

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 455 - L.D. 619

An Act Regarding Eligibility for Burial in the Maine Veterans' Memorial Cemetery System

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Honorable John L. Tuttle, Jr., served for 10 years as a member of the Maine Army National Guard and for nearly 30 years in both the Senate and House of Representatives in the Maine State Legislature; and

Whereas, the Honorable John L. Tuttle, Jr., passed away on January 27, 2022 while serving his 12th term in the House of Representatives; and

Whereas, there is pending federal legislation that will allow states to determine eligibility criteria for burial in state veterans' cemeteries of those who died while a member or former member of the military forces identified in this legislation; and

Whereas, the Legislature wishes to honor the services of the Honorable John L. Tuttle, Jr., by allowing his burial in the Maine Veterans' Memorial Cemetery System in accordance with the pending federal legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 37-B MRSA §504, sub-§4, ¶B-1 is enacted to read:

B-1. The director may allow the earth burial in one of the cemeteries of a person, and any spouse or minor child of that person, who meets the criteria established by the department by rule and who died while:

(1) A member or former member of the National Guard;

(2) A member or former member of the state military forces or the Reserve Components of the United States Armed Forces; or

(3) A member of a reserve officer training corps of the United States Armed Forces.

The department shall adopt rules necessary to implement this paragraph, including rules governing the eligibility for burial in the cemeteries. In establishing criteria for the burial of a person under this paragraph, the department shall ensure that such criteria comply with any applicable state or federal requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.