CHAPTER 1

GENERAL PROVISIONS - ORGANIZATION

§1. Purpose

The Department of Defense, Veterans and Emergency Management, as previously established and referred to in this Title as the "department," shall coordinate and improve the discharge of the State Government's responsibility for military affairs, veterans' services and emergency management matters. [PL 2001, c. 614, §2 (AMD); PL 2001, c. 662, §13 (AMD).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1997, c. 455, §31 (AMD). PL 2001, c. 614, §2 (AMD). PL 2001, c. 662, §13 (AMD).

§2. Composition

The department consists of the following: [PL 1997, c. 455, §10 (AMD).]

1. Military Bureau. The Military Bureau;
[PL 1983, c. 460, §3 (NEW).]

2. Maine Emergency Management Agency. The Maine Emergency Management Agency; and
[PL 1987, c. 370, §11 (AMD).]

3. Maine Bureau of Veterans' Services. The Maine Bureau of Veterans' Services.
[PL 1997, c. 455, §11 (AMD); PL 2019, c. 377, §6 (REV).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1987, c. 370, §§10,11 (AMD). PL 1991, c. 626, §5 (AMD). PL 1997, c. 455, §§10,11 (AMD). PL 2019, c. 377, §6 (REV).

§3. Commissioner; Deputy Adjutant General

1. Adjutant General. The Adjutant General shall be the Commissioner of Defense, Veterans and Emergency Management and shall:

A. Be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over veterans' affairs and confirmation by the Legislature and serve at the pleasure of the Governor; [PL 1995, c. 302, §1 (AMD).]

B. Not hold a grade above major general; [PL 1983, c. 460, §3 (NEW).]

C. Satisfy the requirements of section 107; and [PL 1983, c. 460, §3 (NEW).]

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 Capital Repair, Maintenance, Construction and Acquisition 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. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(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. The report must include information on the status of communications with the United States Department of Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who as members of the Maine National Guard were exposed to environmental hazards at the Canadian military support base in Gagetown, New Brunswick, Canada.

(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 Maine Bureau of 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.

(21) The Adjutant General shall implement a program to identify residents of the State who are not considered veterans but are military retirees or former members of the Maine Army National Guard or Maine Air National Guard who successfully completed service.

(22) The Adjutant General may negotiate and execute agreements to provide state military forces to or accept military forces from other states in support of federally funded National Guard missions.

(23) The Adjutant General may provide logistical and administrative support to military welfare societies as defined in 10 United States Code, Section 1033(b)(2) in the performance of their functions and to state military welfare societies as defined in section 101-A, subsection 3 in the performance of their functions to provide relief directly to members of the Maine National Guard and the Maine Air National Guard and to facilitate the distribution of emergency financial relief in accordance with section 158. [PL 2017, c. 475, Pt. A, §63 (RPR); PL 2019, c. 377, §6 (REV).]

[PL 2017, c. 475, Pt. A, §63 (AMD); PL 2019, c. 377, §6 (REV).]

2. Deputy Adjutant General. The Deputy Adjutant General has all the military-related powers, responsibilities and duties of the Adjutant General if the Adjutant General is unable to act or, if the office is vacant, until the vacancy is filled by the Governor, as provided by law. The Deputy Adjutant General may perform other military duties of the Adjutant General as assigned by the Adjutant General or the Governor.
[PL 1995, c. 196, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 594, §2 (AMD). PL 1991, c. 376, §62 (AMD). PL 1995, c. 196, §C1 (AMD). PL 1995, c. 302, §1 (AMD). PL 1995, c. 684, §1 (AMD). PL 1997, c. 455, §32 (AMD). PL 1999, c. 401, §K2 (AMD). PL 1999, c. 565, §1 (AMD). PL 2001, c. 662, §14 (AMD). PL 2003, c. 404, §2 (AMD). PL 2003, c. 590, §1 (AMD). PL 2007, c. 461, §1 (AMD). PL 2011, c. 112, §1 (AMD). PL 2013, c. 251, §1 (AMD). PL 2013, c. 469, §1 (AMD). PL 2013, c. 569, §2 (AMD). PL 2015, c. 465, Pt. A, §1 (AMD). PL 2017, c. 108, §1 (AMD). PL 2017, c. 114, §1 (AMD). PL 2017, c. 475, Pt. A, §63 (AMD). PL 2019, c. 377, §6 (REV).

§4. Directors of bureaus

1. Maine Bureau of Veterans' Services. The Director of the Maine Bureau of Veterans' Services is appointed by the commissioner and serves at the pleasure of the commissioner.
[PL 2013, c. 251, §2 (NEW); PL 2019, c. 377, §6 (REV).]

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.
[PL 2013, c. 251, §2 (NEW).]

The Director of the Maine Bureau of Veterans' Services and the Director of the Maine Emergency Management Agency shall perform civilian duties as assigned by the commissioner or Governor. [PL 2013, c. 251, §2 (NEW); PL 2019, c. 377, §6 (REV).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1987, c. 634, §3 (RPR). PL 1989, c. 502, §A138 (AMD). PL 1989, c. 878, §F6 (AMD). PL 1991, c. 376, §63 (AMD). PL 1991, c. 626, §6 (AMD). PL 1993, c. 694, §1 (AMD). PL 1997, c. 455, §12 (AMD). PL 1997, c. 643, §Q5 (AMD). PL 2013, c. 251, §2 (RPR). PL 2019, c. 377, §6 (REV).

§5. Deputy commissioner

The commissioner may appoint a deputy commissioner and assign duties and delegate authority to the deputy commissioner as considered appropriate by the commissioner or Governor. The deputy commissioner serves at the pleasure of the commissioner. [PL 1997, c. 643, Pt. Q, §6 (NEW).]

SECTION HISTORY

PL 1997, c. 643, §Q6 (NEW).

§6. Issuance of free day use pass and licenses

(REPEALED)

SECTION HISTORY

PL 2005, c. 268, §3 (NEW). PL 2009, c. 220, §3 (AMD). PL 2009, c. 220, §5 (AFF). PL 2009, c. 440, §3 (RP).

§7. Issuance of free day use pass to active military personnel

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Agriculture, Conservation and

Forestry and this section, shall issue a free day use pass to state parks and historic sites to eligible active duty military personnel. [PL 2009, c. 220, §4 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

1. Eligibility. The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's military identification, whether the following criteria are met:

A. The person's home of residence is this State; and [PL 2009, c. 220, §4 (NEW).]

B. The person is serving in an enlisted grade in the armed forces as defined in 10 United States Code, Section 101(a)(4). [PL 2009, c. 220, §4 (NEW).]

[PL 2009, c. 220, §4 (NEW).]

2. Duration of passes. A pass issued in accordance with this section is valid for 12 months from the date of issuance and may be renewed upon verification of continuing eligibility.
[PL 2009, c. 220, §4 (NEW).]

3. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue passes in accordance with this section and the memorandum of agreement entered into with the Commissioner of Agriculture, Conservation and Forestry. The Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Department of Agriculture, Conservation and Forestry with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes.
[PL 2009, c. 440, §4 (AMD); PL 2011, c. 657, Pt. W, §§5, 6 (REV).]

SECTION HISTORY

PL 2009, c. 220, §4 (NEW). PL 2009, c. 440, §4 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

§8. Issuance of free day use pass to veterans

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Agriculture, Conservation and Forestry and this section, shall issue a free day use pass to state parks and historic sites to eligible veterans. [PL 2009, c. 440, §5 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

1. Eligibility. The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

A. The person is a resident of this State; and [PL 2009, c. 440, §5 (NEW).]

B. The person received an honorable discharge or general discharge under honorable conditions. [PL 2009, c. 440, §5 (NEW).]

[PL 2009, c. 440, §5 (NEW).]

2. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue passes in accordance with this section, Title 12, section 1819-A and the memorandum of agreement entered into with the Commissioner of Agriculture, Conservation and Forestry. The Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Department of Agriculture, Conservation and Forestry with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the beginning dates for those passes. A pass issued under this section does not expire and is valid for the lifetime of the holder.
[PL 2009, c. 440, §5 (NEW); PL 2011, c. 657, Pt. W, §§5, 6 (REV).]

SECTION HISTORY

PL 2009, c. 440, §5 (NEW). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

§8-A. Issuance of free admission pass to Maine State Museum to veterans

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Maine State Museum Commission under Title 27, section 83, subsection 5 and this section, shall issue a free admission pass to the Maine State Museum to eligible veterans pursuant to subsection 1. [PL 2017, c. 370, §2 (NEW).]

1. Eligibility. The department shall determine a person's eligibility for a pass under this section by establishing that the person is a veteran and:

A. The person is a resident of this State; and [PL 2017, c. 370, §2 (NEW).]

B. The person received an honorable discharge or general discharge under honorable conditions. [PL 2017, c. 370, §2 (NEW).]

[PL 2017, c. 370, §2 (NEW).]

2. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency Management shall identify a point of contact within the department to issue free admission passes in accordance with this section and the memorandum of agreement entered into with the Maine State Museum Commission pursuant to Title 27, section 83, subsection 5. The Commissioner of Defense, Veterans and Emergency Management shall periodically report to the Maine State Museum Commission a list of the names and addresses of all persons receiving passes to the Maine State Museum and the beginning dates for those passes. A pass issued under this section does not expire and is valid for the lifetime of the holder.

[PL 2017, c. 370, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 370, §2 (NEW).

§9. Issuance of free fishing license and free hunting license to veterans

(REPEALED)

SECTION HISTORY

PL 2009, c. 440, §6 (NEW). MRSA T. 37-B §9, sub-§4 (RP).

§10. Report by Adjutant General

The President of the Senate and the Speaker of the House of Representatives may invite the Adjutant General to appear in February of each year before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters and such other matters as the Adjutant General desires to bring to the attention of the Legislature. [PL 2011, c. 472, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 472, §1 (NEW).

§11. Information of dependents

1. Confidentiality; exceptions. Any personally identifying information obtained by the State under this Title concerning a dependent of a member of the United States Armed Forces or state military forces who is deployed out of state is confidential and may not be disclosed except:

A. By written consent of the subject of the information or, if the subject of the information is less than 18 years of age, a parent or guardian of the subject; [PL 2015, c. 295, §2 (NEW).]

B. By court order; [PL 2015, c. 295, §2 (NEW).]

C. For criminal justice purposes; or [PL 2015, c. 295, §2 (NEW).]

D. For official purposes of the department or the United States Department of Veterans Affairs. [PL 2015, c. 295, §2 (NEW).]

[PL 2015, c. 295, §2 (NEW).]

2. Dependent. For the purposes of this section, "dependent" has the same meaning as in 10 United States Code, Section 1072.

[PL 2015, c. 295, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 295, §2 (NEW).

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