

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1713

H.P. 1214

House of Representatives, January 6, 2010

An Act Pertaining to Educational Benefits for Veterans and Their Dependents

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: CAREY of Lewiston, HANLEY of Gardiner, LOVEJOY of Portland,
MORRISON of South Portland, RUSSELL of Portland, TRINWARD of Waterville,
WAGNER of Lewiston, Senator: GOODALL of Sagadahoc.

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

3 **Whereas,** this legislation amends the law pertaining to educational benefits for
4 veterans and their dependents; and

5 **Whereas,** it is essential that these changes take effect prior to next spring because
6 financial aid decisions will be made at that time; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 37-B MRSA §505, sub-§2, ¶A,** as amended by PL 2007, c. 521, §3, is
13 further amended to read:

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

16 (1) "Child" means a natural child whose mother or father is or was a veteran or a
17 child who was adopted prior to turning 18 years of age and whose adoptive
18 mother or father is or was a veteran and who:

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

20 (b) Has graduated from high school; and

21 (c) Enrolled in a degree program and was awarded benefits under this
22 subsection prior to the child's 22nd birthday. If the child is unable to enroll
23 in a degree program prior to turning 22 years of age due to the veteran's total
24 permanent disability claim pending with the United States Department of
25 Veterans Affairs, then the child may apply to begin this benefit within 2
26 years from the date of the veteran's award notification letter. If the child is
27 unable to enroll in a degree program prior to turning 22 years of age due to
28 service in the United States Armed Forces, then the child may apply to begin
29 this benefit until reaching 26 years of age. Other requirements must be met
30 as described in paragraph F.

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

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

4 Awards under the educational benefits program are authorized to provide benefits
5 to only one spouse per veteran.

6 (3) "Veteran" means any person who served in the military or naval forces of the
7 United States and entered the service from this State or has been a resident of this
8 State for 5 years immediately preceding application for aid and, if living,
9 continues to reside in this State throughout the duration of benefits administered
10 under the educational benefits program and who:

11 (a) Has a total permanent disability resulting from a service-connected
12 disability as a result of service;

13 (b) Was killed in action;

14 (c) Died from a service-connected disability as a result of service;

15 (d) At the time of death was totally and permanently disabled due to service-
16 connected disability, but whose death was not related to the service-
17 connected disability; or

18 (e) Is a member of the Armed Forces on active duty who has been listed for
19 more than 90 days as missing in action, captured or forcibly detained or
20 interned in the line of duty by a foreign government or power.

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

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 SUMMARY

27 This bill amends the law pertaining to educational benefits for veterans and their
28 dependents to provide that if a child is unable to enroll in a degree program prior to
29 turning 22 years of age due to the veteran's total permanent disability claim pending with
30 the United States Department of Veterans Affairs, then the child may apply to begin the
31 benefit within 2 years from the date of the veteran's award notification letter.