



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1520

H.P. 1045

House of Representatives, January 6, 2016

An Act To Amend Maine's Military Bureau Laws

(EMERGENCY)

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANINGTON of Lincoln.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: KINNEY of Limington, LUCHINI of Ellsworth, POULIOT of Augusta,
SAUCIER of Presque Isle, TUELL of East Machias.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the office of the state judge advocate is currently unable to receive timely
4 police reports and information related to alleged misconduct; and

5 **Whereas,** the absence of specific language in statute creates the potential that
6 members of the Maine National Guard could be personally liable for actions relating to
7 their service in the Maine National Guard on behalf of the State and the United States and
8 is inconsistent with protections provided to military commissioned officers and law
9 enforcement officials; and

10 **Whereas,** legislative action is immediately necessary to ensure protection from
11 liability for members and the efficient operation of the Maine National Guard; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 16 MRSA §703, sub-§4,** as enacted by PL 2013, c. 267, Pt. A, §2, is
18 amended to read:

19 **4. Criminal justice agency.** "Criminal justice agency" means a federal, state or
20 State of Maine government agency or any subunit of a government agency at any
21 governmental level that performs the administration of criminal justice pursuant to a
22 statute or executive order. "Criminal justice agency" includes federal courts, Maine
23 courts, courts in any other state, the Department of the Attorney General, district
24 attorneys' offices and the equivalent departments or offices in any federal or state
25 jurisdiction and the office of the state judge advocate appointed in accordance with Title
26 37-B, section 405. "Criminal justice agency" also includes any equivalent agency at any
27 level of Canadian government and the government of any federally recognized Indian
28 tribe.

29 **Sec. 2. 16 MRSA §803, sub-§4,** as enacted by PL 2013, c. 267, Pt. A, §3, is
30 amended to read:

31 **4. Criminal justice agency.** "Criminal justice agency" means a federal, state or
32 State of Maine government agency or any subunit of a government agency at any
33 governmental level that performs the administration of criminal justice pursuant to a
34 statute or executive order. "Criminal justice agency" includes the Department of the
35 Attorney General, district attorneys' offices and the equivalent departments or offices in
36 any federal or state jurisdiction and the office of the state judge advocate appointed in
37 accordance with Title 37-B, section 405. "Criminal justice agency" also includes any
38 equivalent agency at any level of Canadian government and the government of any
39 federally recognized Indian tribe.

