

# MAINE STATE LEGISLATURE

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L.D. 1612

Date: 3/17/14

(Filing No. H- 694)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1184, L.D. 1612, Bill, "An Act To Amend the Veterans' Services Laws"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2013, c. 251, §1, is further amended to read:

D. Have the following powers and duties.

(1) The Adjutant General shall administer the department subordinate only to the Governor.

(2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) The Adjutant General may prepare a budget for the department.

(4) The Adjutant General may transfer personnel from one bureau to another within the department.

(5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State who shall credit them to the Construction and Capital Repair Account of the Military Bureau.

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- 1 (8) The Adjutant General may sell for cash to officers of the state military forces,  
2 for their official use, and to organizations of the state military forces, any military  
3 or naval property that is the property of the State. The Adjutant General shall,  
4 with an annual report, render to the Governor an accurate account of the sales and  
5 deposit the proceeds of the sales with the Treasurer of State who shall credit them  
6 to the General Fund.
- 7 (9) The Adjutant General shall represent the state military forces for the purpose  
8 of establishing the relationship between the federal military establishment and the  
9 various state military staff departments.
- 10 (10) The Adjutant General shall accept, receive and administer federal funds for  
11 and on behalf of the State that are available for military purposes or that would  
12 further the intent and specific purposes of this chapter and chapter 3.
- 13 (11) The Adjutant General shall acquire, construct, operate and maintain military  
14 facilities necessary to comply with this Title and Title 32 of the United States  
15 Code and shall operate and maintain facilities now within or hereafter coming  
16 within the jurisdiction of the Military Bureau.
- 17 (12) The Adjutant General may adopt rules pertaining to compliance with state  
18 and federal contracting requirements, subject to Title 5, chapter 375. Those rules  
19 must provide for approval of contracts by the appropriate state agency.
- 20 (13) The Adjutant General shall allocate and supervise any funds made available  
21 by the Legislature to the Civil Air Patrol.
- 22 (14) The Adjutant General shall report at the beginning of each biennium to the  
23 joint standing committee of the Legislature having jurisdiction over veterans'  
24 affairs on any recommended changes or modifications to the laws governing  
25 veterans' affairs, particularly as those changes or modifications relate to changes  
26 in federal veterans' laws. The report must include information on the status of  
27 communications with the United States Department of Veterans Affairs regarding  
28 the potential health risks to and the potential disabilities of veterans who as  
29 members of the Maine National Guard were exposed to environmental hazards at  
30 the Canadian military support base in Gagetown, New Brunswick, Canada.
- 31 (15) The Adjutant General may receive personal property from the United States  
32 Department of Defense that the Secretary of Defense has determined is suitable  
33 for use by agencies in law enforcement activities, including counter-drug  
34 activities, and in excess of the needs of the Department of Defense pursuant to 10  
35 United States Code, Section 2576a, and transfer ownership of that personal  
36 property to state, county and municipal law enforcement agencies  
37 notwithstanding any other provision of law. The Adjutant General may receive  
38 excess personal property from the United States Department of Defense for use  
39 by the department, notwithstanding any other provision of law.
- 40 (16) The Adjutant General may establish a science, mathematics and technology  
41 education improvement program for schoolchildren known as the STARBASE  
42 Program. The Adjutant General may accept financial assistance and in-kind  
43 assistance, advances, grants, gifts, contributions and other forms of financial

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1 assistance from the Federal Government or other public body or from other  
2 sources, public or private, to implement the STARBASE Program. The Adjutant  
3 General may employ a director and other employees, permanent or temporary, to  
4 operate the STARBASE Program.

5 (17) The Adjutant General shall establish a system, to be administered by the  
6 Director of the Bureau of Maine Veterans' Services, to express formally  
7 condolence and appreciation to the closest surviving family members of members  
8 of the United States Armed Forces who, since September 11, 2001, are killed in  
9 action or die as a consequence of injuries that result in the award of a Purple  
10 Heart medal. In accordance with the existing criteria of the department for the  
11 awarding of gold star medals, this system must provide for the Adjutant General  
12 to issue up to 3 gold star medals to family members who reside in the State, one  
13 to the spouse of the deceased service member and one to the parents of the  
14 service member. If the parents of the service member are divorced, the Adjutant  
15 General may issue one medal to each parent. If the service member has no  
16 surviving spouse or parents or if they live outside of the State, the Adjutant  
17 General may issue a gold star medal to the service member's next of kin, as  
18 reported to the department, who resides in the State.

19 (18) The Adjutant General may establish a National Guard Youth Challenge  
20 Program consistent with 32 United States Code, Section 509 (1990). The  
21 Adjutant General may accept financial assistance from the Federal Government  
22 or other public body or from other sources, public and private, to implement the  
23 National Guard Youth Challenge Program. The Adjutant General may employ a  
24 director and other employees, permanent or temporary, to operate the program.

25 (19) The Adjutant General may execute cooperative agreements for purposes  
26 described or defined by this Title and other arrangements necessary to operate the  
27 department.

28 (20) The Adjutant General shall act as the Governor's homeland security advisor.

29 **Sec. 3. 37-B MRSA §505, sub-§2, ¶F**, as amended by PL 2013, c. 365, §1, is  
30 further amended to read:

31 F. A child of a veteran who is attending state-supported postsecondary vocational  
32 schools or institutions of collegiate grade must be admitted free of tuition including  
33 mandatory fees and lab fees for ~~associate's~~ associate and bachelor's programs. The  
34 tuition waiver provided under this paragraph may be reduced by an amount necessary  
35 to ensure that the value of this waiver, combined with all other grants and benefits  
36 received by the student, does not exceed the total cost of education. Room and board  
37 may not be waived. A child of a veteran has 6 academic years from the date of first  
38 entrance to complete 120 credit hours. For degree programs that require more than  
39 120 credit hours, the state-supported postsecondary vocational school or institution of  
40 collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver  
41 is granted, the state-supported postsecondary vocational school or institution of  
42 collegiate grade shall notify the director. The director may waive the limit of 6  
43 consecutive academic years when the recipient's education has been interrupted by  
44 severe medical disability, learning disability, illness or other hardship, making

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1 continued attendance impossible, however, the extension may not exceed 2 academic  
2 years. Students must maintain at least a 2.0 or "C" grade point average to continue  
3 receiving educational benefits. If a student's grade point average falls below 2.0 or a  
4 "C," then the student has one semester to bring the grade point average up to at least  
5 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a  
6 "C," the student loses educational benefits under this paragraph until the student  
7 achieves a grade point average of at least 2.0 or a "C."

8 Amend the bill by inserting after section 3 the following:

9 **'Sec. 4. 37-B MRSA §514, sub-§2,** as enacted by PL 2013, c. 128, §3, is  
10 amended to read:

11 **2. Veteran service officers at veterans hospital.** Sixty-four thousand five hundred  
12 dollars annually to each veterans' service organization that has funded and maintained a  
13 veteran service officer at the Veterans Administration Hospital at Togus for at least one  
14 year as of January 1, 2013. If revenues in the fund are insufficient to make the full  
15 amount of the distributions required by this subsection, the director shall divide the  
16 amount of available funds equally between the veterans' service organizations; and'

17 Amend the bill by inserting after section 4 the following:

18 **'Sec. 5. Transfer of funds; Department of Defense, Veterans and**  
19 **Emergency Management.** Notwithstanding any other provision of law, on or before  
20 August 15, 2014, the State Controller shall transfer \$15,000 from the Veterans Services  
21 program, General Fund account within the Department of Defense, Veterans and  
22 Emergency Management to the State House and Capitol Park Commission program,  
23 Other Special Revenue Funds account within the Legislature for the design and  
24 construction of a plaque to honor veterans of the State who have participated in military  
25 campaigns and operations and who are not honored by existing plaques, as authorized by  
26 Resolve 2011, chapter 163.

27 **Sec. 6. Appropriations and allocations.** The following appropriations and  
28 allocations are made.

29 **LEGISLATURE**

30 **State House and Capitol Park Commission 0615**

31 Initiative: Provides an allocation for a contract to design and construct a plaque to honor  
32 veterans of the State.

33	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
34	All Other	\$0	\$15,000
35			
36	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$15,000</b>
37			

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
39 section number to read consecutively.

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**SUMMARY**

This amendment adds several new sections to the bill. It requires the Adjutant General to include in the biennial report to the joint standing committee of the Legislature having jurisdiction over veterans affairs information on the status of communications with the United States Department of Veterans Affairs regarding the impact of environmental hazards on Maine National Guard veterans who were stationed in Gagetown, New Brunswick, Canada. The amendment provides that a postsecondary educational institution that provides tuition waivers to dependents of veterans may provide tuition waivers beyond 120 credit hours when a degree program requires more than 120 credit hours. The amendment also provides that, if revenues to the Coordinated Veterans Assistance Fund are insufficient to cover the full distribution for veteran service officers at Togus, the available funds will be divided equally between the veterans' service organizations. Finally, the amendment authorizes the transfer of \$15,000 from the Veterans Services program, General Fund account to the State House and Capitol Park Commission program, Other Special Revenue Funds account for design and construction of a plaque to honor veterans of the State in accordance with Resolve 2011, chapter 163.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 1612

LR 2546(02)

## An Act To Amend the Veterans' Services Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-694)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

### Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$15,000	\$0	\$0
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$15,000	\$0	\$0
<b>Transfers</b>				
General Fund	\$0	(\$15,000)	\$0	\$0
Other Special Revenue Funds	\$0	\$15,000	\$0	\$0

#### Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation to the Legislature for the design and construction of a plaque to honor veterans of the State. The funding comes from a transfer from the Department of Defense, Veterans and Emergency Management, Veterans Services General Fund account to the Legislature, State House Capitol Park Commission Other Special Revenue Funds account.

Additional costs to the University of Maine System, Maine Community College System and Maine Maritime Academy associated with granting a tuition waiver can be absorbed within existing budgeted resources.

Additional costs to the Department of Defense, Veterans and Emergency Management and Treasurer of State associated with serving on the Board can be absorbed within existing budgeted resources.