

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1088

H.P. 806

House of Representatives, March 6, 2007

An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws

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 MARRACHÉ of Kennebec and
Representatives: FISHER of Brewer, HOLMAN of Fayette, Senator: PLOWMAN of
Penobscot.

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

2 **Sec. 1. 37-B MRSA §264, sub-§3**, as amended by PL 2003, c. 688, Pt. A, §42, is
3 further amended to read:

4 **3. Exceptions; authorization to sell.** Notwithstanding subsection 2, paragraph B,
5 the Adjutant General is authorized to sell the following armories and parcel of land:

- 6 A. The Brunswick Armory ~~or the Bath Armory, but not both~~;
- 7 B. The Newport Armory;
- 8 C. The Rumford Armory;
- 9 E. The South Portland Armory;
- 10 F. The Millinocket Armory;
- 11 G. A 6 1/2-acre parcel of land located on the northeasterly side of U.S. Route One
12 across from the Belfast Armory and part of the parcel of land described in the Waldo
13 County Registry of Deeds, Book 411, Page 446;
- 14 H. The Caribou Armory, located at 55 Bennett Drive, Caribou, for market value but
15 not including the organizational maintenance shop, known as OMS5, nor the metal
16 storage building;
- 17 I. The Fort Fairfield Armory located at 25 Columbia Street, Fort Fairfield by means
18 of a quitclaim deed, subject to all easements of record, to the inhabitants of the Town
19 of Fort Fairfield for the sum of \$1 as long as the inhabitants of the Town of Fort
20 Fairfield agree to indemnify and hold harmless the State from all claims, including
21 any environmental clean-up costs that may arise from the land or buildings
22 constituting the Fort Fairfield Armory and this transfer is determined to be a transfer
23 for not less than appraised value as specified in subsection 1 in view of the economic
24 conditions of northern Aroostook County, the financial contributions made by the
25 Town of Fort Fairfield to the armory and the environmental conditions existing at the
26 site; ~~and~~
- 27 J. The Saco Armory located at 75 Franklin Street, Saco, Maine, by means of a
28 quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the
29 State from all claims, including any environmental clean-up costs that may arise in
30 connection with the land or the buildings constituting the armory- ;
- 31 K. The Bath Armory located on Lincoln Street, Bath, by means of a quitclaim deed
32 as long as the purchaser agrees to indemnify and hold harmless the State from all
33 claims, including any environmental clean-up costs that may arise in connection with
34 the land or the buildings constituting the armory;
- 35 L. The Portland Armory located on Stevens Avenue, Portland, by means of a
36 quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the
37 State from all claims, including any environmental clean-up costs that may arise in
38 connection with the land or the buildings constituting the armory;
- 39 M. The Westbrook Armory located on Stroudwater Street, Westbrook, by means of a
40 quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the

1 State from all claims, including any environmental clean-up costs that may arise in
2 connection with the land or the buildings constituting the armory;

3 N. The Presque Isle Armory located on North Main Street, Presque Isle, by means of
4 a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the
5 State from all claims, including any environmental clean-up costs that may arise in
6 connection with the land or the buildings constituting the armory;

7 O. The Caribou Armory, also known as the "Solman Armory," located on York
8 Street, Caribou, by means of a quitclaim deed as long as the purchaser agrees to
9 indemnify and hold harmless the State from all claims, including any environmental
10 clean-up costs that may arise in connection with the land or the buildings constituting
11 the armory; and

12 P. The Brewer Armory located on Elm Street, Brewer, by means of a quitclaim deed
13 as long as the purchaser agrees to indemnify and hold harmless the State from all
14 claims, including any environmental clean-up costs that may arise in connection with
15 the land or the buildings constituting the armory.

16 **Sec. 2. 37-B MRSA §504, sub-§3, ¶C**, as amended by PL 2001, c. 662, §64, is
17 repealed and the following enacted in its place:

18 C. All grave markers must be flat-type granite or 42-inch upright white marble grave
19 markers as furnished by the United States Department of Veterans Affairs, National
20 Cemetery Administration. All boxes used for burial must be protected with
21 permanent vaults. Permanent vaults must be reinforced and properly cured and
22 match pounds per square inch specifications imposed by the National Cemetery
23 Administration. Vaults may be either water-resistant or waterproof or have drain
24 holes in their liner boxes as long as they meet the stated specifications. Headstones
25 and vaults are not provided at state expense.

26 **Sec. 3. 37-B MRSA §504, sub-§4, ¶C**, as amended by PL 1999, c. 401, Pt. II,
27 §1, is further amended to read:

28 C. At the dependent's request, the director must allow an eligible dependent of a
29 veteran to be buried in one of the cemeteries if, at the date of the dependent's death,
30 the veteran would be eligible for burial. Dependents may be buried in the ~~earth or~~
31 ~~placed in a crypt~~ same grave as the veteran or adjacent to the veteran, in accordance
32 with regional state veterans' cemetery procedures, without charge, so long as:

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

35 (2) If the dependent dies first, the veteran specifies in writing the intention to be
36 buried in ~~one of the cemeteries~~ the same grave as the dependent or adjacent to the
37 dependent; or

38 (3) Eligible family members of members of the armed services or veterans who
39 are permanently buried overseas, buried at sea, missing in action and declared
40 dead, or whose bodies are inaccessible for other reasons, may be buried in one of
41 the cemeteries if the deceased member of the armed services or veteran was
42 eligible for the burial at the time of death.

1 **Sec. 4. 37-B MRSA §504, sub-§4, ¶E**, as amended by PL 1999, c. 401, Pt. II,
2 §1, is further amended to read:

3 E. Remains of eligible veterans or eligible dependents previously buried in other
4 ~~locations~~ cemeteries may be reinterred in one of the cemeteries upon request,
5 ~~provided that~~ as long as no cost other than that which would be incurred in an
6 original burial is borne by the State.

7 **Sec. 5. 37-B MRSA §504, sub-§5**, as amended by PL 1999, c. 401, Pt. II, §1, is
8 repealed and the following enacted in its place:

9 **5. Weekend visitation.** The superintendent shall arrange for public access during
10 weekend daylight hours and regularly scheduled weekday visiting hours unless closure of
11 the cemetery is considered necessary by the superintendent for security or public safety
12 purposes.

13 **Sec. 6. 37-B MRSA §505, sub-§2, ¶A**, as amended by PL 2005, c. 273, §2, is
14 further amended to read:

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

17 (1) "Child" means a child whose mother or father is or was a veteran and the
18 child:

19 (a) Is at least 16 years of age;

20 (b) Has graduated from high school; and

21 (c) Enrolled in a degree program prior to turning 22 years of age and is not
22 over 25 years of age at the time of application for a benefit under this
23 subsection. If the child is unable to enroll in a degree program prior to
24 turning 22 years of age due to service in the United States Armed Forces,
25 then the child may apply to begin this benefit until reaching 26 years of age.
26 Other requirements must be met as described in paragraph F.

27 "Child" also means a stepchild who is a member of a veteran's household either at
28 the time of application or, in the event of the veteran's death, at the time of death,
29 and who continues as a member of the household after the death of the veteran.
30 At least 5 years must have elapsed since the veteran married the parent of the
31 stepchild before the stepchild is eligible for educational benefits, and the
32 biological parent of the stepchild must reside in the veteran's household while the
33 stepchild receives educational benefits.

34 (2) "Spouse" means the person currently legally married to a living veteran or
35 the widow or widower of a deceased veteran, not previously divorced from that
36 veteran.

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

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

11 The continuous residency requirement of this subparagraph does not apply to a
12 person who is receiving educational benefits under this chapter on or before
13 January 1, 2006.

14 **Sec. 7. 37-B MRSA §505, sub-§2, ¶E**, as enacted by PL 2001, c. 662, §66, is
15 amended to read:

16 E. Spouses of veterans who are attending state-supported postsecondary vocational
17 schools or institutions of collegiate grade must be admitted free of tuition including
18 mandatory fees and lab fees for a certificate program or an associate's, bachelor's and
19 or master's degree programs program. Room and board may not be waived. Spouses
20 are entitled to receive up to 8 semesters of educational benefits and have 10 years
21 from the date of first entrance to complete the program.

22 **Sec. 8. 37-B MRSA §505, sub-§2, ¶F**, as enacted by PL 2001, c. 662, §66, is
23 amended to read:

24 F. A child of a veteran who is attending state-supported postsecondary vocational
25 schools or institutions of collegiate grade must be admitted free of tuition including
26 mandatory fees and lab fees for associate's and bachelor's programs. The tuition
27 waiver provided under this paragraph may be reduced by an amount necessary to
28 ensure that the value of this waiver, combined with all other grants and benefits
29 received by the student, does not exceed the total cost of education. Room and board
30 may not be waived. A child of a veteran has 6 academic years from the date of first
31 entrance to complete 8 semesters. The director may waive the limit of 6 consecutive
32 academic years when the recipient's education has been interrupted by severe medical
33 disability or illness making continued attendance impossible. Students must maintain
34 at least a 2.0 or "C" grade point average to continue receiving educational benefits. If
35 a student's grade point average falls below 2.0 or a "C," then the student has one
36 semester to bring the grade point average up to at least 2.0 or a "C." If after that
37 semester the student's grade point average is below 2.0 or a "C," the student loses
38 educational benefits under this paragraph until the student achieves a grade point
39 average of at least 2.0 or a "C."

40 **Sec. 9. 37-B MRSA §1130, sub-§2**, as enacted by PL 2001, c. 460, §3, is
41 amended to read:

