

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1806

H.P. 1286

House of Representatives, May 30, 2019

An Act To Amend the Laws Governing Veterans' Services

(AFTER DEADLINE)

Submitted by the Department of Defense, Veterans and Emergency Management and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205. Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEWART of Presque Isle.
Cosponsored by Senator LUCHINI of Hancock and
Representatives: SCHNECK of Bangor, STROM of Pittsfield, Senator: CYRWAY of
Kennebec.

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

2 **Sec. 1. 37-B MRSA §501, first ¶**, as amended by PL 2015, c. 465, Pt. A, §2, is
3 further amended to read:

4 The Maine Bureau of ~~Maine~~ Veterans' Services, referred to in this chapter as the
5 "bureau," is established and shall provide informational services, program assistance,
6 memorial facilities and financial aid to veterans in the State and their dependents in order
7 to ensure that they receive all entitlements due under the law, are relieved to the extent
8 possible of financial hardship, receive every opportunity for self-improvement through
9 higher education and are afforded proper recognition for their service and sacrifice to the
10 Nation. The bureau shall serve as the primary source of information for veterans in the
11 State regarding all services, benefits and honors administered by the State and, to the
12 maximum extent possible, services and benefits provided by the United States
13 Department of Veterans Affairs, veterans' service organizations and other organizations
14 dedicated to serving veterans.

15 **Sec. 2. 37-B MRSA §504, sub-§3, ¶B**, as amended by PL 1997, c. 455, §22, is
16 further amended to read:

17 B. The immediate area surrounding the monument must be prepared and reserved as
18 a suitable place for commemorating Memorial Day and other appropriate
19 observances. The remaining grounds must be laid out in a ~~wheel-like pattern around~~
20 ~~the monument~~ manner suitable to the topography of the land, expanding from the
21 center ~~as required when possible~~. Suitable buildings may be erected for purposes the
22 director determines necessary.

23 **Sec. 3. 37-B MRSA §504, sub-§3, ¶C**, as repealed and replaced by PL 2007, c.
24 167, §2, is amended to read:

25 C. All nongreen burial section grave markers must be flat-type granite or 42-inch
26 upright white marble grave markers as furnished by the United States Department of
27 Veterans Affairs, National Cemetery Administration. Grave markers for a green
28 burial section must be granite as furnished by the National Cemetery Administration.
29 All ~~boxes~~ caskets used for burial in nongreen burial sections must be protected with
30 permanent vaults. Permanent vaults must be reinforced and properly cured and
31 match pounds per square inch specifications imposed by the National Cemetery
32 Administration. Vaults may be either water-resistant or waterproof or have drain
33 holes in their liner boxes as long as they meet the stated specifications. Headstones
34 and vaults are not provided at state expense. The process of a burial in a green burial
35 section may not include the use of embalming fluids and must use a shroud made of
36 natural biodegradable fabric, and the decedent must be strapped onto a wooden board
37 of appropriate size or placed in a wicker casket or a wooden casket that has been
38 assembled with wooden dowels and contains no metal.

39 **Sec. 4. 37-B MRSA §505, sub-§2, ¶A**, as amended by PL 2017, c. 108, §6, is
40 further amended to read:

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

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

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

7 (b) Has graduated from high school; and

8 (c) Enrolled in a degree program and was awarded benefits under this
9 subsection prior to the child's 22nd birthday. If the child is unable to enroll
10 in a degree program prior to turning 22 years of age due to service in the
11 United States Armed Forces, then the child may apply to begin this benefit
12 until reaching 26 years of age. Other requirements must be met as described
13 in paragraph F.

14 "Child" includes a stepchild whose parent is married to an eligible veteran for at
15 least 5 years and remains married to the veteran during the period for which
16 benefits are received.

17 The director may waive the requirements of this subparagraph when the director
18 determines that there are special and extenuating circumstances that may have a
19 negative effect on a dependent.

20 (2) "Spouse" means the person currently legally married to a living veteran or
21 the unremarried widow or widower of a deceased veteran, not previously
22 divorced from that veteran.

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

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

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

32 (b) Was killed in action;

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

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

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

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

4 **Sec. 5. 37-B MRSA §505, sub-§2, ¶F**, as amended by PL 2013, c. 569, §3, is
5 further amended to read:

6 F. A child of a veteran who is attending state-supported postsecondary vocational
7 schools or institutions of collegiate grade must be admitted free of tuition including
8 mandatory fees and lab fees for a certificate program, associate and bachelor's
9 programs and master's degree programs. The tuition waiver provided under this
10 paragraph may be reduced by an amount necessary to ensure that the value of this
11 waiver, combined with all other grants and benefits received by the student, does not
12 exceed the total cost of education. Room and board may not be waived. A child of a
13 veteran has 6 10 academic years from the date of first entrance to complete 120 credit
14 hours. For degree programs that require more than 120 credit hours, the state-
15 supported postsecondary vocational school or institution of collegiate grade may
16 grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-
17 supported postsecondary vocational school or institution of collegiate grade shall
18 notify the director. The director may waive the limit of 6 10 consecutive academic
19 years when the recipient's education has been interrupted by severe medical
20 disability, learning disability, illness or other hardship, making continued attendance
21 impossible, ~~however, the extension may not exceed 2 academic years~~. Students must
22 maintain at least a 2.0 or "C" grade point average to continue receiving educational
23 benefits. If a student's grade point average falls below 2.0 or a "C," then the student
24 has one semester to bring the grade point average up to at least 2.0 or a "C." If after
25 that semester the student's grade point average is below 2.0 or a "C," the student loses
26 educational benefits under this paragraph until the student achieves a grade point
27 average of at least 2.0 or a "C."

28 **Sec. 6. Maine Revised Statutes amended; revision clause.** Wherever in the
29 Maine Revised Statutes the words "bureau of Maine veterans' services" appear or
30 reference is made to that entity or those words, those words are amended to read or mean,
31 as appropriate, "Maine bureau of veterans' services" or "bureau" and the Revisor of
32 Statutes shall implement this revision when updating, publishing or republishing the
33 statutes.

34 SUMMARY

35 This bill changes the name of the Bureau of Maine Veterans' Services within the
36 Department of Defense, Veterans and Emergency Management to the Maine Bureau of
37 Veterans' Services. The bill also revises the laws governing monuments erected in the
38 Maine Veterans' Memorial Cemetery System and adds provisions regarding requirements
39 for burial in green burial sections. The bill allows the Director of the Maine Bureau of
40 Veterans' Services to waive certain requirements in the laws governing educational
41 benefits for children of veterans, expands the type of programs covered by educational
42 benefits to include certificate programs and master's degree programs, allows a student
43 10 academic years to complete a program and removes the restriction on extending that time.