

# MAINE STATE LEGISLATURE

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L.D. 1612

Date: 3-30-16

(Filing No. H-617)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1100, L.D. 1612, Bill, "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services"

Amend the amendment by striking out everything after the first occurrence of "Amend the bill" and inserting the following:

'by striking out the title and substituting the following:

**'An Act To Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'PART A**

**Sec. A-1. 37-B MRSA §3, sub-§1, ¶D**, as amended by PL 2013, c. 469, §1 and c. 569, §2, 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

**HOUSE AMENDMENT**

1 Governor as to the condition of the military forces, and as to all business  
2 transactions of the Military Bureau, including detailed statements of expenditures  
3 for military purposes.

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

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

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

19 (10) The Adjutant General shall accept, receive and administer federal funds for  
20 and on behalf of the State that are available for military purposes or that would  
21 further the intent and specific purposes of this chapter and chapter 3. The  
22 Adjutant General shall provide the personnel, supplies, services and matching  
23 funds required by a federal cost-sharing arrangement pursuant to 31 United States  
24 Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National  
25 Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and  
26 property and an accounting for all expenditures and property acquired through  
27 such a federal cost-sharing arrangement and make returns and reports concerning  
28 those expenditures and that property as required by such a federal cost-sharing  
29 arrangement.

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

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

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

39 (14) The Adjutant General shall report at the beginning of each biennium to the  
40 joint standing committee of the Legislature having jurisdiction over veterans'  
41 affairs on any recommended changes or modifications to the laws governing  
42 veterans' affairs, particularly as those changes or modifications relate to changes  
43 in federal veterans' laws. The report must include information on the status of

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- 1 communications with the United States Department of Veterans Affairs regarding  
2 the potential health risks to and the potential disabilities of veterans who as  
3 members of the Maine National Guard were exposed to environmental hazards at  
4 the Canadian military support base in Gagetown, New Brunswick, Canada.
- 5 (15) The Adjutant General may receive personal property from the United States  
6 Department of Defense that the Secretary of Defense has determined is suitable  
7 for use by agencies in law enforcement activities, including counter-drug  
8 activities, and in excess of the needs of the Department of Defense pursuant to 10  
9 United States Code, Section 2576a, and transfer ownership of that personal  
10 property to state, county and municipal law enforcement agencies  
11 notwithstanding any other provision of law. The Adjutant General may receive  
12 excess personal property from the United States Department of Defense for use  
13 by the department, notwithstanding any other provision of law.
- 14 (16) The Adjutant General may establish a science, mathematics and technology  
15 education improvement program for schoolchildren known as the STARBASE  
16 Program. The Adjutant General may accept financial assistance and in-kind  
17 assistance, advances, grants, gifts, contributions and other forms of financial  
18 assistance from the Federal Government or other public body or from other  
19 sources, public or private, to implement the STARBASE Program. The Adjutant  
20 General may employ a director and other employees, permanent or temporary, to  
21 operate the STARBASE Program.
- 22 (17) The Adjutant General shall establish a system, to be administered by the  
23 Director of the Bureau of Maine Veterans' Services, to express formally  
24 condolence and appreciation to the closest surviving family members of members  
25 of the United States Armed Forces who, since September 11, 2001, are killed in  
26 action or die as a consequence of injuries that result in the award of a Purple  
27 Heart medal. In accordance with the existing criteria of the department for the  
28 awarding of gold star medals, this system must provide for the Adjutant General  
29 to issue up to 3 gold star medals to family members who reside in the State, one  
30 to the spouse of the deceased service member and one to the parents of the  
31 service member. If the parents of the service member are divorced, the Adjutant  
32 General may issue one medal to each parent. If the service member has no  
33 surviving spouse or parents or if they live outside of the State, the Adjutant  
34 General may issue a gold star medal to the service member's next of kin, as  
35 reported to the department, who resides in the State.
- 36 (18) The Adjutant General may establish a National Guard Youth Challenge  
37 Program consistent with 32 United States Code, Section 509 (1990). The  
38 Adjutant General may accept financial assistance from the Federal Government  
39 or other public body or from other sources, public and private, to implement the  
40 National Guard Youth Challenge Program. The Adjutant General may employ a  
41 director and other employees, permanent or temporary, to operate the program.
- 42 (19) The Adjutant General may execute cooperative agreements for purposes  
43 described or defined by this Title and other arrangements necessary to operate the  
44 department.

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

2 (21) The Adjutant General shall implement a program to identify residents of the  
 3 State who are not considered veterans but are military retirees or former members  
 4 of the Maine Army National Guard or Maine Air National Guard who  
 5 successfully completed service.

6 **Sec. A-2. 37-B MRSA §501, first ¶**, as amended by PL 1997, c. 455, §17, is  
 7 further amended to read:

8 The Bureau of Maine Veterans' Services, referred to in this chapter as the "bureau," is  
 9 established and shall provide informational services, program assistance, memorial  
 10 facilities and financial aid to veterans in the State and their dependents in order to ensure  
 11 that they receive all entitlements due under the law, are relieved to the extent possible of  
 12 financial hardship, receive every opportunity for self-improvement through higher  
 13 education and are afforded proper recognition for their service and sacrifice to the Nation.  
 14 The bureau shall serve as the primary source of information for veterans in the State  
 15 regarding all services, benefits and honors administered by the State and, to the maximum  
 16 extent possible, services and benefits provided by the United States Department of  
 17 Veterans Affairs, veterans' service organizations and other organizations dedicated to  
 18 servicing veterans.

19 **Sec. A-3. 37-B MRSA §503, sub-§§7 and 8** are enacted to read:

20 **7. Marketing and outreach program.** The director shall implement, as a core  
 21 function of the bureau, a marketing and outreach program to increase, to the greatest  
 22 extent practicable, awareness of services and benefits available to veterans and family  
 23 members of veterans and to encourage veterans to seek the benefits and services to which  
 24 they are entitled. The director is authorized to employ personnel dedicated to the  
 25 marketing and outreach program objectives described in this subsection. The director is  
 26 authorized to enter into memoranda of understanding with other state agencies to allow  
 27 for the sharing of information to achieve the objectives of the program. Upon request of  
 28 the director, agencies required to enter into memoranda of understanding with the director  
 29 include, but are not limited to, the Bureau of Motor Vehicles under the Department of the  
 30 Secretary of State, the Bureau of Parks and Lands under the Department of Agriculture,  
 31 Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the  
 32 Department of Health and Human Services, the University of Maine System and the  
 33 Maine Community College System. The marketing and outreach program objectives  
 34 must include, but are not limited to:

- 35 A. Identifying residents of the State who are veterans;
- 36 B. Increasing awareness of the bureau for veterans and family members of veterans;
- 37 C. Implementing media and technology to encourage veterans to self-identify to the  
 38 bureau and communicating to veterans and family members of veterans about the  
 39 services and benefits available to them;
- 40 D. Attendance by bureau personnel at events organized for and by veterans that, as  
 41 determined by the director, facilitate the objectives of this subsection; and

1           E. Establishing benchmarks to measure the effectiveness of marketing and outreach  
2           efforts.

3           The program objectives listed in this subsection may also be used to assist the  
4           commissioner to identify residents of this State who are military retirees or former  
5           members of the Army National Guard or Air National Guard who completed service  
6           requirements but never served on active duty pursuant to section 3, subsection 1,  
7           paragraph D, subparagraph (21).

8           **8. Records management system.** The director shall acquire and maintain an  
9           electronic database with secured remote access capabilities to facilitate management of  
10           records of veterans, spouses of veterans and veterans' dependents served by the bureau.  
11           When selecting a records management system, the director shall ensure that, at a  
12           minimum, the system supports the bureau in meeting the following objectives:

- 13           A. Reducing reliance on paper records;
- 14           B. Allowing for immediate access by authorized users to update records;
- 15           C. Displaying a complete record of assistance provided by the bureau to veterans and  
16           veterans' family members; and
- 17           D. Providing efficient and timely customer service to veterans seeking assistance  
18           from the bureau.

19           **Sec. A-4. 37-B MRSA §503-B** is enacted to read:

20           **§503-B. Bureau of Maine Veterans' Services Special Operations Fund**

21           The Bureau of Maine Veterans' Services Special Operations Fund, referred to in this  
22           section as "the fund," is established as a dedicated, nonlapsing account that must be used  
23           exclusively for the purposes listed in this section. The fund may not be used for the  
24           general administrative costs or general operating expenses of the bureau. The fund must  
25           be used to support the following initiatives.

26           **1. Reducing homelessness among veterans.** The bureau shall use the fund for  
27           efforts by the bureau to address homelessness among veterans, including, but not limited  
28           to, funding the costs of a veteran service officer who is specifically assigned the duties of  
29           addressing veteran homelessness and the costs incurred by the bureau by the requirement  
30           that the director or the director's designee serve on the Statewide Homeless Council under  
31           Title 30-A, chapter 202, subchapter 5-A and the responsibilities associated with that  
32           membership.

33           **2. Mobile veteran service officers.** The bureau shall use the fund to fund the costs  
34           of employment of 2 veteran service officers who are not assigned to a specific region or  
35           office but who are directed to work in parts of the State or on issues for which there is the  
36           greatest need among veterans as determined by the director.

37           **3. Records management system.** The bureau shall use the fund to pay for the costs  
38           of the acquisition and ongoing maintenance of an electronic records management system  
39           as required by section 503, subsection 8.

40           **4. Marketing and outreach.** The bureau shall use the fund to fund the costs of  
41           meeting the objectives described by section 503, subsection 7 for a marketing and

1 outreach program to increase awareness of services and benefits available to veterans and  
2 their family members, including the costs of employing a dedicated, full-time outreach  
3 coordinator. The director shall dedicate no less than 20% of the money in the fund  
4 toward marketing and outreach, including contracting for the professional services of a  
5 marketing firm to facilitate meeting the objectives described in section 503, subsection 7.

6 **Sec. A-5. Director of the Bureau of Maine Veterans' Services to establish**  
7 **mobile Veteran Service Officer positions.** No later than October 15, 2016, the  
8 Director of the Bureau of Maine Veterans' Services within the Department of Defense,  
9 Veterans and Emergency Management shall establish 2 additional Veteran Service  
10 Officer positions within the bureau. The positions may not be assigned exclusively to a  
11 particular region or office within the State but must be used to assist veterans in the State  
12 where the demand for services is greatest, as determined by the director.

13 **PART B**

14 **Sec. B-1. 30-A MRSA §5047, sub-§1,** as amended by PL 2007, c. 600, §2, is  
15 further amended to read:

16 **1. Membership; chair.** The council consists of ~~13~~ 14 members appointed as  
17 follows:

- 18 A. Six members appointed by the Governor, 2 from each of 3 regional homeless  
19 councils, based on nominations provided by the 3 regional homeless councils;
- 20 B. The Director of the Maine State Housing Authority;
- 21 C. Three members appointed jointly by the President of the Senate and the Speaker  
22 of the House, one from each of 3 regional homeless councils, based on nominations  
23 provided by the 3 regional homeless councils;
- 24 D. One member representing the Office of the Governor, who serves as the chair;
- 25 E. The Commissioner of Health and Human Services or the commissioner's  
26 designee; ~~and~~
- 27 F. The Commissioner of Corrections or the commissioner's designee; and
- 28 G. The Director of the Bureau of Maine Veterans' Services or the director's designee.

29 **Sec. B-2. 30-A MRSA §5048, sub-§7,** as amended by PL 2007, c. 600, §4, is  
30 further amended to read:

31 **7. Review, monitor and implement plans.** On an annual basis, review and  
32 comment on plans submitted pursuant to Title 34-B, section 1221 and propose  
33 amendments and updates to and implement a plan to end homelessness; ~~and~~

34 **Sec. B-3. 30-A MRSA §5048, sub-§8,** as enacted by PL 2007, c. 600, §5, is  
35 amended to read:

36 **8. Advise departments.** Advise the Department of Corrections and the Department  
37 of Health and Human Services on issues related to homelessness and other issues related  
38 to the duties of the council; and



1           **Sec. B-4. 30-A MRSA §5048, sub-§9** is enacted to read:

2           **9. Develop strategic plan regarding homelessness among veterans.** Develop  
3 strategies to enhance coordination and communication among agencies and organizations  
4 that provide services that seek to place veterans in permanent housing and that seek to  
5 improve access to services known to support housing stability for veterans who are  
6 experiencing homelessness or veterans who are at risk of homelessness. The council shall  
7 develop and periodically review a strategic plan that:

8           A. Establishes a baseline for homelessness in the State from which improvements  
9 can be measured. In determining the baseline, the council is not required to use the  
10 federal definition of homelessness and may include levels of housing instability or  
11 ranges of homelessness;

12           B. Develops a method of measuring homelessness among veterans in the State to  
13 demonstrate whether efforts to reduce the number of homeless veterans in the State  
14 have been successful;

15           C. Identifies specific processes for improving communication among agencies that  
16 provide services to veterans, including services unrelated to homelessness, that will  
17 facilitate identification of veterans in need of housing assistance or veterans who may  
18 be at risk of homelessness and maximize resources available to address homelessness  
19 among veterans; and

20           D. Develops a framework and timeline for determining progress of communication  
21 and coordination efforts targeting homelessness among veterans and the effectiveness  
22 of those efforts in reducing homelessness among veterans.

23           The Director of the Bureau of Maine Veterans' Services shall periodically report to the  
24 council regarding the progress of implementing the strategies described in this subsection.  
25 Beginning February 1, 2018, the director shall report annually to the joint standing  
26 committee of the Legislature having jurisdiction over veterans affairs on the  
27 implementation of the strategic plan. The report must include, but is not limited to, the  
28 effect of the strategic plan on homelessness among veterans based on the measurements  
29 required to be established by this subsection.

30           **Sec. B-5. Development of initial strategic plan.** By February 15, 2017, the  
31 Statewide Homeless Council, established in the Maine Revised Statutes, Title 30-A,  
32 chapter 202, subchapter 5-A, shall develop an initial strategic plan pursuant to Title 30-A,  
33 section 5048, subsection 9.

34           **Sec. B-6. Report to Legislature.** By March 1, 2017, the Director of the Bureau  
35 of Maine Veterans' Services within the Department of Defense, Veterans and Emergency  
36 Management shall present the strategic plan developed pursuant to the Maine Revised  
37 Statutes, Title 30-A, section 5048, subsection 9, including a description of the process  
38 used to develop it, to the joint standing committee of the Legislature having jurisdiction  
39 over veterans affairs.

40           **Sec. B-7. Director of the Bureau of Maine Veterans' Services to establish**  
41 **Veteran Service Officer position.** No later than February 1, 2017, the Director of the  
42 Bureau of Maine Veterans' Services within the Department of Defense, Veterans and  
43 Emergency Management shall establish one additional Veteran Service Officer position

1 within the bureau. Duties must include coordination of efforts to address homelessness  
2 among veterans in the State.

3 **PART C**

4 **Sec. C-1. 36 MRSA §1760, sub-§100** is enacted to read:

5 100. Certain veterans' service organizations. Sales to an organization that  
6 provides services to veterans and their families that is chartered under 36 United States  
7 Code, Subtitle II, Part B, including posts or local offices of that organization, and that is  
8 recognized as a veterans' service organization by the United States Department of  
9 Veterans Affairs.

10 **Sec. C-2. Effective date.** This Part takes effect August 1, 2016.

11 **PART D**

12 **Sec. D-1. 30-A MRSA §6054, sub-§§3 to 5**, as enacted by PL 2013, c. 269, Pt.  
13 B, §2, are amended to read:

14 **3. Use of fund during bond retirement period; fiscal years before July 1, 2017.**  
15 Money in the fund must be held and applied solely to the payment of the liquor operation  
16 revenue bonds and any ancillary obligations secured by the fund as the bonds and  
17 ancillary obligations become due and payable and for the retirement of liquor operation  
18 revenue bonds, including costs of administering the fund, the bonds and the ancillary  
19 obligations and the payment of any redemption premium required to be paid when any  
20 liquor operation revenue bonds are redeemed or retired before maturity or for the  
21 payment of ancillary obligations; except that, to the extent there is money in the fund not  
22 needed in accordance with terms of the liquor operation revenue bonds and ancillary  
23 obligations, before June 30th of each year, the bond bank shall withdraw an amount not  
24 exceeding \$16,714,844 in the fiscal year ending June 30, 2015, \$16,639,000 in the fiscal  
25 year ending June 30, 2016 and ~~\$16,817,000~~ \$18,045,720 in the fiscal year ending June  
26 30, 2017 to be paid to the State and distributed in the manner and priority as follows:

27 A. First, to the General Fund as undedicated revenue up to \$9,714,884 in the fiscal  
28 year ending June 30, 2015, \$9,639,000 in the fiscal year ending June 30, 2016 and  
29 ~~\$9,817,000~~ \$9,897,546 in the fiscal year ending June 30, 2017;

30 A-1. Second, to the Bureau of Maine Veterans' Services Special Operations Fund  
31 established under Title 37-B, section 503-B in the fiscal year ending June 30, 2017,  
32 \$548,174. Distributions required by this paragraph must be made before October 1,  
33 2016;

34 A-2. Third, to the Maine National Guard Postsecondary Fund established under Title  
35 37-B, section 353-A for tuition assistance for Maine National Guard members in the  
36 fiscal year ending June 30, 2017, \$600,000. Distributions required by this paragraph  
37 must be made before October 1, 2016;

38 B. ~~Second~~ Fourth, the remainder, if any, in each fiscal year divided in equal amounts  
39 to an account within the Department of Health and Human Services and an account  
40 within the Department of Environmental Protection, up to \$3,500,000 per account or

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1 the maximum amount allowed for federal matching funds purposes under federal  
2 water programs, whichever is less, to be used for revolving loan funds for drinking  
3 water systems and wastewater treatment; and

4 C. ~~Third~~ Fifth, the remainder, if any, to an account within the Department of  
5 Transportation to be used for the construction of highways and bridges.

6 **4. Use of fund during bond retirement period; from July 1, 2017 until bonds**  
7 **retired.** Money in the fund must be held and applied solely to the payment of the liquor  
8 operation revenue bonds and any ancillary obligations secured by the fund as the bonds  
9 and ancillary obligations become due and payable and for the retirement of liquor  
10 operation revenue bonds, including costs of administering the fund, the bonds and the  
11 ancillary obligations and the payment of any redemption premium required to be paid  
12 when any liquor operation revenue bonds are redeemed or retired before maturity or for  
13 the payment of ancillary obligations; except that, to the extent there is money in the fund  
14 not needed in accordance with terms of the liquor operation revenue bonds and ancillary  
15 obligations, before June 30th of each year, the bond bank shall withdraw an amount not  
16 exceeding ~~\$7,000,000~~ \$8,148,174 to be paid to the State and distributed in the manner  
17 and priority as follows:

18 A. First, an amount not exceeding \$7,000,000 distributed in equal amounts to an  
19 account within the Department of Health and Human Services and an account within  
20 the Department of Environmental Protection, up to \$3,500,000 per account or the  
21 maximum amount allowed for federal matching funds purposes under federal water  
22 programs, whichever is less, to be used for revolving loan funds for drinking water  
23 systems and wastewater treatment; ~~and~~

24 A-1. Second, \$548,174 to the Bureau of Maine Veterans' Services Special  
25 Operations Fund established under Title 37-B, section 503-B;

26 A-2. Third, \$600,000 to the Maine National Guard Postsecondary Fund established  
27 under Title 37-B, section 353-A for tuition assistance for Maine National Guard  
28 members; and

29 B. The remainder, if any, to an account within the Department of Transportation to  
30 be used for the construction of highways and bridges.

31 Immediately upon retirement of all outstanding liquor operation revenue bonds and  
32 ancillary obligations secured by the fund, the bond bank shall withdraw any excess  
33 money in the fund and transfer it to the Maine Budget Stabilization Fund established in  
34 Title 5, section 1532.

35 **5. Use of fund after bond retirement.** After all liquor operation revenue bonds and  
36 any ancillary obligations secured by the fund have been retired, additional proceeds  
37 credited to the fund from Title 22-A, section 216 and Title 28-A, section 90 must be  
38 disbursed on a quarterly basis to the State, after payment of costs of administering the  
39 fund, and credited by the State Controller as follows:

40 A. The lesser of 15% and the maximum amount allowed for federal matching funds  
41 purposes under federal water programs, divided equally between an account within  
42 the Department of Health and Human Services and an account within the Department

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1 of Environmental Protection for revolving loan funds for drinking water systems and  
2 wastewater treatment;

3 A-1. Five hundred forty-eight thousand one hundred seventy-four dollars to the  
4 Bureau of Maine Veterans' Services Special Operations Fund established under Title  
5 37-B, section 503-B;

6 A-2. Six hundred thousand dollars to the Maine National Guard Postsecondary Fund  
7 established under Title 37-B, section 353-A for tuition assistance for Maine National  
8 Guard members;

9 B. Thirty-five percent of the remainder, if any, to an account within the Department  
10 of Transportation for construction of highways and bridges; and

11 C. The remainder to the Maine Budget Stabilization Fund established in section  
12 1532.

13 **PART E**

14 **Sec. E-1. 37-B MRSA §152, sub-§2,** as amended by PL 2003, c. 488, §1 and  
15 affected by §5, is further amended to read:

16 **2. Rental proceeds.** Except as provided in section ~~353~~ 353-A, rental proceeds from  
17 the rental of armories under this section must be paid into the State Treasury and credited  
18 to the Armory Rental Fund to be used for operation and maintenance expenses at the  
19 various state-owned facilities of the Military Bureau. Rental proceeds credited to the  
20 Armory Rental Fund are in addition to the appropriations made for operation and  
21 maintenance expenses included for that purpose in the Military Fund.

22 **Sec. E-2. 37-B MRSA §154,** as amended by PL 2013, c. 469, §2, is further  
23 amended to read:

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

25 Except as provided in section ~~353~~ 353-A, the Capital Repair, Maintenance,  
26 Construction and Acquisition Account is established in the Military Bureau as a  
27 nonlapsing fund to assist in defraying the capital repair, maintenance and construction of  
28 state-owned properties of the Military Bureau, as well as purchasing land for training  
29 sites. The bureau may not spend \$500,000 or more for any single capital repair,  
30 maintenance or construction project or land acquisition unless that expenditure is  
31 approved in advance by the Legislature. Not later than January 1st of each odd-numbered  
32 year, the bureau shall submit a list to the Legislature that identifies the location, nature  
33 and cost of each planned capital repair, maintenance and construction project and land  
34 acquisition costing less than \$500,000.

35 **Sec. E-3. 37-B MRSA §155,** as amended by PL 2003, c. 488, §3 and affected by  
36 §5, is further amended to read:

37 **§155. Reimbursement fund**

38 The Maine National Guard may provide services in accordance with section 181-A,  
39 subsections 4 and 5 and section 183 for federal, state, county, regional and municipal

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1 governments and agencies and nongovernmental entities and may charge for those  
2 services. Except as provided in section ~~353~~ 353-A, the fees collected must first be  
3 allocated for funding the cost of providing those services, and any remaining fees may be  
4 expended only within the Military Bureau.

5 **Sec. E-4. 37-B MRSA §352, sub-§§4 to 7**, as enacted by PL 2003, c. 488, §4  
6 and affected by §5, are amended to read:

7 **4. State postsecondary education institution.** "State postsecondary education  
8 institution" means the University of Maine System, the Maine Maritime Academy, the  
9 Maine ~~Technical~~ Community College System or any other college or university system  
10 established as a public instrumentality of this State.

11 **5. Tuition.** "Tuition" means the total semester, trimester, quarter or term or credit  
12 hour cost of instruction to the student as periodically published in the catalog of a state  
13 postsecondary education institution, ~~including mandatory fees and lab fees but~~ excluding  
14 all mandatory fees and lab fees and other expenses such as book charges, room and  
15 board.

16 **6. Tuition benefit.** "Tuition benefit" means tuition provided by the Maine National  
17 Guard using either state or federal funds or waivers of tuition from a state postsecondary  
18 education institution.

19 **7. Unsatisfactory participant.** "Unsatisfactory participant" means a member who  
20 has accumulated 9 or more unexcused absences from unit training assemblies or who  
21 within a 12-month period, without proper authorization, fails to attend or complete the  
22 entire period of annual training.

23 **Sec. E-5. 37-B MRSA §353**, as amended by PL 2013, c. 469, §5, is repealed.

24 **Sec. E-6. 37-B MRSA §§353-A, 353-B and 353-C** are enacted to read:

25 **§353-A. Maine National Guard Postsecondary Fund**

26 The Maine National Guard Postsecondary Fund, referred to in this section as "the  
27 fund," is established in the Military Bureau as a nonlapsing account in the General Fund  
28 to provide tuition benefits for eligible Maine National Guard members to state  
29 postsecondary education institutions. Deposits to the fund may come from sources  
30 including but not limited to: the Armory Rental Fund established in section 152; the  
31 Capital Repair, Maintenance, Construction and Acquisition Account established in  
32 section 154; the reimbursement fund established in section 155; revenue generated from  
33 the Maine Military Authority; and rental income fees under Title 5, section 1742,  
34 subsection 26, paragraph B. The Adjutant General is responsible for oversight and  
35 allocation of these funds in accordance with this subchapter. The Adjutant General shall  
36 provide a report to the Commissioner of Education on the first day of January each  
37 calendar year accounting for the use of all funds in the fund.

38 **§353-B. Tuition benefit for member**

39 A member who meets the prerequisites of section 354 is entitled to a 100% tuition  
40 benefit at a state postsecondary education institution. The benefit applies to tuition for a  
41 member enrolled or accepted for admission to a state postsecondary education institution

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1 on a full-time or part-time basis. To be eligible for the benefit, a member must be enrolled  
2 full-time or part-time at a state postsecondary education institution. The benefit may be  
3 used to earn one credential at the following levels: baccalaureate, associate or certificate  
4 and licensure. The benefit must be reduced by any other tuition assistance received by a  
5 member not related to housing costs or non-tuition expenses.

6 **§353-C. Waiver required**

7 If the cost of providing the tuition benefit under this subchapter exceeds the amount  
8 of money available in the Maine National Guard Postsecondary Fund established in  
9 section 353-A, the tuition benefit must be provided in the form of a tuition waiver  
10 provided by the state postsecondary education institution.

11 **Sec. E-7. 37-B MRSA §354, sub-§§2 and 3**, as enacted by PL 2003, c. 488, §4  
12 and affected by §5, are amended to read:

13 **2. Participant.** Be a satisfactory participant in the Maine National Guard who has  
14 not previously earned a bachelor's degree or equivalent and be a member in good standing  
15 of the Maine National Guard at the beginning of and throughout the entire semester for  
16 which the member receives benefits; and

17 **3. Contractual commitment.** Enter into a written contractual commitment with the  
18 Maine National Guard to serve in the Maine National Guard for at least one year beyond  
19 the end of the term for which a tuition benefit is granted; and

20 **Sec. E-8. 37-B MRSA §354, sub-§4** is enacted to read:

21 **4. Pursued all other benefits available.** Have applied for all available tuition  
22 benefits not related to housing costs or non-tuition expenses, including but not limited to:

- 23 A. Federally funded military tuition assistance;
- 24 B. Employer tuition reimbursements or assistance; and
- 25 C. Federal grants, such as a Federal Pell Grant.

26 **Sec. E-9. 37-B MRSA §355**, as enacted by PL 2003, c. 488, §4 and affected by  
27 §5, is amended to read:

28 **§355. Cessation of tuition benefit**

29 The tuition benefit granted under this subchapter for a member ceases upon:

30 **1. Credit hours.** Accumulation of ~~150~~ 130 credit hours or the equivalent of the  
31 tuition benefit as provided in this subchapter when the benefit is used in part or in whole;

32 **2. Unsatisfactory participation.** Unsatisfactory participation in the Maine National  
33 Guard as certified to the state postsecondary education institution ~~or regionally accredited~~  
34 ~~private college or university~~ by the Adjutant General; ~~or~~

35 **3. Good academic standing.** Failure by the member to maintain good academic  
36 standing and a cumulative grade point average of at least 2.0 on a 4.0 scale at the state  
37 postsecondary education institution ~~or regionally accredited private college or university;~~  
38 or

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4. Restitution plan. Imposition of a plan for the member to pay restitution of tuition benefits in accordance with this subchapter.

**Sec. E-10. 37-B MRSA §356, sub-§2**, as enacted by PL 2003, c. 488, §4 and affected by §5, is amended to read:

**2. Repay tuition.** If the member becomes an unsatisfactory participant or does not remain in good academic standing with the state postsecondary education institution ~~or regionally accredited private college or university~~, then the member shall repay the full amount of a tuition benefit for all courses taken during the preceding semester, trimester, quarter or term to the Maine National Guard.

**Sec. E-11. 37-B MRSA §356, sub-§4** is enacted to read:

4. Rules. The Adjutant General shall adopt rules to implement the provisions of this section, which are routine technical rules under Title 5, chapter 375, subchapter 2-A.

**Sec. E-12. 37-B MRSA §357**, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed and the following enacted in its place:

**§357. In-state tuition rates**

A member who is approved to receive tuition benefits under this subchapter qualifies for in-state tuition rates.

**Sec. E-13. 37-B MRSA §358**, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed.

**Sec. E-14. 37-B MRSA §§359 and 360** are enacted to read:

**§359. Mobilized or deployed members**

Any member who is a student receiving a tuition benefit under this subchapter who is mobilized or deployed is entitled to an extension of the time the tuition benefit may be claimed equal to the amount of time served on active duty.

**§360. Policies and implementation**

The Adjutant General is responsible for overall policies, guidance, administration and proper use of the program provided for in this subchapter.

**PART F**

**Sec. F-1. Identify potential inefficiencies and propose improvements to veterans' services.** The University of Maine System and the Maine Community College System, for their respective campuses and in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services, shall each:

- 1. Identify the needs of student-veterans and potential student-veterans attempting to achieve a postsecondary education to degree completion, including but not limited to their ability to gain admission to the University of Maine System or the Maine Community College System, successfully meet the requirements of a course of study,

ROFS

1 successfully transition to civilian life in a supportive educational environment, obtain  
2 available federal veterans' benefits and successfully meet personal and financial  
3 obligations;

4 2. Identify existing services specifically for student-veterans and other services  
5 available to student-veterans on each campus that meet the needs identified in subsection  
6 1;

7 3. Assess the effectiveness in meeting the needs identified in subsection 1 of existing  
8 services specifically for student-veterans and other services available to student-veterans  
9 on each campus;

10 4. Determine what services are not currently being offered that, if offered, would  
11 meet the needs identified in subsection 1; and

12 5. Propose services and solutions that fulfill the needs identified in subsection 1 on  
13 each campus or across campuses that are based upon best practices in postsecondary  
14 educational institutions within the State and nationwide.

15 **Sec. F-2. Report.** By January 15, 2017, the University of Maine System and the  
16 Maine Community College System shall each submit a report of its findings and  
17 proposals under section 1 to the joint standing committees of the Legislature having  
18 jurisdiction over education and cultural affairs and veterans and legal affairs. Each joint  
19 standing committee is authorized to introduce a bill to the First Regular Session of the  
20 128th Legislature related to the subject matter of the reports.

21 **PART G**

22 **Sec. G-1. Appropriations and allocations.** The following appropriations and  
23 allocations are made.

24 **DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT**  
25 **OF**

26 **Maine National Guard Postsecondary Fund Z190**

27 Initiative: Provides an allocation to increase access to postsecondary education for Maine  
28 National Guard members.

29	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
30	All Other	\$0	\$600,000
31			
32	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$600,000</b>

33 **Veterans Services 0110**

34 Initiative: Provides an allocation for one Veteran Service Officer position and related  
35 costs.



R O F S

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1100, L.D. 1612

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$81,258
4	All Other	\$0	\$10,000
5			
6	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$91,258</u>

7 **Veterans Services 0110**

8 Initiative: Provides an allocation for 2 Veteran Service Officer positions and related costs.

9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
10	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
11	Personal Services	\$0	\$162,516
12	All Other	\$0	\$28,000
13			
14	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$190,516</u>

15 **Veterans Services 0110**

16 Initiative: Provides an allocation for the purchase and maintenance of an electronic case  
17 management system.

18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
19	All Other	\$0	\$80,000
20			
21	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$80,000</u>

22 **Veterans Services 0110**

23 Initiative: Provides an allocation to implement a marketing and outreach program for  
24 veterans.

25	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
26	All Other	\$0	\$186,400
27			
28	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$186,400</u>

29 **Veterans Services 0110**

30 Initiative: Establishes headcount for one Veterans Outreach Specialist position.

31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33			

# HOUSE AMENDMENT

ROFS

1	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
2	<b>DEFENSE, VETERANS AND EMERGENCY</b>		
3	<b>MANAGEMENT, DEPARTMENT OF</b>		
4	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
5			
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$1,148,174
7			
8	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$1,148,174</b>
9			

10 **SUMMARY**

11 Like the bill, this amendment implements recommendations of the Commission To  
12 Strengthen and Align the Services Provided to Maine's Veterans. This amendment also  
13 combines proposals from 5 Legislative Documents, L.D. 1343, L.D. 1590, L.D. 1611,  
14 L.D. 1612 and L.D. 1625, that improve the delivery of services and benefits to Maine  
15 veterans and provide tuition assistance to members of the Maine National Guard.

16 Part A requires the Director of the Bureau of Maine Veterans' Services within the  
17 Department of Defense, Veterans and Emergency Management to include marketing and  
18 outreach objectives as a core function of the bureau. The marketing and outreach  
19 objectives are intended to identify residents in the State who are veterans and also to  
20 maximize awareness of benefits and services available to veterans and family members of  
21 veterans. Part A also directs the bureau to acquire and implement an electronic records  
22 management system to create efficiencies and provide timely and effective customer  
23 service to veterans seeking assistance from the bureau. The bureau is required to serve as  
24 the primary source of information for veterans regarding the services, benefits and honors  
25 provided to veterans. Part A requires the director to employ 2 additional veteran service  
26 officers who are not assigned to a particular region but who will be directed to where the  
27 service needs of veterans are greatest and makes a current temporary position of outreach  
28 coordinator permanent. Part A establishes a special operations account from which the  
29 director may fund outreach and marketing efforts, acquire the records management  
30 system, fund mobile veteran service officers and cover the costs of efforts aimed at  
31 reducing veteran homelessness.

32 Part B proposes changes to current law to address homelessness among veterans by  
33 requiring coordination of agencies that provide services to veterans to maximize  
34 resources available to support stable, permanent housing for veterans at risk of  
35 homelessness. Part B requires that the Director of the Bureau of Maine Veterans'  
36 Services within the Department of Defense, Veterans and Emergency Management be  
37 appointed to an existing entity, the Statewide Homeless Council. Part B requires the  
38 Statewide Homeless Council to develop a strategic plan to maximize existing services,  
39 enhance communication among providers and improve access to services that support  
40 permanent and stable housing for veterans. The director is required to report annually to  
41 the joint standing committee of the Legislature having jurisdiction over veterans affairs

**HOUSE AMENDMENT**

1 regarding the implementation of the plan and its effect on homelessness among veterans.  
2 Part B authorizes the director to employ a veteran service officer whose duties include  
3 working on tasks relative to homelessness among veterans.

4 Part C provides a sales tax exemption to all federally chartered veterans' service  
5 organizations, beginning August 1, 2016.

6 Part D designates revenues from the Liquor Operation Revenue Fund to the Bureau  
7 of Maine Veterans' Services Special Operations Fund to fund the costs of marketing and  
8 outreach, efforts to address homelessness, the costs of an electronic records management  
9 system, positions in the Bureau of Maine Veterans' Services within the Department of  
10 Defense, Veterans and Emergency Management tasked with working on homelessness  
11 and outreach coordination and 2 mobile veteran service officers. Part D also designates  
12 funds from the Liquor Operation Revenue Fund for the tuition waiver program  
13 established in Part E of this amendment.

14 Part E establishes the Maine National Guard Postsecondary Fund to provide for a  
15 100% tuition waiver at any state postsecondary education institution for qualified  
16 members of the Maine National Guard.

17 Part F directs the University of Maine System and the Maine Community College  
18 System to identify the needs of student-veterans on their campuses, including needs  
19 related to admission, degree completion, transitioning to civilian life and meeting  
20 personal and financial obligations, and directs the University of Maine System and the  
21 Maine Community College System to identify existing services that meet the needs  
22 identified, assess the effectiveness of those services, determine what services are not  
23 being offered that, if offered, would meet those needs and propose services and solutions  
24 that fulfill those needs across campuses that are based upon best practices.

25 Part G provides for allocations to fund the initiatives proposed in this amendment.

26 **FISCAL NOTE REQUIRED**

27 (See attached)

28 SPONSORED BY: Jared B. Golden  
29 (Representative GOLDEN)

30 TOWN: Lewiston



# 127th MAINE LEGISLATURE

LD 1612

LR 2675(05)

**An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services**

**Fiscal Note for House Amendment *B* to Committee Amendment "A"**

**Sponsor: Rep. Golden of Lewiston**

**Fiscal Note Required: Yes**

## Fiscal Note

Potential tuition revenue loss - Public post-secondary educational institutions

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$345,516)	(\$303,561)	(\$307,121)
<b>Appropriations/Allocations</b>				
General Fund	\$0	(\$345,516)	(\$395,383)	(\$403,075)
Other Special Revenue Funds	\$0	\$1,148,174	\$1,198,479	\$1,208,682
<b>Revenue</b>				
General Fund	\$0	\$0	(\$91,822)	(\$95,954)
Other Special Revenue Funds	\$0	\$1,146,531	\$1,146,300	\$1,146,216

### Fiscal Detail and Notes

Under current law, the Liquor Operation Revenue Fund (Liquor Fund) within the Maine Municipal Bond Bank is required to distribute funds in the following order in fiscal year 2016-17: (1) Liquor Operation Revenue Bonds debt service, which will be \$26,841,273 in fiscal year 2016-17; (2) \$9,817,000 to the General Fund (GF); (3) up to \$3,500,000 to each of the Department of Environmental Protection (DEP) and the Department of Health and Human Services (DHHS), and; (4) remaining amounts to the Department of Transportation (DOT). This amendment raises the maximum transfer by an additional \$1,228,720 in fiscal year 2016-17 and has the following new order of distributions: (1) same payment of debt service; (2) \$9,897,546 to the GF; (3) \$600,000 to the Maine National Guard Postsecondary Fund; (4) \$548,174 to the Bureau of Veterans Services Special Operations Fund; (5) up to \$3,500,000 to each of the DEP and the DHHS, and; (6) remaining amounts to the DOT.

Under current law, the Liquor Fund is required to distribute funds in the following order in fiscal years 2017-18 through 2023-24: (1) payment of debt service; (2) up to \$3,500,000 each to the DEP and the DHHS, and; (3) remainder to the DOT. The new distribution would raise the maximum transfer by an additional \$1,148,174 and has the following new order of distributions: (1) same payment of debt service; (2) up to \$3,500,000 each to the DEP and the DHHS; (3) \$600,000 to the Maine National Guard Postsecondary Fund; (4) \$548,174 to the Bureau of Veterans Services Operations Fund, and; (5) the remainder to the DOT.

Under current law, the Liquor Fund, after all debt service and any ancillary obligations secured by the fund have been retired, proceeds are distributed as follows: (1) up to a total of 15% of funds to the DEP and the DHHS; (2) 35% to the DOT, and; (3) the remainder to the Maine Budget Stabilization Fund. This amendment has a new distribution as follows: (1) up to a total of 15% to the DEP and the DHHS; (2) \$600,000 to the Maine National Guard Postsecondary Fund (3) \$548,174 to the Bureau of Veterans Services Special Operations Fund; (4) 35% of the remaining funds to the DOT, and; (5) 65% of the remainder to the Maine Budget Stabilization Fund.

The Liquor Fund is expected to receive sufficient revenue from liquor operations to make these transfers to the various entities. This amendment contains the necessary OSRF allocations to sufficiently operate the Veterans Services Special Operations Fund.

This bill provides a sales tax exemption to all federally-chartered veterans' service organizations. This will reduce General Fund revenue and Local Government Fund revenue annually beginning in fiscal year 2016-17. The reduction to the General Fund will be \$80,546 in fiscal year 2016-17, \$91,822 in fiscal year 2017-18 and \$95,954 in fiscal year 2018-19. A one-time Liquor Fund revenue transfer will reimburse the General Fund in fiscal year 2016-17 only for the \$80,546 loss. No Liquor Fund transfers will be made after fiscal year 2016-17 to reimburse the General Fund for the loss of sales tax revenue in subsequent years.

The bill establishes the Maine National Guard Postsecondary Fund within the Department of Defense, Veterans and Emergency Management and provides annual Other Special Revenue Funds allocations to the department of \$600,000 beginning in fiscal year 2016-17 to provide tuition assistance to eligible members.

The requirement that the University of Maine System, the Maine Community College System and Maine Maritime Academy waive tuition costs that exceed the amount of tuition benefit a member receives from the Maine National Guard Postsecondary Fund may result in a loss of tuition revenue to the State's public postsecondary educational institutions.