

MAINE STATE LEGISLATURE

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Date: 5/23/17

L.D. 1449
(Filing No. H-264)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1001, L.D. 1449, Bill, "An Act To Support Maine Military Charities"

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

'Sec. 1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2015, c. 465, Pt. A, §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

COMMITTEE AMENDMENT

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disposal with the Treasurer of State, who shall credit them to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau.

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

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

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

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

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

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

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

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug

COMMITTEE AMENDMENT

1 activities, and in excess of the needs of the Department of Defense pursuant to 10
2 United States Code, Section 2576a, and transfer ownership of that personal
3 property to state, county and municipal law enforcement agencies
4 notwithstanding any other provision of law. The Adjutant General may receive
5 excess personal property from the United States Department of Defense for use
6 by the department, notwithstanding any other provision of law.

7 (16) The Adjutant General may establish a science, mathematics and technology
8 education improvement program for schoolchildren known as the STARBASE
9 Program. The Adjutant General may accept financial assistance and in-kind
10 assistance, advances, grants, gifts, contributions and other forms of financial
11 assistance from the Federal Government or other public body or from other
12 sources, public or private, to implement the STARBASE Program. The Adjutant
13 General may employ a director and other employees, permanent or temporary, to
14 operate the STARBASE Program.

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

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

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

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

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

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(22) The Adjutant General may provide logistical and administrative support to military welfare societies as defined in 10 United States Code, Section 1033(b)(2) in the performance of their functions and to state military welfare societies as defined in section 101-A, subsection 3 in the performance of their functions to provide relief directly to members of the Maine National Guard and the Maine Air National Guard and to facilitate the distribution of emergency financial relief in accordance with section 158.

Sec. 2. 37-B MRSA §101-A, sub-§3 is enacted to read:

3. State military welfare society. "State military welfare society" means a nonprofit agency composed primarily of serving or former Maine Army National Guard or Maine Air National Guard members established to solicit and accept donations for the purpose of providing emergency financial relief to members of the state military forces. A state military welfare society may be the same organization as a military welfare society as defined in 10 United States Code, Section 1033(b)(2).

Sec. 3. 37-B MRSA §158, as amended by PL 2015, c. 437, §3, is further amended to read:

§158. Maine Military Family Relief Fund

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Adjutant General is authorized to distribute money from the fund to state military welfare societies that the Adjutant General has designated in accordance with section 3, subsection 1, paragraph D, subparagraph (22) for the purpose of providing emergency relief to members of the state military forces and their families in accordance with this section and rules adopted in accordance with this section. The Adjutant General shall require that funds distributed to a designated military welfare society must be segregated from all other funds administered by the society and shall require regular reports on how the society distributed the funds. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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SUMMARY

This amendment replaces the bill. It establishes a definition of state military welfare society and authorizes the Adjutant General to provide logistical and administrative support to state military welfare societies and similar societies established under federal law. The amendment also provides that the Adjutant General may authorize state military welfare societies to distribute financial assistance to state military forces and their families from the Maine Military Family Relief Fund.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/18/17 *MAC*

128th MAINE LEGISLATURE

LD 1449

LR 2227(02)

An Act To Support Maine Military Charities

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-264)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Defense, Veterans and Emergency Management associated with providing administrative support to military welfare societies and distributing money to these organizations can be absorbed within existing budgeted resources.