

# MAINE STATE LEGISLATURE

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Veterans' Burial  
37A M.R.S.A. § 19

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 24, 1978

Honorable Theodore S. Curtis, Jr.  
Woodhaven Road  
Orono, Maine 04473

Dear Senator Curtis:

We are responding to your request for an opinion of this office on a question concerning burial rights in the Maine Veterans Cemetery in Augusta. You state that the decedent in question received a General Discharge under Honorable Conditions, and ask whether he is entitled to burial in the cemetery.

The controlling statute is 37-A M.R.S.A. § 19, which states, in pertinent part:

"Any person who served on active duty in the United States Armed Forces during any federally recognized period of conflict, . . . and, who, if discharged, received an honorable discharge, may be buried in this cemetery . . ."

The term "honorable discharge" when used in the context of separation from the United States Armed Forces is an exact term with specific meaning, since there are other gradations of the quality of separation, e.g. general discharge, undesirable discharge, dishonorable discharge. It is our understanding that a general discharge, even under honorable conditions, is not the same as or of the same quality as an honorable discharge. Therefore, the Bureau of Veterans' Services, the administering agency, would appear to be acting within its discretion if it decides that the deceased veteran in question is not eligible for burial in the Maine Veterans Cemetery pursuant to 37-A M.R.S.A. § 19.


We have been informed that the deceased veteran had also served in the Armed Forces at an earlier period and had received an honorable discharge for that service. In other words, he received an honorable discharge for his first service and a general discharge for his second or more recent service. This unique

situation is not expressly considered in the applicable statutes, and we are unable to give a categorical answer to the entitlement question it raises. The answer would have to come from the Bureau of Veterans' Service pursuant to the Bureau's policy and guidelines.

In light of the urgency of your request, we have attempted to give you this answer as quickly as possible, which has limited the amount of research we could perform. Our opinion must be given with this limitation.

Please continue to call on us whenever we may assist you.

Sincerely,



S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:jg  
cc: Bureau of Veteran's Services