



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 633

H.P. 463

House of Representatives, February 17, 2011

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

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Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CROCKETT of Bethel.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: BEAULIEU of Auburn, CRAY of Palmyra, Senators: FARNHAM of  
Penobscot, PLOWMAN of Penobscot.

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

2 **Sec. 1. 37-B MRSA §107**, as repealed and replaced by PL 1999, c. 291, §1, is  
3 amended to read:

4 **§107. Qualifications for appointment of Adjutant General and assistant adjutant**  
5 **general**

6 A person appointed Adjutant General or assistant adjutant general must have attained  
7 the federally recognized rank of Colonel in the Maine National Guard and meet the  
8 criteria for federal recognition as a General Officer as prescribed by federal regulation, 10  
9 United States Code, Section 3282.

10 **Sec. 2. 37-B MRSA §1130, sub-§1**, as enacted by PL 2001, c. 460, §3, is  
11 amended to read:

12 **1. Fund established.** The Dam Repair and Reconstruction Fund, referred to in this  
13 section as the "fund," is established within the department. The department shall  
14 administer the fund and make low-interest loans from the fund for purposes pursuant to  
15 this section. The department may seek assistance from the ~~Finance Authority of Maine~~  
16 Maine Municipal Bond Bank in administering the fund.

17 **Sec. 3. 37-B MRSA §1130, sub-§2**, as amended by PL 2007, c. 167, §12, is  
18 further amended to read:

19 **2. Purposes.** The department may use the fund to provide low-interest loans to  
20 municipalities and quasi-municipal corporations or districts for engineering, legal and  
21 construction costs involved in acquiring title to, establishing a long-term management  
22 plan for, repairs to, reconstruction of, breaching of or removal of a dam or to pay  
23 emergency costs incurred for actions taken pursuant to section 1114. For the purposes of  
24 this section, "municipality" has the same meaning as set out in Title 30-A, section 5903,  
25 subsection 7-A and "quasi-municipal corporation or district" has the same meaning as set  
26 out in Title 30-A, section 2351, subsection 4.

27 **SUMMARY**

28 Currently the Adjutant General and assistant adjutant general must have attained the  
29 federally recognized rank of Colonel in the Maine National Guard. This bill requires that  
30 the Adjutant General and assistant adjutant general also meet the criteria for federal  
31 recognition as a General Officer as prescribed by federal regulation, 10 United States  
32 Code, Section 3282. In addition, this bill designates the Maine Municipal Bond Bank as  
33 a potential administrative partner in the Dam Repair and Reconstruction Fund in place of  
34 the Finance Authority of Maine. It also aligns the definition of "municipality" in the laws  
35 governing the fund with the definition set out under the Maine Municipal Bond Bank  
36 authorizing statutes, and explicitly allows quasi-municipal corporations and districts to  
37 apply for loans from the fund.