

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1926

S.P. 668

In Senate, January 2, 2020

An Act To Amend the Laws Governing the Maine Veterans' Memorial Cemetery System

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 203.

Received by the Secretary of the Senate on January 2, 2020. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink that reads "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

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

2 **Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1**, as amended by PL 2007, c. 521, §1, is
3 further amended to read:

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

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

10 (a) The spouse or surviving spouse of an eligible veteran even if that veteran
11 is not buried or memorialized in the cemetery system or the surviving spouse
12 of a member of the United States Armed Forces whose remains are
13 unavailable for burial;

14 (b) The surviving spouse of an eligible veteran who had a subsequent
15 remarriage to a person who is not a veteran when the surviving spouse's death
16 occurred on or after January 1, 2000;

17 (c) A minor child of an eligible veteran. For purposes of this division, a
18 minor child is a child who is unmarried and:

19 (i) Has not attained 21 years of age; or

20 (ii) Has not attained 23 years of age and is pursuing a full-time course of
21 instruction at an educational institution offering an accredited
22 postsecondary educational degree program; and

23 (d) An unmarried adult child of an eligible veteran if that child became
24 permanently physically or mentally disabled and incapable of self-support:

25 (i) Before attaining 21 years of age; or

26 (ii) Before attaining 23 years of age if supporting documentation exists
27 that the adult child was pursuing a full-time course of instruction at an
28 educational institution offering an accredited postsecondary educational
29 degree program.

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

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

32 (i) If discharged, received an honorable discharge or a general discharge
33 under honorable conditions, ~~provided that~~ as long as the discharge was
34 not upgraded through a program of general amnesty; and

35 (ii) If having served as an enlisted person after September 7, 1980 or as
36 an officer after October 16, 1981, served for a minimum of 24 continuous
37 months or the full period for which the person was called to active duty;

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(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 3~~;

(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, section 12731 or would have been entitled to retired pay under chapter 1223, section 12731 except that the person was under 60 years of age; or

(e) Died while serving in the Active Guard Reserve and whose death is determined to be in the line of duty.

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SUMMARY

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This bill clarifies the requirements for eligibility for burial in the Maine Veterans' Memorial Cemetery System for veterans and dependents of veterans by amending the definitions of "eligible veteran" and "eligible dependent."