

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1627

S.P. 583

In Senate, January 5, 1994

An Act to Amend the Structure of Veterans' Services.

Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.
Reference to the Committee on Aging, Retirement and Veterans suggested and ordered
printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.
Cosponsored by Senator: TITCOMB of Cumberland, Representatives: DEXTER of Kingfield,
ERWIN of Rumford, HEINO of Boothbay, JALBERT of Lisbon.

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

2
4 **Sec. 1. 37-B MRSA §502**, as amended by PL 1991, c. 626, §8, is further amended to read:

6 **§502. Director of Operations of the Division of Veterans' Services**

8 The ~~Supervisor~~ Director of Operations of the Division of Veterans' Services, ~~referred to in this chapter as the "supervisor,"~~ shall supervise direct the operation of the division.

12 **Sec. 2. 37-B MRSA §503**, as amended by PL 1991, c. 626, §9, is further amended to read:

16 **§503. Powers and duties**

18 The ~~supervisor~~ Director of Operations has the following powers and duties.

20 **1. Employment of personnel.** The ~~supervisor~~ Director of Operations may employ, subject to approval of the appointing authority and the Civil Service Law, the personnel necessary to administer this chapter. All full-time permanent employees, except clerical employees, must be persons who served on active duty in the United States Armed Forces during any federally recognized period of conflict, as defined in section 504, subsection 4, paragraph A-1, subparagraph (3).

30 **2. Expenditures.** The ~~supervisor~~ Director of Operations may make expenditures approved by the Adjutant General necessary to carry out this chapter.

34 **3. Agent.** The ~~supervisor~~ Director of Operations shall act, upon request, as the agent of any Maine resident who has a claim against the United States for any compensation, pension, insurance, loan or other benefit accruing as a result of any federal military service and, in cooperation with all public and private agencies, shall prosecute the claim without charge.

40 **4. Record.** The ~~supervisor~~ Director of Operations shall maintain a permanent record of all Maine residents who served in the armed services after December 7, 1941.

44 **6. Other duties.** The ~~supervisor~~ Director of Operations shall perform other duties required by this chapter.

46 **Sec. 3. 37-B MRSA §504, sub-§1**, as amended by PL 1991, c. 626, §11, is further amended to read:

1. **Land acquisition.** The ~~Commissioner--of--Defense--and
Veterans'--Services~~ Director of Operations may acquire by eminent domain in accordance with Title 35-A, chapter 65 and with approval of the Governor, or by purchase, gift or otherwise, real estate in fee simple, or any interest therein, for use as a Veterans' Memorial Cemetery. The land may not exceed 200 acres in area and must be located near the center of population of the State.

Sec. 4. 37-B MRSA §504, sub-§§2 and 3, as amended by PL 1991, c. 626, §12, are further amended to read:

2. **Superintendent.** The ~~Commissioner--of--Defense--and
Veterans'--Services~~ Director of Operations, with approval of the appointing authority, shall appoint a competent and trustworthy cemetery superintendent and shall arrange for personnel, material and equipment necessary for adequate maintenance of the cemetery. The superintendent must be an honorably discharged war veteran or a war veteran currently a member of the armed services in nonactive or reserve status.

3. **Monuments, buildings and markers.** The ~~Commissioner--of
Defense--and--Veterans'--Services~~ Director of Operations shall cause to be erected a suitable monument in the center of the cemetery.

A. The monument must be suited to the topography of the land and display, on suitable flag poles, the national emblem and the state flag in accordance with the Flag Code.

B. The immediate area surrounding the monument must be prepared and reserved as a suitable place for commemorating Memorial Day and other appropriate observances. The remaining grounds must be laid out in a wheel-like pattern around the monument, expanding from the center as required. Suitable buildings may be erected for purposes the ~~Commissioner--of--Defense--and--Veterans'--Services~~ Director of Operations determines necessary.

C. All grave markers must be flat-type granite, as furnished by the United States Department of the Army, Memorial Division, or flat-type granite facsimiles of a marker. All boxes used for burial must be protected with permanent vaults or grave liners. Stones and vaults may not be provided at state expense.

Sec. 5. 37-B MRSA §504, sub-§4, ¶B, as amended by PL 1991, c. 626, §13, is further amended to read:

B. The superintendent Director of Operations shall allow the earth burial in the cemetery of any eligible veteran who

2 requests burial in the cemetery. The superintendent
3 Director of Operations shall allow the veteran the option of
4 crypt burial if crypt space exists. All burials must be
without charge.

6 **Sec. 6. 37-B MRSA §504, sub-§4, ¶C**, as amended by PL 1991, c.
7 626, §14, is further amended to read:

8
9 C. At the dependent's request, the superintendent Director
10 of Operations shall allow an eligible dependent of a veteran
11 to be buried in the cemetery if, at the date of the
12 dependent's death, the veteran would be eligible for
13 burial. Dependents may be buried in the earth or placed in
14 a crypt adjacent to the veteran without charge, provided
15 that:

16 (1) If the veteran dies first, the dependents specify
17 in writing their intention to be so buried;

18 (2) If the dependent dies first, the veteran specifies
19 in writing the intention to be buried in the cemetery;
20 or
21

22 (3) Eligible family members of members of the armed
23 services or veterans who are permanently buried
24 overseas, buried at sea, missing in action and declared
25 dead, or whose bodies are inaccessible for other
26 reasons, may be buried in this cemetery, provided that
27 the deceased member of the armed services or veteran
28 was eligible for the burial at the time of death.
29

30
31 **Sec. 7. 37-B MRSA §505, sub-§2, ¶¶B and D**, as amended by PL
32 1991, c. 626, §17, are further amended to read:

33
34 B. The division shall pay to a spouse or child of a veteran
35 a maximum of \$300 per year toward the cost of higher
36 education during a period not exceeding 8 semesters of
37 attendance or 6 consecutive academic years from the date of
38 first entrance. The ~~supervisor~~ Director of Operations may
39 waive the limitation of 6 consecutive academic years when
40 the recipient's education has been interrupted by severe
41 medical disability or illness making continued attendance
42 impossible. These educational benefits must be used for the
43 purpose of providing tuition, matriculation fees, board,
44 room rent, books and supplies. Assistance under this
45 subsection may not be paid to any eligible person receiving
46 benefits under paragraph C.
47

48 D. Appropriations for the administration of this subsection
49 must be determined from the recommendation of the
50

