

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1961

H. P. 1519 House of Representatives, January 24, 1972
The Committee on Veterans and Retirements suggested.
BERTHA W. JOHNSON, Clerk
Presented by Mrs. Lincoln of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

**AN ACT Relating to Educational Assistance for Certain Widows, Wives,
Orphans and Children of Veterans and Wives and Children of Prisoners
of War.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, dependents of some Maine veterans are now being deprived of educational benefits from the State of Maine because Maine law does not coincide with federal law; and

Whereas, to make Maine law equitable for Maine beneficiaries will not require an additional appropriation in the current biennium; and

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

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

Sec. 1. R. S., T. 20, § 3211, amended. The first paragraph of section 3211 of Title 20 of the Revised Statutes, as last amended by section 32 of chapter 530 of the public laws of 1971, is further amended to read as follows:

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, 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 or who is living and is determined to have a total disability, permanent in nature, resulting from a service-connected disability as a result of such service. Children of a veteran who at time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to service-connected disability, shall be eligible for benefits under this chapter. ~~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** **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 an ~~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. 2. R. S., T. 20, § 3213, amended. Section 3213 of Title 20 of the Revised Statutes, as last amended by section 3 of chapter 516 of the public laws of 1971, is further amended to read as follows:

§ 3213. Free tuition

All children qualifying as ~~war~~ orphans and widows qualifying under this chapter, and the wives and children of those members of the Armed Forces described in the 3rd paragraph of section 3211, shall be admitted to state-supported post-secondary vocational schools or institutions of collegiate grade free of tuition.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Maine law provides educational benefits supplemental to the federal law to the children and certain wives and widows of Maine veterans who are totally and permanently disabled or died as a result of service in the Armed Forces of the United States during wartime or who die from any cause while permanently and totally disabled as a result of such service. Federal law provides a basic educational benefit for such children, wives and widows but the required service in the armed forces is predicated on any period of service, not solely during wartime as under Maine law. The Maine families that would be affected by this bill are so few that no additional request in appropriations is contemplated, but enactment of this bill would provide equity and assistance to those few dependents of veterans who are just as deserving as those already covered by the law and who are now enrolled or are contemplating enrolling in qualified courses of education.