

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 electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1612

H.P. 1100

House of Representatives, February 25, 2016

**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**

Reported by Representative LUCHINI of Ellsworth for the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 48, section 7.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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. 469, §1 and c.
3 569, §2, is 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 Capital Repair,
24 Maintenance, Construction and Acquisition Account of the Military Bureau.

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

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

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

1 such a federal cost-sharing arrangement and make returns and reports concerning
2 those expenditures and that property as required by such a federal cost-sharing
3 arrangement.

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

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

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

13 (14) The Adjutant General shall report at the beginning of each biennium to the
14 joint standing committee of the Legislature having jurisdiction over veterans'
15 affairs on any recommended changes or modifications to the laws governing
16 veterans' affairs, particularly as those changes or modifications relate to changes
17 in federal veterans' laws. The report must include information on the status of
18 communications with the United States Department of Veterans Affairs regarding
19 the potential health risks to and the potential disabilities of veterans who as
20 members of the Maine National Guard were exposed to environmental hazards at
21 the Canadian military support base in Gagetown, New Brunswick, Canada.

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

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

39 (17) The Adjutant General shall establish a system, to be administered by the
40 Director of the Bureau of Maine Veterans' Services, to express formally
41 condolence and appreciation to the closest surviving family members of members
42 of the United States Armed Forces who, since September 11, 2001, are killed in
43 action or die as a consequence of injuries that result in the award of a Purple
44 Heart medal. In accordance with the existing criteria of the department for the

1 awarding of gold star medals, this system must provide for the Adjutant General
2 to issue up to 3 gold star medals to family members who reside in the State, one
3 to the spouse of the deceased service member and one to the parents of the
4 service member. If the parents of the service member are divorced, the Adjutant
5 General may issue one medal to each parent. If the service member has no
6 surviving spouse or parents or if they live outside of the State, the Adjutant
7 General may issue a gold star medal to the service member's next of kin, as
8 reported to the department, who resides in the State.

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

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

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

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

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

25 The Bureau of Maine Veterans' Services, referred to in this chapter as the "bureau," is
26 established and shall provide informational services, program assistance, memorial
27 facilities and financial aid to veterans in the State and their dependents in order to ensure
28 that they receive all entitlements due under the law, are relieved to the extent possible of
29 financial hardship, receive every opportunity for self-improvement through higher
30 education and are afforded proper recognition for their service and sacrifice to the Nation.
31 The bureau shall serve as the primary source of information for veterans in the State
32 regarding all services, benefits and honors administered by the State and, to the maximum
33 extent possible, services and benefits provided by the United States Department of
34 Veterans Affairs, veterans' service organizations and other organizations dedicated to
35 serving veterans.

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

37 **7. Marketing and outreach program.** The director shall implement, as a core
38 function of the bureau, a marketing and outreach program to increase, to the greatest
39 extent practicable, awareness of services and benefits available to veterans and family
40 members of veterans and to encourage veterans to seek the benefits and services to which
41 they are entitled. The director is authorized to employ personnel dedicated to the
42 marketing and outreach program objectives described in this subsection. The director is

1 authorized to enter into memoranda of understanding with other state agencies to allow
2 for the sharing of information to achieve the objectives of the program. The marketing
3 and outreach program objectives must include, but are not limited to:

4 A. Identifying residents of the State who are veterans;

5 B. Increasing awareness of the bureau for veterans and family members of veterans;

6 C. Implementing media and technology to encourage veterans to self-identify to the
7 bureau and communicating to veterans and family members of veterans about the
8 services and benefits available to them;

9 D. Attendance by bureau personnel at events organized for and by veterans that, as
10 determined by the director, facilitate the objectives of this subsection; and

11 E. Establishing benchmarks to measure the effectiveness of marketing and outreach
12 efforts.

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

18 **8. Records management system.** The director shall acquire and maintain an
19 electronic database with secured remote access capabilities to facilitate management of
20 records of veterans, spouses of veterans and veterans' dependents served by the bureau.
21 When selecting a records management system, the director shall ensure that, at a
22 minimum, the system is capable of:

23 A. Reducing reliance on paper records;

24 B. Allowing for immediate access by authorized users to update records;

25 C. Displaying a complete record of assistance provided by the bureau to veterans and
26 veterans' family members;

27 D. Providing improved customer service to veterans seeking assistance from the
28 bureau; and

29 E. Identifying burial locations on a map of the Maine Veterans' Memorial Cemetery
30 System.

31 **Sec. 4. 37-B MRSA §508,** as amended by PL 2013, c. 569, §4, is further amended
32 to read:

33 **§508. Veteran service officers**

34 Veteran service officers shall serve, assist and advocate for all veterans. A veteran
35 service officer must be trained and conversant on the issues, benefits and definitions
36 affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans. The
37 bureau shall have at least one veteran service officer who specializes in female veterans'
38 issues. The director shall regularly conduct an assessment of the number and geographic

1 distribution of veteran service officers to ensure the number and location of officers is
2 adequate to effectively serve veterans in the State.

3 **Sec. 5. 37-B MRSA §514, sub-§2**, as amended by PL 2013, c. 569, §6, is further
4 amended to read:

5 **2. Veteran service officers at veterans hospital.** Sixty-four thousand five hundred
6 dollars annually to each veterans' service organization that has funded and maintained a
7 veteran service officer at the Veterans Administration Hospital at Togus for at least one
8 year as of January 1, 2013. If revenues in the fund are insufficient to make the full
9 amount of the distributions required by this subsection, the director shall divide the
10 amount of available funds equally between the veterans' service organizations. A
11 veterans' service organization that receives funds under this subsection shall establish, in
12 consultation with the director, methods to provide the director with data that demonstrate
13 that the funds from the fund are being used to the maximum extent possible to support
14 and assist veterans of this State in filing claims with the United States Department of
15 Veterans Affairs in an accurate and timely manner; and

16 SUMMARY

17 This bill is submitted by the Joint Standing Committee on Veterans and Legal Affairs
18 pursuant to Resolve 2015, chapter 48. It implements some of the recommendations of the
19 Commission To Strengthen and Align the Services Provided to Maine's Veterans. The
20 bill requires the Director of the Bureau of Maine Veterans' Services within the
21 Department of Defense, Veterans and Emergency Management to include marketing and
22 outreach objectives as a core function of the bureau. The marketing and outreach
23 objectives are intended to identify residents in the State who are veterans and also to
24 maximize awareness of benefits and services available to veterans and family members of
25 veterans. The bill also directs the bureau to acquire and implement an electronic records
26 management system to create efficiencies and improve customer service to veterans
27 seeking assistance from the bureau. The bill clarifies that the bureau's purpose includes
28 serving as the primary source of information for veterans regarding the services, benefits
29 and honors provided to veterans. The bill requires a veterans' service organization that
30 receives funds from the Coordinated Veterans Assistance Fund to provide the Director of
31 the Bureau of Maine Veterans' Services with data demonstrating that the funds are being
32 used to assist veterans in filing claims with the United States Department of Veterans
33 Affairs.