

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

—  
S.P. 78 - L.D. 242

**An Act To Improve the Military Bureau Laws**

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

**Sec. 1. 37-B MRSA §3, sub-§1, ¶D**, as amended by PL 2011, c. 112, §1, is further amended to read:

D. Have the following powers and duties.

- (1) The Adjutant General shall administer the department subordinate only to the Governor.
- (2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.
- (3) The Adjutant General may prepare a budget for the department.
- (4) The Adjutant General may transfer personnel from one bureau to another within the department.
- (5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.
- (6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.
- (7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State who shall credit them to the Construction and Capital Repair Account of the Military Bureau.
- (8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military

or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, public or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally

condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

**Sec. 2. 37-B MRSA §4**, as amended by PL 1997, c. 643, Pt. Q, §5, is repealed and the following enacted in its place:

**§4. Directors of bureaus**

**1. Bureau of Maine Veterans' Services.** The Director of the Bureau of Maine Veterans' Services is appointed by the commissioner and serves at the pleasure of the commissioner.

**2. Maine Emergency Management Agency.** The Director of the Maine Emergency Management Agency is appointed by the Governor upon the recommendation of the commissioner, reports administratively to the commissioner and serves at the pleasure of the Governor.

The Director of the Bureau of Maine Veterans' Services and the Director of the Maine Emergency Management Agency shall perform civilian duties as assigned by the commissioner or Governor.

**Sec. 3. 37-B MRSA §112**, as amended by PL 2001, c. 662, §19, is further amended to read:

**§112. Joint Force Headquarters**

The Adjutant General shall organize a staff to be called ~~a State Area Command, STARC~~ the Joint Force Headquarters. It shall command, control and supervise Army and

Air National Guard units employed in support of civil authorities in the protection of life, property and preservation of peace, order and public safety under competent orders of state authorities. In the event of mobilization of some or all Army and Air National Guard units by the President of the United States, it shall assist the State in organizing and training a militia, if required, perform command and control functions in support of civil authorities, as directed, and prepare to reconstitute the Army National Guard and Air National Guard when units are relieved from federal service. It must be commanded by a federally recognized officer who may be the Adjutant General or an Assistant Adjutant General.

**Sec. 4. 37-B MRSA §399**, as amended by PL 2003, c. 646, §13, is repealed and the following enacted in its place:

**§399. Revenue**

Revenue generated by the authority must first be used to support the operation of the authority, including segregation of money for future capital repairs. At the close of the fiscal year, unreserved retained earnings as identified by the State Controller may be transferred at any time prior to the closing of the books to:

**1. Capital repairs; tuition assistance.** An account established within the Military Bureau to be used for capital repairs and maintenance of state military facilities and Maine National Guard tuition assistance;

**2. Official representation funds.** An account established within the Military Bureau to be used for official representation funds, in an amount not to exceed \$10,000 annually;

**3. Unfunded priorities.** An account established within the Military Bureau to be used for the Adjutant General's unfunded priorities, in an amount not to exceed \$10,000 annually; and

**4. Maine National Guard Foundation Fund.** An account established within the Military Bureau to be used for the Maine National Guard Foundation Fund or its successor fund, in an amount not to exceed \$10,000 annually.

**Sec. 5. 37-B MRSA §415-A, sub-§1, ¶C**, as enacted by PL 2001, c. 662, §48, is amended to read:

~~C. A general officer commander~~ An officer with the rank of colonel in the chain of command of an individual being considered for nonjudicial punishment 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. 6. 37-B MRSA §461** is enacted to read:

**§461. Sexual assault**

**1. Prohibition; sexual assault.** Any person subject to this Code who commits an offense prohibited under Title 17-A, chapter 11 is guilty of that offense under this Code.

**2. Punishment.** Any person found guilty of an offense prohibited under Title 17-A, chapter 11 must be punished as a court-martial may direct.