

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

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

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 463, L.D. 633, Bill, “An Act To Update Department of Defense, Veterans and Emergency Management Laws”

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2007, c. 461, §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

- 1 disposal with the Treasurer of State who shall credit them to the Construction and
2 Capital Repair Account of the Military Bureau.
- 3 (8) The Adjutant General may sell for cash to officers of the state military forces,
4 for their official use, and to organizations of the state military forces, any military
5 or naval property that is the property of the State. The Adjutant General shall,
6 with an annual report, render to the Governor an accurate account of the sales and
7 deposit the proceeds of the sales with the Treasurer of State who shall credit them
8 to the General Fund.
- 9 (9) The Adjutant General shall represent the state military forces for the purpose
10 of establishing the relationship between the federal military establishment and the
11 various state military staff departments.
- 12 (10) The Adjutant General shall accept, receive and administer federal funds for
13 and on behalf of the State that are available for military purposes or that would
14 further the intent and specific purposes of this chapter and chapter 3.
- 15 (11) The Adjutant General shall acquire, construct, operate and maintain military
16 facilities necessary to comply with this Title and Title 32 of the United States
17 Code and shall operate and maintain facilities now within or hereafter coming
18 within the jurisdiction of the Military Bureau.
- 19 (12) The Adjutant General may adopt rules pertaining to compliance with state
20 and federal contracting requirements, subject to Title 5, chapter 375. Those rules
21 must provide for approval of contracts by the appropriate state agency.
- 22 (13) The Adjutant General shall allocate and supervise any funds made available
23 by the Legislature to the Civil Air Patrol.
- 24 (14) The Adjutant General shall report at the beginning of each biennium to the
25 joint standing committee of the Legislature having jurisdiction over veterans'
26 affairs on any recommended changes or modifications to the laws governing
27 veterans' affairs, particularly as those changes or modifications relate to changes
28 in federal veterans' laws.
- 29 (15) The Adjutant General may receive personal property from the United States
30 Department of Defense that the Secretary of Defense has determined is suitable
31 for use by agencies in law enforcement activities, including counter-drug
32 activities, and in excess of the needs of the Department of Defense pursuant to 10
33 United States Code, Section 2576a, and transfer ownership of that personal
34 property to state, county and municipal law enforcement agencies
35 notwithstanding any other provision of law. The Adjutant General may receive
36 excess personal property from the United States Department of Defense for use
37 by the department, notwithstanding any other provision of law.
- 38 (16) The Adjutant General may establish a science, mathematics and technology
39 education improvement program for schoolchildren known as the STARBASE
40 Program. The Adjutant General may accept financial assistance and in-kind
41 assistance, advances, grants, gifts, contributions and other forms of financial
42 assistance from the Federal Government or other public body or from other

1 sources, public or private, to implement the STARBASE Program. The Adjutant
2 General may employ a director and other employees, permanent or temporary, to
3 operate the STARBASE Program.

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

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

24 Amend the bill in section 1 in §107 in the first paragraph in the last 2 lines (page 1,
25 lines 8 and 9 in L.D.) by striking out the following: "as prescribed by federal regulation,
26 10 United States Code, Section 3282" and inserting the following: 'for either the United
27 States Army National Guard or the United States Air National Guard as prescribed by
28 federal service regulations'

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
30 section number to read consecutively.

31 **SUMMARY**

32 This amendment strikes a reference to the United States Code regarding the
33 requirement that a person appointed Adjutant General or assistant adjutant general meet
34 the criteria for federal recognition as a General Officer. The amendment states that the
35 appointee must meet the criteria for federal recognition as a General Officer for either the
36 United States Army National Guard or the United States Air National Guard. It also
37 authorizes the Adjutant General to establish a National Guard Youth Challenge Program.

38 **FISCAL NOTE REQUIRED**

39 (See attached)