

MAINE STATE LEGISLATURE

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July 9, 1974 ✓

Washburn
Robert E. Washburn, Director
Martin L. Wilk, Assistant
veterans' Small Business Loan Program

Bureau of Veterans' Services
Attorney General

SYLLABUS:

Bureau of Veterans' Services may not certify for loan eligibility purposes, a person who is presently on active duty in the Armed Forces who meets the war-time and residency requirements. It may only certify qualified veterans who are separated from the armed forces at the time certification is requested.

FACTS:

X, a resident of Maine, is currently on active duty as a member of the U. S. Army and is stationed in Maine. He has served continuously in the Army since the early 1950's and was discharged to re-enlist simultaneously each four-year period thereafter.

X has requested certification by the Bureau of Veterans' Services as being eligible for the State's veteran loan guarantee program.

QUESTION and ANSWER:

May the Bureau of Veterans Services certify for loan eligibility purposes, a person who is presently on active duty in the Armed Forces who meets the war-time and residency requirements of Chapter 600, P. L. 1973? No.

REASONS:

The term "veteran" is defined, for purposes of the Veterans' Small Business Loan Act, (hereafter "VSBLA") Chapter 600, P. L. 1973 (37-A M.R.S.A., § 41-50F) as follows:

" 'veteran' shall be construed to mean any person who served in the Armed Forces of the United States on active duty during World War I, World War II, the Korean War or Viet Nam

War, not dishonorably discharged. A veteran of the Viet Nam War shall have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964, except if he was discharged for a service connected disability after such date." 37-A, M.R.S.A., § 45 (10).

While the foregoing definition does not expressly state that the term 'veteran' shall not apply to persons currently in the armed forces, it is our opinion that such a construction is reasonably implied by the language of the statute and fully supported by the legislative history.

The VSBLA represents the Legislature's implementation of Article 14-E of the Maine Constitution, which permits the pledging of the credit of the State for guaranteed loans to qualified veterans within proscribed limits. While there is no reported discussion on the floor of either the House or the Senate with respect to the purposes of the Act itself, there was considerable discussion regarding the purposes of the Article 14-E of the Constitution. This latter provision was designed to benefit "returning veterans" or veterans who had "completed their duty."

"The purpose of L. D. 1990 originally was to recognize, in one more tangible way, the special service given to our country by residents of Maine who have completed their duty in the Armed Forces. With thousands of our new veterans unemployed and with the unemployment rate higher for these young men than other citizens, it is especially fitting at this time to suggest aiding them to become resourceful, productive citizens once again by providing the State's credit to assist them in establishing their own small businesses." Legislative Record, Vol. 3 - House, February 17, 1972, p. 300, Mr. Lewin of Augusta.

"At this time, however, we are faced with a crisis, or many of the returning veterans are faced with a crisis of how to find employment." Legislative Record, Vol. 3 - House, p. 301, Mr. Curtis of Orono.

In view of the foregoing, we conclude that the VSBLA was intended to apply only to qualified veterans who have been separated from the Armed Forces.

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MLW/cmf