

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 1785**

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H. P. 1353

House of Representatives, April 3, 1973

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Curtis of Orono.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### **AN ACT Transferring Laws Relating to Education of War Orphans and Widows to Bureau of Veterans' Affairs.**

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

**Sec. 1. R. S., T. 37-A, c. 2, sub-c. III, additional.** Chapter 2 of Title 37-A of the Revised Statutes is amended by adding a new subchapter III to read as follows:

#### **SUBCHAPTER III**

#### **WAR ORPHANS AND WIDOWS**

##### **§ 50-B. Definition**

For the purposes of administering this subchapter, 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 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 subchapter. 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 subchapter 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 subchapter; except that an 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.

For the further purpose of administering this subchapter, a widow of a veteran shall be defined as a person whose husband met the residency and service requirements of this section, and the widow of any person who was killed in action or who dies from a service-connected disability as determined by the Veterans Administration, or the wife of any veteran who has a total disability, permanent in nature, resulting from a service-connected disability as determined by the Veterans Administration, or the widow of a veteran who died while a disability so evaluated was in existence.

This subchapter shall apply to the wives and children of those members of the Armed Forces on active duty who have been listed for more than 90 days as missing in action, captured or forcibly detained or interned in the line of duty by a foreign government or power.

#### § 50-C. Purposes and distribution

In order to assist any person qualifying as an orphan or as a widow, wife or child of a veteran or member of the Armed Forces in accordance with section 41 in securing higher education, the bureau shall pay, for any person which it finds eligible for such assistance, a maximum of \$300 per year, for a period of time not exceeding 8 semesters of attendance nor exceeding 6 consecutive academic years from the date of first entrance, towards the cost of such higher education. Such assistance as is paid shall be used for the purpose of providing tuition, matriculation fees, board, room rent, books and supplies. The bureau shall provide such forms and make such rules and regulations as it considers necessary for carrying out this subchapter.

#### § 50-D. Free tuition

All children qualifying as orphans and widows qualifying under this subchapter, and the wives and children of those members of the Armed Forces described in the 3rd paragraph of section 41, shall be admitted to state supported post-secondary vocational schools or institutions of collegiate grade free of tuition.

#### § 50-E. Appropriations

Appropriations for the administering of this subchapter shall be determined from the recommendation of the director, who shall furnish estimates of the costs of carrying out this subchapter in the same manner as other appropriations accruing to the bureau are handled.

**Sec. 2.** R. S., T. 20, §§ 3211-3214, repealed. Sections 3211, 3212 and 3213, as amended, and section 3214 of Title 20 of the Revised Statutes, are repealed.

**Sec. 3. Funds and equipment transferred.** Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of the Department of Educational and Cultural Services for the education of orphans and widows of veterans to be

reallocated to the Bureau of Veterans' Services, shall be transferred to the proper place in the new structure by the State Controller.

**Sec. 4. Effective date.** This Act shall be effective July 1, 1974.

#### STATEMENT OF FACT

The benefit granted under this statute recognizes the special service and sacrifice made by the veteran while in the Armed Forces of the United States and the resultant death or total and permanent disability. The benefit, which is granted the eligible child and spouse is based solely on the veteran's qualifications and is not based on a recipient's scholastic standing. Therefore, this program should be transferred to the Bureau of Veterans' Services, which is specifically concerned with administering veterans programs.