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Date: (Filing No. H- )

**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 470, L.D. 694, Bill, “An Act To Improve the Veterans' Services Laws”

Amend the bill by striking out all of section 1 and inserting the following:

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

H. A person is not eligible for interment under this chapter if the person has:

- (1) Been convicted of the crime of murder;
- (2) Been convicted of a crime in another jurisdiction punishable by a sentence of life imprisonment or death;
- (3) Been convicted of a Class A or Class B crime under:
  - (a) Title 17-A, chapter 11;
  - (b) Title 17-A, chapter 12; or
  - (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3);
- (4) Been convicted of a Class C crime under Title 17-A, section 853, subsection 1;
- (5) Been convicted of a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151;
- (6) Been convicted under any other jurisdiction's sex offender laws requiring the person to register for life; or
- (7) Been found to have committed any crime listed in subparagraphs (1) to (6) but has not been convicted because the person has not been available for trial due to the person's death or flight to avoid prosecution. A finding under this subparagraph must be made by the appropriate federal official. Any such finding may be based only upon a showing of clear and convincing evidence, after an

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1 opportunity for a hearing in a manner prescribed by the appropriate federal  
2 official. For purposes of this subparagraph, "appropriate federal official" means  
3 the Secretary of Veterans Affairs, in the case of the National Cemetery  
4 Administration, or the Secretary of the Army, in the case of the Arlington  
5 National Cemetery.'

6 **SUMMARY**

7 This amendment replaces section 1 of the bill with a new provision regarding who is  
8 ineligible for interment in the Maine Veterans' Memorial Cemetery System. The  
9 amendment specifies that a person is not eligible for interment if the person has been  
10 convicted of the crime of murder; a crime in another jurisdiction punishable by a sentence  
11 of life imprisonment or death; a crime under any other jurisdiction's sex offender laws  
12 requiring the person to register for life; a military, tribal or federal offense requiring  
13 registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006,  
14 Public Law 109-248, 42 United States Code, Chapter 151; or a sexual offense requiring a  
15 person to register under Maine's sex offender registration acts for life, including a Class C  
16 crime under the Maine Revised Statutes, Title 17-A, section 853, subsection 1 or a Class  
17 A or Class B crime under:

- 18 1. Title 17-A, chapter 11;  
19 2. Title 17-A, chapter 12; or  
20 3. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3).

21 The amendment also specifies that a person is not eligible for interment if the person  
22 has been found to have committed any of the previously listed crimes but has not been  
23 convicted because the person has not been available for trial due to the person's death or  
24 flight to avoid prosecution. Any such finding may be based only upon a showing of clear  
25 and convincing evidence, after an opportunity for a hearing in a manner prescribed by the  
26 appropriate federal official.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**