



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1285

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H.P. 945

House of Representatives, March 29, 2021

**An Act To Require an Official Declaration of War or a  
Congressional Action To Call Out the State Militia before the Maine  
National Guard Is Released for Combat Duty**

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Received by the Clerk of the House on March 25, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative SAMPSON of Alfred.

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

2 **Sec. 1. 37-B MRSA §191** is enacted to read:

3 **§191. Mobilization of Maine National Guard into active duty combat**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Active duty combat" means performing any of the following services in the active  
7 federal military service of the United States:

8 (1) Participation in an armed conflict;

9 (2) Performance of a hazardous service in a foreign state; or

10 (3) Performance of a duty through an instrumentality of war.

11 B. "Official declaration of war" means an official declaration of war made by the  
12 United States Congress pursuant to the United States Constitution, Article I, Section 8,  
13 Clause 11.

14 **2. Release of guard.** Notwithstanding any provision of law to the contrary, the Maine  
15 National Guard and any member of the Maine National Guard may not be released from  
16 the State into active duty combat unless the United States Congress has passed an official  
17 declaration of war or has taken an official action pursuant to the United States Constitution,  
18 Article I, Section 8, Clause 15 to explicitly call forth the Maine National Guard and any  
19 member of the Maine National Guard to expressly execute the laws of the union, repel an  
20 invasion or suppress an insurrection. The Governor shall take all actions necessary to  
21 comply with the requirements of this section.

22 **SUMMARY**

23 This bill requires an official declaration of war or an action to call forth the state militia  
24 by the United States Congress before members of the Maine National Guard may be  
25 released from state control to participate in active duty combat.