

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1655

S.P. 648

In Senate, December 23, 2013

An Act To Amend the Military Bureau Laws

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TUTTLE of York.

Cosponsored by Representative BEAULIEU of Auburn and

Representatives: FOWLE of Vassalboro, KINNEY of Limington, LONGSTAFF of Waterville, SAUCIER of Presque Isle, SCHNECK of Bangor.

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

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

4 D. Have the following powers and duties.

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

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

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

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

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

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

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

26 (8) The Adjutant General may sell for cash to officers of the state military forces,
27 for their official use, and to organizations of the state military forces, any military
28 or naval property that is the property of the State. The Adjutant General shall,
29 with an annual report, render to the Governor an accurate account of the sales and
30 deposit the proceeds of the sales with the Treasurer of State, who shall credit
31 them to the General Fund.

32 (9) The Adjutant General shall represent the state military forces for the purpose
33 of establishing the relationship between the federal military establishment and the
34 various state military staff departments.

35 (10) The Adjutant General shall accept, receive and administer federal funds for
36 and on behalf of the State that are available for military purposes or that would
37 further the intent and specific purposes of this chapter and chapter 3. The
38 Adjutant General shall provide the personnel, supplies, services and matching
39 funds required by a federal cost-sharing arrangement pursuant to 31 United States
40 Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National
41 Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and

1 property and an accounting for all expenditures and property acquired through
2 such a federal cost-sharing arrangement and make returns and reports concerning
3 those expenditures and that property as required by such a federal cost-sharing
4 arrangement.

5 (11) The Adjutant General shall acquire, construct, operate and maintain military
6 facilities necessary to comply with this Title and Title 32 of the United States
7 Code and shall operate and maintain facilities now within or hereafter coming
8 within the jurisdiction of the Military Bureau.

9 (12) The Adjutant General may adopt rules pertaining to compliance with state
10 and federal contracting requirements, subject to Title 5, chapter 375. Those rules
11 must provide for approval of contracts by the appropriate state agency.

12 (13) The Adjutant General shall allocate and supervise any funds made available
13 by the Legislature to the Civil Air Patrol.

14 (14) The Adjutant General shall report at the beginning of each biennium to the
15 joint standing committee of the Legislature having jurisdiction over veterans'
16 affairs on any recommended changes or modifications to the laws governing
17 veterans' affairs, particularly as those changes or modifications relate to changes
18 in federal veterans' laws.

19 (15) The Adjutant General may receive personal property from the United States
20 Department of Defense that the Secretary of Defense has determined is suitable
21 for use by agencies in law enforcement activities, including counter-drug
22 activities, and in excess of the needs of the Department of Defense pursuant to 10
23 United States Code, Section 2576a, and transfer ownership of that personal
24 property to state, county and municipal law enforcement agencies
25 notwithstanding any other provision of law. The Adjutant General may receive
26 excess personal property from the United States Department of Defense for use
27 by the department, notwithstanding any other provision of law.

28 (16) The Adjutant General may establish a science, mathematics and technology
29 education improvement program for schoolchildren known as the STARBASE
30 Program. The Adjutant General may accept financial assistance and in-kind
31 assistance, advances, grants, gifts, contributions and other forms of financial
32 assistance from the Federal Government or other public body or from other
33 sources, public or private, to implement the STARBASE Program. The Adjutant
34 General may employ a director and other employees, permanent or temporary, to
35 operate the STARBASE Program.

36 (17) The Adjutant General shall establish a system, to be administered by the
37 Director of the Bureau of Maine Veterans' Services, to express formally
38 condolence and appreciation to the closest surviving family members of members
39 of the United States Armed Forces who, since September 11, 2001, are killed in
40 action or die as a consequence of injuries that result in the award of a Purple
41 Heart medal. In accordance with the existing criteria of the department for the
42 awarding of gold star medals, this system must provide for the Adjutant General
43 to issue up to 3 gold star medals to family members who reside in the State, one
44 to the spouse of the deceased service member and one to the parents of the

1 service member. If the parents of the service member are divorced, the Adjutant
2 General may issue one medal to each parent. If the service member has no
3 surviving spouse or parents or if they live outside of the State, the Adjutant
4 General may issue a gold star medal to the service member's next of kin, as
5 reported to the department, who resides in the State.

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

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

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

16 **Sec. 2. 37-B MRSA §154**, as amended by PL 2003, c. 488, §2 and affected by §5,
17 is further amended to read:

18 **§154. Capital Repair, Maintenance, Construction and Acquisition Account**

19 Except as provided in section 353, the Capital Repair, Maintenance, Construction and
20 Acquisition Account is established in the Military Bureau as a nonlapsing fund to assist in
21 defraying the capital repair, maintenance and construction of state-owned properties of
22 the Military Bureau, as well as purchasing land for training sites. The bureau may not
23 spend ~~\$300,000~~ \$1,000,000 or more for any single capital repair project unless that
24 expenditure is approved in advance by the Legislature. Not later than January 1st of each
25 odd-numbered year, the bureau shall submit a list to the Legislature that identifies the
26 location, nature and cost of each planned capital repair project costing less than ~~\$300,000~~
27 \$1,000,000. Maintenance, construction and acquisition projects are not subject to the
28 reporting requirement.

29 **Sec. 3. 37-B MRSA §264, sub-§1**, as amended by PL 2001, c. 559, Pt. PP, §1, is
30 further amended to read:

31 **1. Sale of property; proceeds.** The Adjutant General shall designate an officer to
32 inspect military property, real and personal, and may condemn any inspected property
33 that the Adjutant General determines to be unfit for use by the military. Property
34 condemned under this subsection may be sold by the Adjutant General. Real property
35 condemned under this subsection may not be sold for less than its appraised value as
36 determined by a person licensed as a real estate appraiser under Title 32, chapter 124.

37 All proceeds from the sale of condemned property must be paid into the State Treasury
38 and credited to the Capital Repair, Maintenance, Construction and Acquisition Account
39 of the Military Bureau established under section 154. ~~For fiscal year 2002-03 only,~~
40 ~~proceeds up to \$300,000 from the sale of condemned property must be paid into the State~~
41 ~~Treasury and credited to the National Guard Education Assistance Pilot Program~~
42 ~~established under Resolve 1999, chapter 121. Funds not used for National Guard~~

1 ~~Education Assistance Pilot Program purposes must be paid into the Capital Repair~~
2 ~~Account of the Military Bureau.~~

3 **Sec. 4. 37-B MRSA §264, sub-§2**, as enacted by PL 1995, c. 684, §3, is amended
4 to read:

5 **2. Designation of property; sale.** The Adjutant General may sell an armory or other
6 real property of the Military Bureau if the Adjutant General has:

7 A. Completed the appraisal required under subsection 1; and

8 B. Except as provided in subsection 3, obtained approval of the Legislature to sell
9 that armory or other real property. For the purposes of this subsection, the term
10 "approval of the Legislature" means the enactment by the Legislature and signing by
11 the Governor of a resolve authorizing the sale of that armory or other real property.

12 All proceeds of the sale of an armory or other real property under this subsection must be
13 paid into the State Treasury and credited to the Capital Repair, Maintenance,
14 Construction and Acquisition Account of the Military Bureau established under section
15 154.

16 **Sec. 5. 37-B MRSA §353**, as enacted by PL 2003, c. 488, §4 and affected by §5,
17 is amended to read:

18 **§353. Tuition grant for member**

19 A member who meets the prerequisites of section 354 is entitled to a tuition benefit
20 that may not exceed tuition costs incurred at any state postsecondary education
21 institution. A member who attends classes in Maine at a regionally accredited private
22 Maine college or university is entitled to a tuition benefit that may not exceed the tuition
23 costs incurred at that private college or university or a tuition benefit not to exceed tuition
24 assessed for a similar degree program at any state postsecondary education institution,
25 whichever is less. Notwithstanding any other provision of law, the Maine National Guard
26 shall use federal funds; state general funds not to exceed \$5,000 in any fiscal year; or
27 state funds from the Armory Rental Fund as established in section 152, the Capital
28 Repair, Maintenance, Construction and Acquisition Account as established in section 154
29 or the reimbursement fund as established in section 155 or from revenue generated by the
30 Maine Military Authority to pay tuition benefits.

31 **Sec. 6. 37-B MRSA §399, sub-§1**, as enacted by PL 2013, c. 251, §4, is amended
32 to read:

33 **1. Capital repairs; tuition assistance.** An account established within the Military
34 Bureau to be used for capital repairs ~~and~~, maintenance, construction and acquisition of
35 state military facilities and Maine National Guard tuition assistance;

36 **SUMMARY**

37 This bill specifies the duties of the Adjutant General as they relate to federal cost-
38 sharing arrangements.

1 The bill renames the Capital Repair Account the Capital Repair, Maintenance,
2 Construction and Acquisition Account, specifies how the funds in that account may be
3 spent and raises from \$300,000 or more to \$1,000,000 or more the cost of a capital repair
4 project for which approval by the Legislature is required.