

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1189

H.P. 818

House of Representatives, March 8, 2005

An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PATRICK of Rumford.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: HOTHAM of Dixfield, PINKHAM of Lexington Township.

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

Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2001, c. 662, §65, is further amended to read:

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

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

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

(a) Served in the active United States Armed Forces and who:

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

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

(d) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.

Sec. 2. 37-B MRSA §505, sub-§2, ¶A, as amended by PL 2001, c. 662, §66, is further amended by amending subparagraph (3) to read:

(3) "Veteran" means any person who served in the military or naval forces of the United States and entered the service from this State or resided in this State for 5 years immediately preceding application for aid and, if living, continues to reside in this State and who:

- 2 (a) ~~Is--living--and--is--determined--to--have~~ Has a
total permanent disability resulting from a
4 service-connected disability as a result of
service;
- 6 (b) Was killed in action;
- 8 (c) Died from a service-connected disability as a
result of service;
- 10 (d) At the time of death was totally and
12 permanently disabled due to service-connected
disability, but whose death was not related to the
14 service-connected disability; or
- 16 (e) Is a member of the Armed Forces on active
duty who has been listed for more than 90 days as
18 missing in action, captured or forcibly detained
or interned in the line of duty by a foreign
20 government or power.

22 **Sec. 3. 37-B MRSA §§510 and 511** are enacted to read:

24 **§510. Commemorative certificates, coins and medals**

26 A commemorative certificates, coins and medals recognition
program is established as follows.

28 **1. Design; construct; issue.** The director is authorized to
30 design, construct and issue commemorative certificates, coins and
medals honoring Maine's veterans serving in different conflicts.
32 For World War II, the Korean Conflict and the Vietnam War, the
commemorative items must be of a design similar to the World War
34 II, Korean Conflict and Vietnam War plaques that are displayed in
the Hall of Flags in the State House.

36 **2. Solicit donations.** The bureau is authorized to solicit
38 donations from private citizens, corporations and entities to
help fund the design, construction and issuance of commemorative
40 items under this section.

42 **3. Advisory committee.** The bureau shall establish an
44 advisory committee of interested persons, including, but not
limited to, veterans of the Persian Gulf War and the wars in Iraq
and veterans from the period from 1947 to 1990, to develop
46 commemorative items honoring veterans. Approval of commemorative
items rests with the Commissioner of Defense, Veterans and
48 Emergency Management.

2 4. Purchase by public. Specially identified commemorative
3 certificates, coins and medals may be sold to the public as long
4 as they are distinctive from those items awarded to the actual
5 veterans.

6 **§511. Fund established**

8 A nonlapsing fund is established for the purpose of
9 receiving funds from the State, donations from private citizens,
10 corporations and entities and funds from the sales of
11 commemorative items to pay the costs of the program established
12 under section 510.

14

SUMMARY

16

18 This bill requires that a veteran whose child qualifies for
19 a 100% tuition waiver on the basis of the veteran's residing in
20 this State for 5 years immediately preceding applications for aid
21 must continue to reside in the State while the tuition waiver is
22 in effect for the child.

22

24 The bill changes the term "physical defects" to "physical
25 disabilities."

26

28 The bill establishes a commemorative certificates, coins and
29 medals recognition program for the State's veterans using state
30 and private funds as well as sale proceeds to pay for the program.