

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1938

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S.P. 692

In Senate, March 18, 1999

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### **An Act to Recognize Veterans of the Persian Gulf Conflict.**

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Reference to the Committee on Legal and Veterans Affairs 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 President LAWRENCE of York.  
Cosponsored by Senators: CAREY of Kennebec, DAGGETT of Kennebec.

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

2  
4       **Sec. 1. 5 MRSA §7054, sub-§1, ¶D**, as amended by PL 1995, c. 115, §1, is further amended to read:

6       D. "War, campaign or expedition" means any of the following periods:

8               (1) April 6, 1917 to November 10, 1918;

10              (2) December 7, 1941 to September 1, 1945;

12              (3) June 27, 1950 to January 31, 1955;

14              (4) August 5, 1964 to May 7, 1975; and

16              (5) August 7, 1990 to ~~August 7, 1991~~ the date that the  
18              United States Government recognizes as the end of the  
20              Persian Gulf War.

22       **Sec. 2. 36 MRSA §653 sub-§1, ¶C**, as amended by PL 1995, c. 368, Pt. CCC, §1 and affected by §11, is further amended to read:

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

28              (1) During any federally recognized war period, including the Korean Campaign, the Vietnam War and the Persian Gulf War, when they have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964 and before May 7, 1975, unless the veteran died in service or was discharged for a service-connected disability after that date. "Vietnam War" means the period between August 5, 1964 and May 7, 1975. "Persian Gulf War" means service on active duty between on or after August 7, 1990 and  
40              April 11, 1991 before or on the date that the United  
42              States Government recognizes as the end of that war  
44              period; or

46              (2) Who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving any form of pension or compensation from the United States Government for total, service-connected disability.

2 The exemptions provided in this paragraph apply to the  
property of that veteran, including property held in joint  
4 tenancy with that veteran's spouse or held in a revocable  
living trust for the benefit of that veteran.

6 **Sec. 3. 36 MRSA §653 sub-§1, ¶D-1**, as amended by PL 1995, c.  
368, Pt. CCC, §3 and affected by §11, is further amended to read:

8  
10 D-1. The estates up to the just value of \$47,500, having a  
taxable situs in the place of residence, for specially  
12 adapted housing units, of veterans who served in the Armed  
Forces of the United States during any federally recognized  
14 war period, including the Korean Campaign, the Vietnam War  
and the Persian Gulf War, and who are paraplegic veterans  
within the meaning of the Code, Title 38, Chapter 21,  
16 Section 2101, and who received a grant from the United  
States Government for any such housing, or of the  
18 unremarried widows of such veterans. A veteran of the  
Vietnam War must have served on active duty for a period of  
20 more than 180 days, any part of which occurred after August  
4, 1964 and before May 7, 1975, unless the veteran died in  
22 service or was discharged for a service-connected disability  
after that date. "Vietnam War" means the period between  
24 August 5, 1964 and May 7, 1975. "Persian Gulf War" means  
service on active duty between on or after August 7, 1990  
26 and ~~April 11, 1991~~ before or on the date that the United  
States Government recognizes as the end of that war period.  
28 The exemption provided in this paragraph applies to the  
property of the veteran including property held in joint  
30 tenancy with a spouse or held in a revocable living trust  
for the benefit of that veteran.

32  
34 **Sec. 4. 37-B MRSA §504, sub-§4, ¶A-1**, as repealed and replaced  
by PL 1993, c. 680, Pt. A, §33, is amended to read:

36 A-1. As used in this subsection, unless the context  
indicates otherwise, the following terms have the following  
38 meanings.

40 (1) "Eligible dependent" means the wife, husband,  
surviving spouse, unmarried minor child, unmarried  
42 dependent child enrolled in secondary school or  
unmarried adult child who became incapable of  
44 self-support before reaching 18 years of age on account  
of mental or physical defects.

46  
48 (2) "Eligible veteran" means any person who:

50 (a) Served on active duty in the United States  
Armed Forces during any federally recognized  
52 period of conflict, served on active duty in the  
United States Armed Forces at any time during the

2 period December 22, 1961 to August 5, 1964 or was  
3 eligible for an Armed Forces Expeditionary Medal  
4 or campaign medal, and who:

5 (i) If discharged, received an honorable  
6 discharge or a general discharge under  
7 honorable conditions, provided that the  
8 discharge was not upgraded through a program  
9 of general amnesty; and

10 (ii) Was a resident of the State at the time  
11 of entering military service, death or the  
12 death of an eligible dependent;

13 (b) Served in the Maine National Guard and died  
14 as a result of injury, disease or illness  
15 sustained while serving on state active duty as  
16 provided in chapter 3, subchapter III; or

17 (c) Served in the Armed Forces in the United  
18 States at any time and was killed or died as a  
19 result of hostile action and was a resident of the  
20 State at the time of entering military service, at  
21 the time of death or at the time of the death of  
22 an eligible dependent.

23 (3) "Federally recognized period of conflict" means  
24 World War I, April 6, 1917 to November 11, 1918, or  
25 March 31, 1920 if service was in Russia; World War II,  
26 December 7, 1941 to December 31, 1946; Korean Conflict,  
27 June 27, 1950 to January 31, 1955; the Vietnam War,  
28 August 5, 1964 to May 7, 1975; and the Persian Gulf  
29 War, August 7, 1990 to ~~April 11, 1991~~ the date that the  
30 United States Government recognizes as the end of the  
31 Persian Gulf War.

## 32 SUMMARY

33 This bill expands the description of the Persian Gulf War  
34 period in various provisions of law to comport with the federally  
35 recognized war period. It gives Persian Gulf War veterans the  
36 same preferences in employment, rights to burial in the Veterans'  
37 Memorial Cemetery and property tax exemptions as veterans of  
38 other wars.