduled weekly visiting hours may be adjusted to provide for the weekend hours.

Sec. 2. 37-B MRSA §504, sub-§7 is enacted to read:

7. Flag placement program. The director of the cemetery system shall establish a program to facilitate the placement of 12-inch by 18-inch American flags at the graves of veterans buried in the Maine Veterans' Memorial Cemetery System. This program must

1 allow for volunteer organizations to place flags on graves beginning 2 days prior to the
2 day Memorial Day is observed and for removal by volunteer organizations 3 days after
3 the day Memorial Day is observed. The director of the cemetery system shall permit a
4 limited extension beyond the 3 days, so that the flags do not have to be removed in
5 inclement weather. The director of the cemetery system is authorized to use funds as
6 provided in subsection 8 and to accept private donations of flags, tools or other
7 equipment necessary to implement the program.

8 **Sec. 3. 37-B MRSA §504, sub-§8** is enacted to read:

9 **8. Flag placement fund.** There is established the Maine Veterans' Memorial
10 Cemetery Flag Placement Fund, an interest-bearing account, referred to in this subsection
11 as "the fund." The fund receives money appropriated from the General Fund and any
12 other money contributed voluntarily to the fund. All money deposited in the fund and the
13 earnings on that money remain in the fund to be used to implement the flag placement
14 program as described in subsection 7, specifically for the purchase of new flags as needed
15 to ensure each veteran's grave is decorated as required by subsection 7 and as
16 replacements for damaged flags. Money in the fund may not be deposited in the General
17 Fund or any other fund except as specifically provided by law.

18 **Emergency clause.** In view of the emergency cited in the preamble, this
19 legislation takes effect when approved.

20 **SUMMARY**

21 This amendment replaces the bill, which was a concept draft. This amendment
22 establishes a flag placement program that requires the director of the Maine Veterans'
23 Memorial Cemetery System to permit volunteers to place flags on veterans' graves from 2
24 days before to 3 days after Memorial Day. Under this program the director of the
25 cemetery system may accept private donations of flags, tools and other equipment
26 necessary to provide for the placement of flags. The amendment establishes a fund to
27 carry out the purposes of the program. The fund may accept appropriations from the
28 General Fund as well as private donations. The amendment also makes a minor technical
29 change to the Maine Revised Statutes, Title 37-B, section 504, subsection 5.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1607

LR 221(02)

An Act To Establish a Fund to Provide American Flags at Veterans' Graves

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - Other Special Revenue Funds
Current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

The establishment of the Maine Veterans' Memorial Cemetery Flag Placement Fund within the Department of Defense, Veterans and Emergency Management will increase the department's dedicated expenditures and revenues. The amounts will depend on the funds collected by the department for the fund and can not be determined at this time. The establishment of a flag placement program can be implemented by the department by utilizing currently budgeted resources. The immediate costs of procuring flags will be significantly reduced by the May 2007 donation of 13,000 gravesite flags to the State by the American Legion.