

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 999

S.P. 344

In Senate, March 31, 1987

Reference to the Committee on Aging, Retirement and Veterans suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator WEBSTER of Franklin.
Cosponsored by Representative BAILEY of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Concerning Veterans' Benefits.

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

5 37-B MRSA §505, sub-§2, ¶A, as enacted by PL
6 1983, c. 460, §3, is amended to read:

7 A. As used in this subsection, unless the con-
8 text otherwise indicates, the following terms
9 have the following meanings.

10 (1) "Child" means a child whose--mother--or
11 father--is--or--was--a-veteran-and-the-child
12 who:

13 (a) Is at least 16 years of age;

1 (b) Has graduated from high school;
2 and

3 (c) Is not over 21 years of age at the
4 time of first entering a vocational
5 school or post-secondary educational
6 institution or, if over 21 years of age
7 upon that entry, is not over 25 years
8 of age and had been unable to enter be-
9 fore the age of 21 years due to service
10 in the United States Armed Forces; and

11 (d) Is:

12 (i) A natural child of a veteran;

13 (ii) A foster child of a veteran;

14 (iii) A legally adopted child of
15 a veteran;

16 (iv) A stepchild, if a member of
17 a veteran's household either at
18 the time of application or, in the
19 event of the veteran's death, at
20 the time of death, and who there-
21 after continues as a member of the
22 household; or

23 (v) An illegitimate child, when a
24 veteran has been judicially or-
25 dered or decreed to contribute to
26 his support, or judicially decreed
27 to be the putative father, or has
28 acknowledged under oath and in
29 writing that he is the father of
30 the child.

31 (2) "Spouse" means the person currently le-
32 gally married to a living veteran or the
33 widow or widower of a deceased veteran, not
34 previously divorced from that veteran.

35 (3) "Veteran" means any person who served
36 in the military or naval forces of the
37 United States and entered the service from
38 this State or resided in this State for 5

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years immediately preceding application for aid and who:

(a) Is living and is determined to have a total permanent disability resulting from a service-connected disability as a result of service;

(b) Was killed in action;

(c) Died from a service-connected disability as a result of service;

(d) At the time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to the service-connected disability; or

(e) Is a member of the Armed Forces on active duty who has 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.

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STATEMENT OF FACT

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This bill clarifies what is meant by the phrase in the current law "whose mother or father is or was a veteran." The proposal expands the current definition to include foster children and stepchildren. The current law is ambiguous as to whether illegitimate or legally adopted children are eligible for educational benefits. The proposed definition is taken from the requirement for financial assistance in this section.

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