

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 376

S. P. 186

In Senate, January 26, 1967

Referred to Committee on Veterans and Military Affairs. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Girard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Include Viet Nam Veterans in Veteran Benefit Programs.

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

Sec. 1. R. S., T. 5, § 674, amended. The 3rd and 4th paragraphs from the end of section 674 of Title 5 of the Revised Statutes are amended to read as follows:

The term "veteran" as used in this section shall mean a person, male or female, who served in the active service of the United States' Armed Forces for a period of not less than 90 days during a period of war in which the United States has been, or is, engaged, and who has been discharged or released therefrom under honorable conditions. **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 died in service or was discharged for a service-connected disability after such date.**

For the carrying out of this section, the following dates of active service in the United States' Armed Forces shall be:

World War I, on or after April 6, 1917, and before November 11, 1918, World War II, December 7, 1941, and before September 2, 1945, Korean Campaign, June 27, 1950, and before February 1, 1955; **the Viet Nam War shall mean that period between August 5, 1964 and the date on which the hostilities are declared ended by either the Congress or proclamation of the President.**

Sec. 2. R. S., T. 12, § 4404, sub-§ 4, ¶ B, amended. Paragraph B of subsection 4 of section 4404 of Title 12 of the Revised Statutes is amended to read as follows:

B. A veteran of World War II or the Korean War or the Viet Nam War who is honorably discharged, honorably separated or retired from active service in the armed forces may apply for a license if he has been a legal resident of this State for at least one year at any time prior to the date of his application, and is a legal resident of this State at the time of his application.

Sec. 3. R. S., T. 20, § 3211, amended. Section 3211 of Title 20 of the Revised Statutes, as amended by chapter 1 of the public laws of 1965, is further amended to read as follows :

§ 3211. Definition

For the purposes of administering this chapter, an orphan of a veteran shall be defined as a child not under 16 years of age whose father served in the military or naval forces of the United States during World War I, World War II ~~or~~, the Korean Campaign or the Viet Nam War and was killed in action or died from a service-connected disability as a result of such service. **The Viet Nam War shall mean that period between August 5, 1964 and the date on which hostilities are declared ended by the Congress or proclamation of the President.** War orphans, whose fathers entered the service from Maine or who have resided in the State for 5 years immediately preceding application for aid under this chapter and which children have graduated from high school and are not over 21 years of age at the time of first entering a vocational school or an educational institution of collegiate grade, shall be eligible for benefits provided under this chapter; except that a war orphan who has been unable to enter before the age of 21 because engaged in service in the Armed Forces of the United States may enter when not over 25 years of age.

Sec. 4. R. S., T. 30, § 4653, amended. The 3rd paragraph from the end of section 4653 of Title 30 of the Revised Statutes is amended to read as follows :

As used in this section the term "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917, and prior to November 11, 1918 or at any time on or after June 27, 1950 and prior to February 1, 1955 or at any time on or after August 5, 1964 and the date on which hostilities are declared ended by the Congress or proclamation of the President, and who shall have been discharged or released therefrom under conditions other than dishonorable. The term "serviceman" shall mean a person in the active military or naval service of the United States who has served therein on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917 and prior to November 11, 1918 or at any time on or after June 27, 1950 and prior to February 1, 1955, or at any time between August 5, 1964 and the date on which hostilities are declared ended by the Congress or proclamation of the President.

Sec. 5. R. S., T. 36, § 653, sub-§ 1, ¶¶ B, C, and E, amended. Paragraphs B, C and E of subsection 1 of section 653 of Title 36 of the Revised Statutes are amended to read as follows :

B. The polls of all veterans who served in the Armed Forces of the United States in the Philippine Insurrection or any federally recognized war period prior thereto; or who receive a state pension; or who served in World Wars

I ~~or~~, II ~~or~~, the Korean Campaign or the Viet Nam War and are receiving retirement pay or compensation or vocational training from the United States Government on account of disability incurred in or aggravated by service in said wars.

C. The estates up to the value of \$3,500, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign and the Viet Nam War, when they shall have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or non-service-connected, as a veteran. The exemption provided in this paragraph shall apply to the property of such veteran including property held in joint tenancy with his or her spouse.

E. The word "veteran" as used in this subsection shall mean any person, male or female, who was in active service in the Armed Forces of the United States during any federally recognized war period or the Korean Campaign or the Viet Nam War; and who, if discharged, retired or separated from the armed forces, was discharged, retired or separated under other than dishonorable conditions. 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 died in service or was discharged for a service-connected disability after such date. The "Viet Nam War" shall mean that period between August 5, 1964 and the date on which hostilities are declared ended by the Congress or proclamation of the President.

Sec. 6. R. S., T. 37, § 3, sub-§ 5, amended. Subsection 5 of section 3 of Title 37 of the Revised Statutes is amended to read as follows:

5. **Records.** Establish and maintain a permanent record of all members of the armed services from Maine who served in World War II ~~and~~, the Korean Campaign and the Viet Nam War.

Sec. 7. R. S., T. 37, § 101, sub-§§ 3, 5, amended. Subsections 3 and 5 of section 101 of Title 37 of the Revised Statutes are amended to read as follows:

3. **Veteran.** The term "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 ~~or~~, the Korean Campaign 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 died in service or was discharged for a service-connected disability after such date.

5. **World War I and II; Korean Campaign; Viet Nam War.** The term "World War I" shall mean that period between April 6, 1917 and November 11, 1918; if service was in Russia the ending date shall be on March 31, 1920. The term "World War II" shall mean that period between December 7, 1941 and December 31, 1946. The term "Korean Campaign" shall mean that period between June 27, 1950 and January 31, 1955. The term "Viet Nam War" shall mean that period between August 5, 1964 and the date on which hostilities are declared ended by either the Congress or proclamation of the President.

Sec. 8. R. S., T. 37, § 152, amended. The first sentence of section 152 of Title 37 of the Revised Statutes is amended to read as follows:

No soldier, sailor or marine who served in the Army, Navy or Marine Corps of the United States in the War of 1861 or in the War with Spain, and no male or female veteran who served in World War I or II or the Korean Campaign **or the Viet Nam War**, and who has received an honorable discharge from said service, and who has or may become dependent upon any town shall be considered a pauper or be subject to disfranchisement for that cause; but the time during which said soldier, sailor or marine is so dependent shall not be included in the period of residence necessary to change his settlement.