

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 21 - L.D. 57

**An Act to Enable Maine National Guard Commanders to More Efficiently
Effect Disciplinary Measures Through the Maine Code of Military Justice**

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

Sec. 1. 4 MRSA §807, sub-§3, ¶T, as amended by PL 2019, c. 597, §2, is further amended to read:

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207; or

Sec. 2. 4 MRSA §807, sub-§3, ¶U, as enacted by PL 2019, c. 597, §3, is amended to read:

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association; or

Sec. 3. 4 MRSA §807, sub-§3, ¶V is enacted to read:

V. An attorney certified by the judge advocate general of that attorney's respective military branch representing Maine National Guard members in proceedings conducted pursuant to Title 37-B, section 415-A.

Sec. 4. 37-B MRSA §148, as enacted by PL 1983, c. 460, §3, is amended to read:

§148. Discharge of enlisted persons and termination of officer appointments

An enlisted person discharged from the state military forces ~~shall~~ must receive a discharge in the form and with the classification prescribed for the federal military establishment. Discharges may be given prior to the expiration of periods of enlistment under these regulations, not inconsistent with those established by the national military establishment for the government of the National Guard, ~~as the Governor may prescribe pursuant to rules adopted by the Adjutant General.~~

An officer discharged from the state military forces must receive a discharge in the form and with the classification prescribed for the federal military establishment. An officer's state appointment may be terminated prior to the expiration of periods of military

obligation pursuant to rules adopted by the Adjutant General. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 37-B MRSA §403, sub-§1, as amended by PL 2001, c. 662, §42, is further amended to read:

1. Active member. All members of the state military forces are subject to the Maine Code of Military Justice at all times ~~except when in federal service pursuant to United States Code, Title 10.~~

A. This code applies to members of the state military forces serving out-of-state and while going to and returning from service out-of-state to the same extent as a person serving within the State.

B. Offenses committed outside the State may be tried and punished either inside or outside the State subject to section 418.

Sec. 6. 37-B MRSA §415-A, sub-§1, ¶A, as enacted by PL 2001, c. 662, §48, is amended to read:

A. ~~A company-grade officer commander with the rank of captain or warrant officer commander below~~ may impose one or more of the following punishments:

- (1) Forfeiture of up to one day's pay;
- (2) Up to 4 hours of extra duties; ~~or~~
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members in pay grade E-4 and below.

Sec. 7. 37-B MRSA §415-A, sub-§1, ¶B, as enacted by PL 2001, c. 662, §48, is amended to read:

B. ~~A field-grade officer commander with the rank of major~~ may impose one or more of the following punishments:

- (1) Forfeiture of up to 3 days' pay;
- (2) Up to 8 hours of extra duties; ~~or~~
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members in pay grade E-6 and below.

Sec. 8. 37-B MRSA §415-A, sub-§1, ¶C, as amended by PL 2013, c. 251, §5, is further amended to read:

C. ~~An officer with A commander with the rank of lieutenant colonel in the chain of command of an individual being considered for nonjudicial punishment and above~~ may impose one or more of the following punishments:

- (1) Forfeiture of up to 5 days' pay;
- (2) Up to 16 hours of extra duties;
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members.

Sec. 9. 37-B MRSA §460, as enacted by PL 2009, c. 406, §7, is amended to read:

§460. ~~Behavior~~ Conduct that is prejudicial to good order and discipline of military forces or that ~~discredits~~ is of a nature to discredit military forces

Any person subject to this Code who ~~behaves in a manner~~ engages in conduct that is prejudicial to the good order and discipline of the military forces or that ~~discredits~~ is of a nature to discredit the military forces must be punished as a court-martial may direct.

Sec. 10. 37-B MRSA §462, as enacted by PL 2019, c. 341, §15, is amended to read:

§462. Operating under the influence and driving to endanger

1. Prohibition; operating under the influence and driving to endanger. Any person subject to this Code who commits an offense prohibited under Title 29-A, section 2411 or 2413 is guilty of that offense under this Code.

2. Punishment. Any person subject to this Code who is found guilty of an offense prohibited under Title 29-A, section 2411 or 2413 may be punished as a court-martial may direct.