

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Update Department of Defense, Veterans and Emergency Management Laws

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

Sec. 1. 37-B MRSA §460 is enacted to read:

§ 460. Behavior that is prejudicial to good order and discipline of military forces or that discredits military forces

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

Sec. 2. 37-B MRSA §461 is enacted to read:

§ 461. Violations of state or federal criminal law

Any person subject to this Code who violates any state or federal criminal law must be punished as a court-martial may direct.

Sec. 3. 37-B MRSA §503, sub-§1, as amended by PL 2001, c. 662, §61, is further amended to read:

1. Employment of personnel. The director may employ, subject to approval of the appointing authority and the Civil Service Law, the personnel necessary to administer this chapter. The director may employ a ~~directorsuperintendent~~ of the cemetery system, a veteran claims specialist and veteran ~~advocate~~service officers. The director and other employees referred to in this subsection must be veterans as defined by 38 United States Code, Section 101 (2) who were separated with an honorable discharge.

Sec. 4. 37-B MRSA §504, sub-§2, as amended by PL 2001, c. 662, §63, is further amended to read:

2. Superintendent of the cemetery system. The director, with approval of the appointing authority, shall appoint a competent and trustworthy ~~directorsuperintendent~~ of the cemetery system and shall arrange for personnel, material and equipment necessary for adequate maintenance of the cemeteries.

Sec. 5. 37-B MRSA §505, sub-§2, ¶H is enacted to read:

H. A school that provides tuition assistance pursuant to this subsection shall provide any information, such as enrollment verification, current contact information, semester grade point average, accumulated credit hours and transcripts, to the bureau as necessary for the bureau to properly administer the educational benefits described in this subsection in accordance with current laws.

Sec. 6. 37-B MRSA §508, as enacted by PL 2001, c. 662, §71, is amended to read:

§ 508. Veteran service officers

Veteran advocate service officers shall serve, assist and advocate for all veterans. A veteran advocate service officer must be trained and conversant on the issues, benefits and definitions affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans.

Sec. 7. 37-B MRSA §536 is enacted to read:

§ 536. Case review; confidentiality

The commission may act as a panel to review cases involving Maine National Guard noncombat death and disability. When the commission or a subcommittee of the commission acts as a case review panel, the proceedings, records, data, documents and other matters submitted to or considered by the panel are confidential, not subject to disclosure under any state law, subpoena, discovery or introduction into evidence in a civil or criminal action and must be sealed. The conclusions of a case review panel are public and must be disclosed upon request.

Sec. 8. 37-B MRSA §601, as amended by PL 2007, c. 167, §9, is further amended to read:

§ 601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to senile dementia patients, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to senile dementia patients, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes ~~or are entitled to retired pay under 10 United States Code, Chapter 1223~~ regardless of the age of such persons.

SUMMARY

This bill provides that any person subject to the Maine Code of Military Justice who behaves in a manner that is prejudicial to the good order and discipline of the military forces or that discredits the military forces must be punished as a court-martial may direct and that any such person who violates any state or federal criminal law must be punished as a court-martial may direct.

This bill also changes the title of the director of the Maine Veterans' Memorial Cemetery System to superintendent and the title of veteran advocate to veteran service officer. It requires schools that provide tuition assistance pursuant to the Maine Revised Statutes, Title 37-B, section 505, subsection 2 to provide the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services certain information so that the bureau may properly administer certain educational benefits. It clarifies Maine Veterans' Homes eligibility requirements.

This bill also authorizes the Commission to Protect the Lives and Health of Members of the Maine National Guard to act as a panel to review cases involving death or disability of members of the Maine National Guard. When the commission or a subcommittee of the commission acts as such a review panel, its proceedings and records are confidential and are not subject to subpoena, discovery or introduction in a civil or criminal action. Conclusions of the panel may be disclosed, but no confidential information may be released.