



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Benjamin Hymes introducing*  
**L.D. 265, “An Act to Prohibit the Maine National Guard from Combat Deployment  
Absent an Act of the United States Congress”**  
*Before the Joint Standing Committee on Veterans and Legal Affairs*

February 12, 2025

Senator Hickman, Representative Supica, and esteemed members of the Joint Standing Committee on Veterans and Legal Affairs, I am Representative Benjamin Hymes and I am here today to present LD 265, “An Act to Prohibit the Maine National Guard from Combat Deployment Absent an Act of the United States Congress”.

Before I get too far into the bill, I believe it is important to know where someone is coming from when speaking on proposed legislation. I spent 20 years of my life on active duty in the United States Navy. I spent nearly eight years of that time at the tip of the spear, doing hundreds of front-line tactical combat missions during 12 combat deployments on six continents. I have seen the frontlines of war. That was my job and that is what I was rigorously selected, trained, tested and deployed to do.

I am presenting this bill today because two years ago when I spoke before this committee, and on the floor of the House, I believed then, as I do now, in the Constitution of the United States and the checks and balances it requires. Article 1, Section 8, Clause 11 of the U.S. Constitution clearly states that Congress, and Congress alone, has the ability to declare war and send our troops into harm’s way. I firmly believe the framers intended this to ensure that the power to wage war did not rest solely with the President.

Going to war is the hardest decision Congress must make and for good reason. It is our costliest endeavor, both financially and in terms of our most precious asset—our people.

Twenty-four years ago, in a moment of panic, Congress passed the Authorized Use of Military Force (AUMF), surrendering its authority and consolidating power in the White House. This dangerously concentrates power, defies the Constitution, and absolves Congress of its responsibility.

The Maine National Guard is a fine group of citizens that I have had the pleasure of working with. I first worked with them when I was on active duty and we conducted Joint Service training on helicopter firefighting in Bangor, and now, as a legislator, during ceremonies and visits to the different camps and bases.

The job of the National Guardsman is first, and foremost, to be a citizen. They are all around us. They are the nurses, lawyers, mechanics, etc., in our communities. That is their primary job. Being a soldier is secondary. They train at their specialty to aid in our state should the need arise while being prepared on the national level for disaster relief and general security. Further down this path, they ultimately take on a combat role. This is only after active and reserve units have been exhausted and the need for more troops arises based on attrition and losses, not as a ready, front-line combat force.

This bill does not prohibit the guard from going anywhere else. Our strategic partnership with Montenegro stands unaffected. Training missions anywhere in the world would not be impacted. It does limit them from being sent into combat without a declaration of war issued by Congress.

Bi-partisan support for this type of legislation is spreading like wildfire across the country to protect our troops. As of today, this legislation passed in both the New Hampshire House of Representatives and the Virginia House of Delegates. As a note of interest, the Virginia House voted 99-0 just last week. It has passed the House and Senate in Arizona and Idaho, and currently has hearings in Maryland, New Jersey, Montana and here in Maine.

The decision to go to war is hard and should be hard. It involves the lives and deaths of our finest citizens. Making tough decisions like this is what members of Congress are elected and paid to do. It's time to hold them to their Constitutional obligations.

The only argument from the previous Adjutant General was that someone, somewhere in the Pentagon basement, would cut off funding to Maine's National Guard if this bill passed. However, when asked to identify this "person" or "office," none was provided.

If this concern is raised again, I propose carrying the bill over and arranging a meeting during our break between this committee, the bill's sponsor, and the relevant Pentagon office to address funding questions directly. However, given that the Secretary of Defense has openly supported this bill, I urge us to save time, money, and lives. Let's pass this bill unanimously out of committee and show the nation what it means to truly defend the Guard.

Thank you and I would be happy to answer any questions.

Benjamin C. Hymes  
State Representative