

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1610

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H.P. 1098

House of Representatives, February 25, 2016

**An Act To Clarify the Laws Governing Certain Benefits Provided to  
Veterans and Military Service Members**

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Reported by Representative LUCHINI of Ellsworth for the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 19.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 10 MRSA §963-A, sub-§51-A**, as amended by PL 2001, c. 417, §3, is  
3 repealed.

4 **Sec. 2. 10 MRSA §1026-A, sub-§1**, as amended by PL 2009, c. 124, §3, is  
5 further amended to read:

6 **1. Insurance.** The authority may make commitments and agreements to insure loan  
7 payments. Any loan insurance must be subject to the following:

8 A. Loan insurance may not exceed:

9 (1) One hundred percent of the principal amount of the loan made to any  
10 borrower including related entities for any of the following types of loans or  
11 projects:

12 (a) Loans to veterans ~~and wartime veterans~~, except that the authority may  
13 not at any time have, in the aggregate amount of the principal and interest  
14 outstanding, loan insurance obligations pursuant to this division exceeding  
15 \$5,000,000;

16 (b) Underground and aboveground oil storage facility projects and projects  
17 to install equipment related to the improvement of air quality pursuant to  
18 requirements for gasoline service station vapor control and petroleum liquids  
19 transfer vapor recovery, except that the authority may not at any time have, in  
20 the aggregate amount of the principal and interest outstanding, loan insurance  
21 obligations pursuant to this division exceeding \$5,000,000;

22 (c) Clean fuel vehicle projects and sustainable biofuel vehicle projects,  
23 except that the authority may not at any time have, in the aggregate amount  
24 of the principal and interest outstanding, loan insurance obligations pursuant  
25 to this division exceeding \$5,000,000;

26 (d) Waste oil disposal site clean-up projects, except that the authority may  
27 not at any time have, in the aggregate amount of the principal and interest  
28 outstanding, loan insurance obligations pursuant to this division exceeding  
29 \$1,000,000; or

30 (e) The Plymouth waste oil remedial study, except that the authority may not  
31 at any time have, in the aggregate amount of the principal and interest  
32 outstanding, loan insurance obligations pursuant to this division exceeding  
33 \$1,000,000; and

34 (2) Ninety percent of the principal amount of the loan made to any borrower,  
35 including related entities for any other manufacturing enterprise, industrial  
36 enterprise, recreational enterprise, fishing enterprise, agricultural enterprise,  
37 natural resource enterprise or any other eligible business enterprise;

38 B. The loan must be serviced as required by the authority;

39 D. The authority must determine that there is a reasonable prospect that the loan will  
40 be repaid;

- 1 E. The loan must be in compliance with the credit policy of the authority;
- 2 F. Loan insurance payments may not exceed the lesser of:
  - 3 (1) Principal, outstanding accrued interest and collection costs approved by the
  - 4 authority; and
  - 5 (2) The original insured amount; and
- 6 G. Terms other than those specified in paragraphs A to F as may be required by law
- 7 or by rule of the authority.

8 The authority may provide insurance for related entities of up to \$7,000,000.

9 Notwithstanding any provision to the contrary in this chapter, the authority may provide  
10 special loan insurance benefits to veterans ~~and wartime veterans~~ determined by rule of the  
11 authority developed in consultation with the Department of Defense, Veterans and  
12 Emergency Management, Bureau of Maine Veterans' Services.

13 For all loan insurance liability in excess of \$1,000,000 and in other instances when the  
14 authority determines it is appropriate, the authority shall obtain a written assessment from  
15 the Department of Environmental Protection of the environmental conditions known by  
16 the department to exist at a project location so that the authority fully considers  
17 environmental risks when making its decisions. Environmental conditions posing risks  
18 that must be considered include, but are not limited to, licensing obligations, existing or  
19 historic regulatory noncompliance and site clean-up responsibilities.

20 **Sec. 3. 10 MRSA §1026-A, sub-§1**, as amended by PL 2015, c. 38, §1 and  
21 affected by §3, is further amended to read:

22 **1. Insurance.** The authority may make commitments and agreements to insure loan  
23 payments. Any loan insurance must be subject to the following:

24 A. Loan insurance may not exceed:

25 (1) One hundred percent of the principal amount of the loan made to any  
26 borrower including related entities for any of the following types of loans or  
27 projects:

28 (a) Loans to veterans ~~and wartime veterans~~, except that the authority may  
29 not at any time have, in the aggregate amount of the principal and interest  
30 outstanding, loan insurance obligations pursuant to this division exceeding  
31 \$5,000,000;

32 (b) Underground and aboveground oil storage facility projects and projects  
33 to install equipment related to the improvement of air quality pursuant to  
34 requirements for gasoline service station vapor control and petroleum liquids  
35 transfer vapor recovery, except that the authority may not at any time have, in  
36 the aggregate amount of the principal and interest outstanding, loan insurance  
37 obligations pursuant to this division exceeding \$5,000,000;

38 (c) Clean fuel vehicle projects and sustainable biofuel vehicle projects,  
39 except that the authority may not at any time have, in the aggregate amount

1 of the principal and interest outstanding, loan insurance obligations pursuant  
2 to this division exceeding \$5,000,000;

3 (d) Waste oil disposal site clean-up projects, except that the authority may  
4 not at any time have, in the aggregate amount of the principal and interest  
5 outstanding, loan insurance obligations pursuant to this division exceeding  
6 \$1,000,000; or

7 (e) The Plymouth waste oil remedial study, except that the authority may not  
8 at any time have, in the aggregate amount of the principal and interest  
9 outstanding, loan insurance obligations pursuant to this division exceeding  
10 \$1,000,000; and

11 (2) Ninety percent of the principal amount of the loan made to any borrower,  
12 including related entities for any other manufacturing enterprise, industrial  
13 enterprise, recreational enterprise, fishing enterprise, agricultural enterprise,  
14 natural resource enterprise or any other eligible business enterprise;

15 B. The loan must be serviced as required by the authority;

16 D. The authority must determine that there is a reasonable prospect that the loan will  
17 be repaid;

18 E. The loan must be in compliance with the credit policy of the authority;

19 F. Loan insurance payments may not exceed the lesser of:

20 (1) Principal, outstanding accrued interest and collection costs approved by the  
21 authority; and

22 (2) The original insured amount; and

23 G. Terms other than those specified in paragraphs A to F as may be required by law  
24 or by rule of the authority.

25 The authority may provide insurance for related entities of up to \$10,000,000.

26 Notwithstanding any provision to the contrary in this chapter, the authority may provide  
27 special loan insurance benefits to veterans ~~and wartime veterans~~ determined by rule of the  
28 authority developed in consultation with the Department of Defense, Veterans and  
29 Emergency Management, Bureau of Maine Veterans' Services.

30 For all loan insurance liability in excess of \$1,000,000 and in other instances when the  
31 authority determines it is appropriate, the authority shall obtain a written assessment from  
32 the Department of Environmental Protection of the environmental conditions known by  
33 the department to exist at a project location so that the authority fully considers  
34 environmental risks when making its decisions. Environmental conditions posing risks  
35 that must be considered include, but are not limited to, licensing obligations, existing or  
36 historic regulatory noncompliance and site clean-up responsibilities.

37 **Sec. 4. 12 MRSA §1819, last ¶**, as enacted by PL 1997, c. 678, §13, is amended  
38 to read:

39 Any disabled veteran displaying on the veteran's motor vehicle special designating  
40 plates or placards issued in accordance with Title 29-A, section 523, subsections 1 and 2

1 or providing a driver's license displaying a sticker issued in accordance with Title 29-A,  
2 section 1404-B or a nondriver identification card displaying a sticker issued in  
3 accordance with Title 29-A, section 1410, subsection 11 is not required to pay a fee for  
4 admission to any state-owned park, camping area or beach.

5 **Sec. 5. 12 MRSA §1819-B**, as enacted by PL 2009, c. 220, §2, is amended to  
6 read:

7 **§1819-B. Day use passes for active military personnel**

8 Notwithstanding section 1819, the commissioner shall enter into a memorandum of  
9 agreement with the Department of Defense, Veterans and Emergency Management for  
10 the issuance of a free day use pass to state parks and historic sites to each active duty  
11 military member determined by the Department of Defense, Veterans and Emergency  
12 Management to meet the criteria established in Title 37-B, section 7. The pass entitles  
13 the holder, and the holder's spouse and children when accompanied by the holder, to  
14 admission free of charge to all state parks and historic sites. A spouse and children of a  
15 holder who is deployed for military service may present a family member identification  
16 card issued by the United States Armed Forces with the holder's day use pass in lieu of  
17 accompaniment by the holder. For the purposes of this section, "deployed for military  
18 service" means active duty with the state military forces, as described in Title 37-B,  
19 section 102, or the United States Armed Forces, including the National Guard and  
20 Reserves of the United States Armed Forces, whether pursuant to orders of the Governor  
21 or the President of the United States.

22 **Sec. 6. 20-A MRSA §5201, sub-§3, ¶A**, as amended by PL 1983, c. 704, §2, is  
23 further amended to read:

24 A. ~~War veterans~~ A veteran who have has not completed high school before their the  
25 veteran's 18th birthday may enroll in the public schools in the school administrative  
26 units unit where they reside the veteran resides until they graduate the veteran  
27 graduates or until the end of the school year in which they reach the veteran reaches  
28 the age of 25. For the purposes of this paragraph, "veteran" means a person who has  
29 served on active duty in the United States Armed Forces including the Reserves of  
30 the United States Armed Forces and the National Guard and received a discharge  
31 other than dishonorable.

32 **Sec. 7. 29-A MRSA §453, sub-§2**, as amended by PL 2007, c. 647, §1 and  
33 affected by §8, is further amended to read:

34 **2. Fee.** ~~The~~ Except as otherwise provided in this subsection, the annual service fee  
35 for a vanity registration plate is \$25 in addition to the regular motor vehicle registration  
36 fee. The fee for a vanity plate that is also a veterans registration plate issued under  
37 section 523 is \$25 upon issuance of the plate and is not subject to an annual service fee.  
38 The service fee must be credited to the General Highway Fund, except that, beginning  
39 July 1, 2009, \$10 of the service fee must be transferred on a quarterly basis by the  
40 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.  
41 A sum sufficient to defray the cost of this program must be allocated annually from the  
42 General Highway Fund.

1           **Sec. 8. 29-A MRSA §1404-B** is enacted to read:

2           **§1404-B. License sticker; disabled veteran designation**

3           The Secretary of State shall, at the request of a person who is a 100% disabled  
4 veteran, issue a sticker to that person to place in a location designated by the Secretary of  
5 State on the back of the person's driver's license to indicate that the person is a 100%  
6 disabled veteran. The Secretary of State before issuing the sticker shall require the  
7 veteran to provide certification from the United States Department of Veterans Affairs or  
8 any branch of the United States Armed Forces as to the veteran's permanent disability and  
9 receipt of 100% service-connected benefits.

10           **Sec. 9. 29-A MRSA §1410, sub-§11** is enacted to read:

11           **11. Nondriver identification card sticker; disabled veteran designation.** The  
12 Secretary of State shall, at the request of a person who is a 100% disabled veteran, issue a  
13 sticker to that person to place in a location designated by the Secretary of State on the  
14 back of the person's nondriver identification card to indicate that the person is a 100%  
15 disabled veteran. The Secretary of State before issuing the sticker shall require the  
16 veteran to provide certification from the United States Department of Veterans Affairs or  
17 any branch of the United States Armed Forces as to the veteran's permanent disability and  
18 receipt of 100% service-connected benefits.

19           **Sec. 10. 30-A MRSA §4743**, as amended by PL 1993, c. 427, §4, is repealed and  
20 the following enacted in its place:

21           **§4743. Housing rentals and tenant admissions; veteran preference**

22           In the operation or management of housing projects, an authority shall at all times  
23 observe the following duties with respect to rentals and tenant admissions.

24           **1. Rent to persons of low income.** It shall rent or lease at least 20% of the dwelling  
25 units in any project only to persons or families of low income and at rentals within the  
26 financial reach of persons or families of low income.

27           **2. Number of rooms.** It may rent or lease to a tenant dwelling accommodations  
28 consisting of the number of rooms, but no greater number, that it considers necessary to  
29 provide safe and sanitary accommodations to the proposed occupants of the rooms  
30 without overcrowding.

31           **3. Preferences.** In the selection of tenants for housing projects, as among low-  
32 income families that are eligible applicants for occupancy in dwellings of given sizes and  
33 at specified rents, a housing authority shall extend the following preferences.

34           **A.** First, preference must be given to families that are to be displaced by any low-  
35 rent housing project or by any public slum-clearance or redevelopment project  
36 initiated after January 1, 1947, or that were so displaced within 3 years before  
37 applying to the public housing agency for admission to any low-rent housing.  
38 Among these families:

1                   (1) First preference must be given to families of disabled veterans whose  
2                   disabilities have been determined by the United States Department of Veterans  
3                   Affairs to be service-connected;

4                   (2) Second preference must be given to families of deceased veterans whose  
5                   deaths have been determined by the United States Department of Veterans  
6                   Affairs to be service-connected; and

7                   (3) Third preference must be given to families of other veterans and the families  
8                   of persons on active duty with the United States Armed Forces, including the  
9                   National Guard and Reserves of the United States Armed Forces.

10                  B. Second, preference must be given to families of other veterans and the families of  
11                  persons on active duty with the United States Armed Forces, including the National  
12                  Guard and Reserves of the United States Armed Forces. Among these families:

13                         (1) First preference must be given to families of disabled veterans whose  
14                         disabilities have been determined by the United States Department of Veterans  
15                         Affairs to be service-connected; and

16                         (2) Second preference must be given to families of deceased veterans whose  
17                         deaths have been determined by the United States Department of Veterans  
18                         Affairs to be service-connected.

19                  As used in this section, unless the context otherwise indicates, "veteran" means a  
20                  person who has served on active duty in the United States Armed Forces, including the  
21                  National Guard and Reserves of the United States Armed Forces, who received a  
22                  discharge other than dishonorable

23                  Notwithstanding any provisions of this section, an authority may agree to conditions  
24                  as to tenant eligibility or preference required by the Federal Government under federal  
25                  law in any contract for financial assistance with the authority.

26                  Nothing in this section or section 4742 may be construed as limiting the power of an  
27                  authority to vest in an obligee the right, in the event of a default by the authority, to take  
28                  possession of a project or cause the appointment of a receiver of the project, free from all  
29                  the restrictions imposed by this section or section 4742.

30                  **Sec. 11. 37-B MRSA §158, sub-§2** is enacted to read:

31                         **2. Report required.** Beginning October 1, 2016, the Adjutant General shall cause a  
32                         quarterly report to be made to the Adjutant General of all funds expended from the fund.  
33                         The report must contain information as to the military sponsor, military unit of the  
34                         sponsor, rank of the military member, the amount of funds provided and the general  
35                         reason for the award of funds, as well as any other information requested by the Adjutant  
36                         General. Beginning April 1, 2017, the Adjutant General shall submit annually to the joint  
37                         standing committee of the Legislature having jurisdiction over veterans affairs a summary  
38                         report on the fund, including the number of grants awarded from the fund, the range of  
39                         grants and the average amount of each grant.



