

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 89

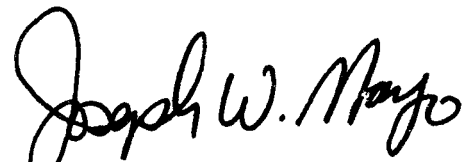
H.P. 76

House of Representatives, January 11, 1999

**Resolve, to Study Standardized Periods of Military Service for Award of
State of Maine Veterans' Benefits.**

(EMERGENCY)

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator CAREY of Kennebec and
Representatives: CAMPBELL of Holden, CHICK of Lebanon, LEMONT of Kittery,
MURPHY of Berwick, MURPHY of Kennebunk, STEDMAN of Hartland, USHER of
Westbrook, Senator: MacKINNON of York.

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

4
6 **Whereas,** there exist numerous state laws that provide for
veterans' benefits that are separately administered by several
different state departments and agencies; and

8
10 **Whereas,** these laws recognize varying periods of service for
eligibility to receive veterans' benefits; and

12 **Whereas,** these nonstandardized periods of service may
prohibit certain veterans from receiving certain benefits under
state law; and

16 **Whereas,** these nonstandardized periods of service have made
the administering of veterans' benefits to Maine veterans both
inconsistent and confusing, particularly when the periods of
service conflict with eligibility requirements under federal law;
and

22 **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

28 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Standardized Periods of Military Service for Award of
Benefits to Maine Veterans, referred to in this resolve as the
"commission," is established; and be it further

32 **Sec. 2. Membership. Resolved:** That the commission consists
34 of the following 7 members:

36 1. One member of the Senate appointed by the President of
the Senate;

38 2. One member of the House of Representatives appointed by
40 the Speaker of the House;

42 3. The Commissioner of Defense, Veterans and Emergency
44 Management or the commissioner's designee;

46 4. Three representatives from statewide veterans'
organizations, appointed by the Maine Veterans Coordinating
Committee; and

48 5. A representative of the Maine National Guard, appointed
50 by the Adjutant General; and be it further

2 **Sec. 3. Appointment. Resolved:** That appointments must be made
within 30 days of the effective date of this resolve. The
4 appointing authorities shall notify the Executive Director of the
Legislative Council upon making the appointments; and be it
6 further

8 **Sec. 4. Meetings. Resolved:** That the Chair of the Legislative
Council shall call and convene the first meeting of the
10 commission within 30 days of the date that the last member is
appointed; and be it further

12 **Sec. 5. Chair. Resolved:** That the President of the Senate and
14 the Speaker of the House shall each appoint a committee cochair
from among committee members within 30 days of the effective date
16 of this resolve; and be it further

18 **Sec. 6. Compensation. Resolved:** That legislative members are
entitled to receive per diem compensation, as defined in the
20 Maine Revised Statutes, Title 3, section 2. All members are
entitled to reimbursement for expenses incurred in carrying out
22 their duties. Application for compensation and reimbursement
must be made to the Executive Director of the Legislative
24 Council; and be it further

26 **Sec. 7. Staff. Resolved:** That the Executive Director of the
Legislative Council shall provide staff support to the commission
28 when the Legislature is not in session. State agencies
represented on the commission shall also provide assistance when
30 requested; and be it further

32 **Sec. 8. Duties. Resolved:** That the commission shall study the
laws of this State that relate to the award of state veterans'
34 benefits and consider alternatives that will codify and
standardize the present laws related to eligibility for benefits
36 based on periods of military service. In examining these issues,
the commission shall consider all laws of the State that relate
38 to veterans' benefits, including, but not limited to, those
administered by the Department of Defense, Veterans and Emergency
40 Management, the Department of Labor, the Department of Human
Services and the Maine State Retirement System. As part of its
42 study, the commission shall:

44 1. Review and assess all existing laws of the State that
contain eligibility criteria for veterans' benefits based on
46 periods of military service;

48 2. Analyze existing laws of the State related to the award
of veterans' benefits to identify discrepancies and
50 inconsistencies in eligibility criteria based on periods of
military service;

2 3. Identify and assess the differences among the State and
federal laws regarding veterans' benefits eligibility criteria;

4
6 4. Identify and consider alternatives for codifying and
standardizing laws regarding eligibility criteria for veterans'
benefits based on periods of military service; and

8
10 5. Recommend appropriate legislation to reflect the
findings of the commission; and be it further

12 **Sec. 9. Report. Resolved:** That the commission shall submit
its report with any accompanying legislation to the Second
14 Regular Session of the 119th Legislature by December 15, 1999.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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SUMMARY

22 This resolve establishes the Commission to Study
Standardized Periods of Military Service for Award of Benefits to
24 Maine Veterans to examine ways to codify and standardize
eligibility requirements for veterans' benefits based on periods
26 of military service.