

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1060

H.P. 787

House of Representatives, March 29, 1993

**An Act Concerning Rights and Privileges for Maine Veterans of the
Persian Gulf War.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ANDERSON of Woodland.

Cosponsored by Representative DONNELLY of Presque Isle, Senator McCORMICK of Kennebec and

Representatives: AULT of Wayne, BRUNO of Raymond, CLARK of Millinocket, FARREN of Cherryfield, FOSS of Yarmouth, GOULD of Greenville, GREENLAW of Standish, JALBERT of Lisbon, KNEELAND of Easton, LIPMAN of Augusta, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, PARADIS of Augusta, PENDEXTER of Scarborough, REED of Dexter, ROBICHAUD of Caribou, SULLIVAN of Bangor, TAYLOR of Cumberland, Senators: BALDACCI of Penobscot, KIEFFER of Aroostook, PARADIS of Aroostook, PEARSON of Penobscot, SUMMERS of Cumberland.

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

2
4 **Sec. 1. 5 MRSA §7054, sub-§2, ¶A**, as amended by PL 1985, c. 811, is further amended to read:

6 A. A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively during a war, campaign or expedition and who was honorably separated shall must be accorded a 5-point preference.

10 A 5-point preference shall must also be ~~assessed~~ accorded a veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days and who, during that time:

14 (1) Served in the expedition to Grenada at any time from October 25, 1983, to November 2, 1983; ~~or~~

18 (2) Served in the mission in Lebanon at any time from August 25, 1983, to February 24, 1984; or

22 (3) Served in the Persian Gulf War at any time from August 7, 1990 to April 11, 1991.

24 **Sec. 2. 10 MRSA §963-A, sub-§51**, as amended by PL 1989, c. 857, §45, is further amended to read:

26 **51. Veteran.** "Veteran" means any person who served in the United States Armed Forces during any federally recognized period of conflict as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and was not dishonorably discharged. A veteran of the Vietnam War must have served on active duty for a period of more than 90 days, unless that veteran was discharged for a service-connected disability, and any part of that active duty service occurred after December 22, 1961, and before May 7, 1975.

38 **Sec. 3. 12 MRSA §7076, sub-§4, ¶C**, as amended by PL 1989, c. 264, is further amended to read:

40 C. Has served in a combat zone during either World War I, World War II, the Korean War ~~or~~, the Vietnam War or the Persian Gulf War; and

44 **Sec. 4. 30-A MRSA §4743, sub-§3, ¶C**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

48 C. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

2 (1) The term "veteran" means a person who has served
4 in the active military or naval service of the United
6 States at any time on or after April 6, 1917 and before
8 November 11, 1918, or at any time on or after September
10 16, 1940 and before July 26, 1947, or at any time on or
12 after June 27, 1950 and before February 1, 1955, or at
14 any time on or after August 5, 1964 and before May 7,
16 1975, or at any time on or after August 7, 1990 and
18 before April 11, 1991, and who has been discharged or
20 released from the service under conditions other than
22 dishonorable.

14 (2) The term "serviceman" means a person in the active
16 military or naval service of the United States who has
18 served in that service on or after April 6, 1917 and
20 before November 11, 1918, or at any time on or after
22 September 16, 1940 and before July 26, 1947, or at any
time on or after June 27, 1950 and before February 1,
1955, or at any time on or after August 5, 1964 and
before May 7, 1975, or at any time on or after August
7, 1990 and before April 11, 1991.

24 Notwithstanding any provisions of this section, an authority
26 may agree to conditions as to tenant eligibility or
28 preference required by the Federal Government under federal
law in any contract for financial assistance with the
authority.

30 Nothing in this section or section 4742 may be construed as
32 limiting the power of an authority to vest in an obligee the
34 right, in the event of a default by the authority, to take
possession of a project or cause the appointment of a
receiver of the project, free from all the restrictions
imposed by this section or section 4742.

36 **Sec. 5. 34-B MRSA §6253-A, sub-§4**, as enacted by PL 1989, c.
749, §§2 and 3, is amended to read:

38 **4. Veterans' preference.** Preference in admission to the
40 Bath Children's Home must be given to the children of veterans of
42 this State who have served in wars in which the United States has
been involved, including the Korean Campaign, the Vietnam War and
the Persian Gulf War.

44 **Sec. 6. 36 MRSA §653, sub-§1, ¶C**, as repealed and replaced by
46 PL 1989, c. 878, Pt. A, §104, is amended to read:

48 C. The estates up to the just value of \$5,000, having a
50 taxable situs in the place of residence, of veterans who
served in the Armed Forces of the United States during any

2 federally recognized war period, including the Korean
Campaign and, the Vietnam War and the Persian Gulf War, when
4 they shall have reached the age of 62 years or when they are
receiving any form of pension or compensation from the
6 United States Government for total disability,
service-connected or nonservice-connected, as a veteran.
8 The exemption provided in this paragraph shall-apply applies
to the property of that veteran including property held in
joint tenancy with that veteran's spouse.

10 **Sec. 7. 36 MRSA §653, sub-§1, ¶E,** as amended by PL 1989, c.
12 501, Pt. Z and c. 502, Pt. A, §128, is repealed and the following
enacted in its place:

14 E. The word "veteran" as used in this subsection means any
16 person, male or female, who was in active service in the
Armed Forces of the United States during any federally
18 recognized war period or the Korean Campaign, the Vietnam
War or the Persian Gulf War and who, if discharged, retired
20 or separated from the Armed Forces, was discharged, retired
or separated under other than dishonorable conditions. A
22 veteran of the Vietnam War must have served on active duty
for a period of more than 180 days, any part of which
24 occurred after August 4, 1964 and before May 7, 1975, except
if the veteran died in service or was discharged for a
26 service-connected disability after such date. "Vietnam War"
means that period between August 5, 1964 and May 7, 1975.
28 "Persian Gulf War" means service on active duty in the
Persian Gulf region between August 7, 1990 and April 11,
30 1991;

32 **Sec. 8. 37-B MRSA §504, sub-§4, ¶A-1,** as amended by PL 1989, c.
34 502, Pt. D, §21, is further amended by amending subparagraph (3)
to read:

36 (3) "Federally recognized period of conflict" means
38 World War I, April 6, 1917 to November 11, 1918, March
31, 1920, if service was in Russia; World War II,
40 December 7, 1941 to December 31, 1946; Korean Conflict,
June 27, 1950 to January 31, 1955; and the Vietnam War,
42 August 5, 1964 to May 7, 1975; and the Persian Gulf
War, August 7, 1990 to April 11, 1991.

44 **Sec. 9. 37-B MRSA §505, sub-§1, ¶A,** as amended by PL 1989, c.
46 502, Pt. A, §140, is further amended by amending subparagraph (2)
to read:

48 (2) "Federally recognized period of conflict" means
50 World War I, April 6, 1917 to November 11, 1918, or to
March 31, 1920, if service was in Russia; World War II,

2 December 7, 1941 to December 31, 1946; Korean Conflict,
3 June 27, 1950 to January 31, 1955 and; the Vietnam War,
4 August 5, 1964 to May 7, 1975; and the Persian Gulf
5 War, August 7, 1990 to April 11, 1991.

6 **Sec. 10. 37-B MRSA §601**, as amended by PL 1991, c. 702, §1,
7 is further amended to read:

8
9 **§601. Home established; purpose**

10
11 There must be public homes for veterans in Maine known as
12 "Maine Veterans' Homes." In addition to the presently existing
13 home located in Augusta, a 120-bed home located in southern
14 Maine, a home, not to exceed 60 beds, located in Aroostook
15 County, a home located in eastern Maine not to exceed 120 beds
16 and a home located in western Maine not to exceed 120 beds may be
17 constructed if federal Veterans' Administration funds are
18 available to meet part of the costs of each facility for
19 construction or operation. The ~~board--of--trustees~~ Board of
20 Trustees of the Maine Veterans' Homes shall plan and develop
21 these additional homes and may use any funds available for those
22 purposes, except for the Augusta facility's funded depreciation
23 account. The primary purpose of the homes is to provide support
24 and care for honorably discharged veterans who served in the
25 United States Armed Forces during wartime, including the Korean
26 Conflict and, the Vietnam War and the Persian Gulf War.

28

29 **STATEMENT OF FACT**

30

31 This bill amends existing laws establishing veterans'
32 privileges and preferences to recognize veterans of the Persian
Gulf War as active duty veterans.