

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2014

holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$3,000,000 bond issue, to be awarded through a competitive process and to be matched by \$5,700,000 in private and public funds, to modernize and expand infrastructure in a biological laboratory specializing in tissue repair and regeneration located in the State in order to increase biotechnology workforce training, retain and recruit to the State multiple biomedical research and development groups and create a drug discovery and development facility that will improve human health and stimulate biotechnology job growth and economic activity?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 569

H.P. 1184 - L.D. 1612

**An Act To Amend the
Veterans' Services Laws**

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

Sec. 1. 5 MRSA §12004-I, sub-§5-C is enacted to read:

5-C.

<u>Defense,</u>	<u>Maine</u>	<u>Expenses</u>	<u>37-B MRSA</u>
<u>Veterans</u>	<u>Veterans'</u>	<u>Only</u>	<u>§512-A</u>
<u>and</u>	<u>Memorial</u>		
<u>Emer-</u>	<u>Cemetery</u>		
<u>gency</u>	<u>System</u>		
<u>Manage-</u>	<u>Care Fund</u>		
<u>ment</u>	<u>Advisory</u>		
	<u>Board</u>		

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

D. Have the following powers and duties.

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

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

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

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

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

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

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

(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.

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

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

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

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

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

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

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

F. A child of a veteran who is attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for ~~associate's~~ associate and bachelor's programs. The tuition waiver provided under this paragraph may be reduced by an amount necessary to ensure that the value of this waiver, combined with all other grants and benefits received by the student, does not exceed the total cost of education. Room and board may not be waived. A child of a veteran has 6 academic years from the date of first entrance to complete 120 credit hours. For degree programs that require more than 120 credit hours, the state-supported postsecondary vocational school or institution of collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-supported postsecondary vocational school or institution of collegiate grade shall notify the director. The director may waive the limit of 6 consecutive academic years when the recipient's education has been interrupted by severe medical disability, learning disability, illness or other hardship, making continued attendance impossible, however, the extension may not exceed 2 academic years. Students must maintain at least a 2.0 or "C" grade point average to continue receiving educational benefits. If a student's grade point average falls below 2.0 or a "C," then the student has one semester to bring the grade point average up to at least 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a "C," the student loses educational benefits under this paragraph until the student achieves a grade point average of at least 2.0 or a "C."

Sec. 4. 37-B MRSA §508, as amended by PL 2009, c. 406, §11, is further amended to read:

§508. Veteran service officers

Veteran service officers shall serve, assist and advocate for all veterans. A veteran service officer must be trained and conversant on the issues, benefits and definitions affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans. The bureau shall have at least one veteran service officer who specializes in female veterans' issues.

Sec. 5. 37-B MRSA §512-A is enacted to read:

§512-A. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board

1. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board; establishment. The Maine Veterans' Memorial Cemetery System Care

Fund Advisory Board, as established by Title 5, section 12004-I, subsection 5-C and referred to in this section as "the board," shall monitor, facilitate and provide recommendations for the administration, management and use of the Maine Veterans' Memorial Cemetery System Care Fund.

2. Members. The board consists of the following 7 members appointed by the Commissioner of Defense, Veterans and Emergency Management:

A. One member representing the interests of the Commissioner of Defense, Veterans and Emergency Management;

B. One member representing the interests of the Treasurer of State;

C. One member representing the interests of the American Legion or a successor organization;

D. One member representing the interests of the Veterans of Foreign Wars or a successor organization;

E. One member representing the interests of Disabled American Veterans or a successor organization;

F. One member representing the interests of American Veterans or a successor organization; and

G. One member representing the interests of an organization that provides a forum for veterans' organizations to work together on behalf of veterans in the State.

3. Vacancies. In the event of a vacancy on the board, the Commissioner of Defense, Veterans and Emergency Management shall appoint a new member to fill the vacancy until the expiration of the term. A vacancy on the board must be filled in the same manner as the original appointment was made under subsection 2.

4. Terms. Members of the board are appointed for 3-year terms.

5. Removal. The Commissioner of Defense, Veterans and Emergency Management may remove a member of the board for cause.

6. Voting; quorum. A quorum consists of 5 members of the board. Each member has one vote. A recommendation may not be approved by the board without at least 3 affirmative votes.

7. Board proceedings. The board shall meet not less than annually at a date and time set by the director. The director shall prepare the agenda and prepare and keep a summarized record of meetings. The board may not make binding decisions but shall vote on recommendations. The director shall be present at the meetings to facilitate the meetings. The director does not have a vote.

Sec. 6. 37-B MRSA §514, sub-§2, as enacted by PL 2013, c. 128, §3, is amended to read:

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

Sec. 7. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 37-B, section 512-A, subsection 4, of the initial members of the Maine Veterans' Memorial Cemetery System Care Fund Advisory Board, the Commissioner of Defense, Veterans and Emergency Management shall designate 2 appointees to serve for one-year terms, 2 appointees to serve for 2-year terms and 3 appointees to serve for 3-year terms.

Sec. 8. Contributions for plaque to honor veterans. The Department of Defense, Veterans and Emergency Management and veterans groups shall solicit contributions to provide funds for the design and construction of a plaque to honor veterans of the State who have participated in military campaigns and operations and who are not honored by existing plaques, as authorized by Resolve 2011, chapter 163. Contributions for this purpose must be paid to the Legislature and deposited in the State House and Capitol Park Commission program, Other Special Revenue Funds account within the Legislature.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

State House and Capitol Park Commission 0615

Initiative: Provides a base allocation to authorize expenditures from any contributions received for the design and construction of a plaque to honor veterans of the State.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

See title page for effective date.

CHAPTER 570

S.P. 657 - L.D. 1673

An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry

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

Sec. 1. 38 MRSA §480-E-3, as enacted by PL 2011, c. 599, §13 and amended by c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

§480-E-3. Delegation of permit-granting authority to the Department of Agriculture, Conservation and Forestry, Bureau of Forestry

Notwithstanding section 480-E-1, the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall issue all permits under this article for timber harvesting activities ~~that are located within the unorganized and deorganized areas of the State as defined in Title 12, section 682, subsection 1 and in all areas of the State that~~ are not subject to review and approval by the department under any other article of this chapter. For the purposes of this section, "timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. Prior to issuing a permit under this section for the mining of gravel used for the construction or maintenance of roads used primarily for timber harvesting in an organized area of the State, the Bureau of Forestry shall consult with the department.

~~**1. Activity located in organized and unorganized area.** If a timber harvesting activity is located in part within an organized area and in part within an unorganized or deorganized area, that portion of the timber harvesting activity within the organized area is subject to department review under this article if that portion is an activity pursuant to this article. That portion of the timber harvesting activity within an unorganized or deorganized area of the State is not subject to the requirements of this article except as provided in subsection 2.~~

2. Allowed use. If a timber harvesting activity is located as described in subsection 1, the department may review that portion of the activity within the unorganized and deorganized areas if the Department of Agriculture, Conservation and Forestry, Bureau of Forestry determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. A permit from the Bureau of Forestry is not required for those aspects of an activity approved by the department under this subsection.