

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1608

H.P. 1185

House of Representatives, March 13, 2001

An Act to End Discrimination Against Veterans.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator SHOREY of Washington and
Representatives: CRESSEY of Baldwin, JODREY of Bethel, MICHAEL of Auburn,
SCHNEIDER of Durham, Senators: DAVIS of Piscataquis, SMALL of Sagadahoc.

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

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4 **Sec. 1. 5 MRSA §17760, sub-§2**, as amended by PL 1991, c. 479, §3, is further amended to read:

6 **2. Service before becoming a member.** A member who served as
8 a full-time active duty member of the armed forces before
10 becoming a member of the retirement system is entitled to service
credit for the period of time he the member served in the armed
forces, under the following terms and conditions.

12 A. On the date of retirement, the member must have at least
14 15 years of creditable service.

16 C. The member must have separated from the armed forces
18 under conditions other than dishonorable, providing that the
separation was not upgraded through a program of general
amnesty.

20 ~~D. Except as provided in paragraph E, the member must have
22 begun membership before January 1, 1976.~~

24 ~~E. A member who served in the armed forces during any
26 federally recognized period of conflict, as defined in Title
37-B, section 504, subsection 4, paragraph A-1, subparagraph
(3), is entitled to service credit under this subsection.~~

28 F. Upon complete payment of the back contributions under
30 section 17713, the member shall must be granted service
32 credit for the period of time for which the contributions
34 have been made. Upon making partial payment of the back
contributions under section 17713, the member shall must be
granted service credit on a pro rata basis in accordance
with rules adopted by the board.

36 **Sec. 2. 36 MRSA §653, sub-§1, ¶C**, as amended by PL 1999, c.
38 462, §2, is further amended to read:

40 C. The estates up to the just value of \$5,000, having a
42 taxable situs in the place of residence, of veterans who
served were honorably discharged from active duty in the
Armed Forces of the United States:

44 (1) ~~During any federally recognized war period,
46 including the Korean Campaign, the Vietnam War and the
Persian Gulf War, when they When the veterans have
48 reached the age of 62 years or when they the veterans
are receiving any form of pension or compensation from
50 the United States Government for total disability,
service-connected or nonservice-connected, as a~~

2 veteran. ~~A veteran of the Vietnam War must have served~~
3 ~~on active duty for a period of more than 180 days, any~~
4 ~~part of which occurred after February 27, 1961 and~~
5 ~~before May 8, 1975 in the case of a veteran who served~~
6 ~~in the Republic of Vietnam and after August 4, 1964 and~~
7 ~~before May 7, 1975 in all other cases, unless the~~
8 ~~veteran died in service or was discharged for a~~
9 ~~service-connected disability after that date. "Vietnam~~
10 ~~War" means the period between August 5, 1964 and May 7,~~
11 ~~1975 and the period beginning on February 28, 1961 and~~
12 ~~ending on May 7, 1975 in the case of a veteran who~~
13 ~~served in the Republic of Vietnam during that period.~~
14 ~~"Persian Gulf War" means service on active duty on or~~
15 ~~after August 7, 1990 and before or on the date that the~~
16 ~~United States Government recognizes as the end of that~~
17 ~~war period; or~~

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

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

28 Exemptions granted under this paragraph on or after April 1,
29 2002 require a 100% reimbursement to the municipality for
30 the property tax revenues lost to that municipality.
31 Exemptions granted on or after April 1, 2002 under this
32 paragraph are not considered eligible for reimbursement
33 under paragraph H. Municipal property tax revenues lost as
34 a result of exemptions granted prior to April 1, 2002 are
35 not 100% reimbursable but may be reimbursable under section
36 661.

38 **Sec. 3. Notification.** The Department of Administrative and
39 Financial Services, Bureau of Revenue Services shall notify by
40 regular mail each municipality of the provisions of that section
41 of this Act that amends the Maine Revised Statutes, Title 36,
42 section 653, subsection 1, paragraph C at least 60 days prior to
43 the beginning of the first property tax year to which the changes
44 apply.

46 **Sec. 4. Application.** That section of this Act that amends the
47 Maine Revised Statutes, Title 36, section 653, subsection 1,
48 paragraph C applies to property tax years beginning April 1, 2002.

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SUMMARY

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This bill removes the requirement that members of the Maine State Retirement System joining after January 1, 1976 must have served in a federally recognized period of conflict to be eligible to purchase military service credits.

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This bill expands eligibility for the veterans' property tax exemption and removes from statute eligibility requirements related to federally recognized periods of war. It also makes all honorably discharged veterans who are 62 years of age or older eligible for the veterans' property tax exemption authorized by this bill. The bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services to notify each municipality of this expanded eligibility at least 60 days prior to the beginning of the first property tax year to which this expanded eligibility applies.

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