

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 45

H. P. 98

House of Representatives, January 16, 1951.

Referred to Committee on Veterans and Military Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Jennings of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Adding Korean Veterans to Laws Relating to Veterans.

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

Sec. 1. R. S., c. 22-A, § 10, sub-§ IV, amended. Subsection IV of section 10 of chapter 22-A of the revised statutes, as enacted by section 1 of chapter 386 of the public laws of 1947, is hereby amended to read as follows:

'IV. The term "veteran" shall be construed to mean any person who served ~~or is serving~~ in the armed forces of the United States on active duty during World War I ~~or~~, World War II **or the Korean Campaign**, not dishonorably discharged.'

Sec. 2. R. S., c. 22-A, § 10, sub-§ V, repealed and replaced. Subsection V of section 10 of chapter 22-A of the revised statutes, as enacted by section 1 of chapter 386 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'V. The term "World War I" shall mean that period between April 6, 1917 and November 11, 1918, inclusive; if service was in Russia the ending date shall be on March 31, 1920. The term "World War II" shall mean that period between December 7, 1941 and December 31, 1946, in-

clusive. The term "**Korean Campaign**" shall mean that period between June 25, 1950 and the date on which hostilities are declared to have ended, either by proclamation of the president or by joint resolution of congress.,

Sec. 3. R. S., c. 37, § 119, amended. The 1st sentence of section 119 of chapter 37 of the revised statutes is hereby amended to read as follows: 'For the purposes of administering the provisions of sections 119 to 122, inclusive, an orphan of a veteran shall be defined as a child not under 16 and not over 22 years of age whose father served in the military or naval forces of the United States during World War I ~~or~~, World War II or the **Korean Campaign** and was killed in action or died from a service connected disability as a result of such service.'

Sec. 4. R. S., c. 55, § 38, sub-§ XIII, amended. The last paragraph of subsection XIII of section 38 of chapter 55 of the revised statutes, as enacted by section 1 of chapter 72 of the public laws of 1945, is hereby amended to read as follows:

'In notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the servicemen's readjustment act of 1944, **as amended**, more familiarly known as "The G. I. Bill of Rights," and as such act may be interpreted and operated under rules to be promulgated.'

Sec. 5. R. S., c. 55, § 38-A, amended. The last sentence of section 38-A of chapter 55 of the revised statutes, as enacted by section 1 of chapter 207 of the public laws of 1945, is hereby amended to read as follows:

'Any veteran of World War II or the **Korean Campaign** otherwise eligible for a loan under the Servicemen's Readjustment Act of 1944, **as amended**, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.'

Sec. 6. R. S., c. 55, § 86, sub-§ II-A, amended. Subsection II-A of section 86 of chapter 55 of the revised statutes, as enacted by section 2 of chapter 72 of the public laws of 1945, is hereby amended to read as follows:

II-A. To invest their funds in notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the servicemen's readjustment act of 1944, **as amended**, more familiarly known as "The G. I. Bill of Rights," and as such may be interpreted and operated under rules to be promulgated.'

Sec. 7. R. S., c. 55, § 86-A, amended. The last sentence of section 86-A of chapter 55 of the revised statutes, as enacted by section 2 of chapter 207 of the public laws of 1945, is hereby amended to read as follows:

‘Any veteran of World War II or the Korean Campaign otherwise eligible for a loan under the Servicemen’s Readjustment Act of 1944, as amended, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.’

Sec. 8. R. S., c. 55, § 151, amended. The last sentence of section 151 of chapter 55 of the revised statutes, as enacted by section 3 of chapter 72 of the public laws of 1945, is hereby amended to read as follows:

‘Funds may be invested in notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the servicemen’s readjustment act of 1944, as amended, more familiarly known as “The G. I. Bill of Rights,” and as such act may be interpreted and operated under rules to be promulgated.’

Sec. 9. R. S., c. 55, § 151-A, amended. The last sentence of section 151-A of chapter 55 of the revised statutes, as enacted by section 3 of chapter 207 of the public laws of 1945, is hereby amended to read as follows:

‘Any veteran of World War II or the Korean Campaign otherwise eligible for a loan under the Servicemen’s Readjustment Act of 1944, as amended, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.’

Sec. 10. R. S., c. 59, § 12-A, amended. That part designated V of section 12-A of chapter 59 of the revised statutes, as enacted by chapter 360 of the public laws of 1945, is hereby amended to read as follows:

‘V. World War II, December 7, 1941, and the date of cessation of hostilities as fixed by the United States government for civil service employment purposes.’

Sec. 11. R. S., c. 79, § 120, amended. The 2nd sentence of section 120 of chapter 79 of the revised statutes is hereby amended to read as follows: ‘He shall also record in a book kept for that purpose, properly indexed, certificates of discharge of soldiers and seamen from the army and , navy and air force of the United States; certified copies from such record, when

the originals are lost, shall be evidence in court, and in the absence of other proof, have the same effect as the originals.'

Sec. 12. R. S., c. 80, § 91, amended. The 1st sentence of section 91 of chapter 80 of the revised statutes, as amended by chapter 40 of the public laws of 1945, is hereby further amended to read as follows:

'Cities and towns may raise money to procure the writing and publication of their histories, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town, and to publish the proceedings of any such celebration; to defray the expenses of the observance of memorial day, armistice day, or any other day set apart for patriotic commemoration, firemen's memorial Sunday, and of old home week; to hire a public nurse; to hire a dental hygenist; to subsidize a physician to induce him or her to settle in said town; to aid in the maintenance of a hospital serving the inhabitants of the town; to provide for a local program or one based on coordination with the state having to do with the rehabilitation and employment of persons honorably discharged from the armed forces of the United States in World War II or the **Korean Campaign**; to provide for physical fitness programs in the schools; to erect suitable monuments or memorials in memory of the soldiers and sailors who sacrificed their lives in defense of their country in the war of 1861, or in World Wars I and II or the **Korean Campaign**, and a reasonable sum to secure, grade and care for a lot appropriate for such a monument or memorial.'

Sec. 13. R. S., c. 81, § 6, sub-§ X, amended. Subsection X of section 6 of chapter 81 of the revised statutes, as amended by chapter 29 of the public laws of 1947, is hereby further amended to read as follows:

X. The polls and the estates of persons who by reason of age, infirmity or poverty are in the judgment of the assessors unable to contribute toward the public charges; the polls of all soldiers and sailors who served in the army or navy of the United States in the war of 1861-1865 and were honorably discharged or honorably separated from such service; the polls of all soldiers, sailors and marines who receive state pension; the polls of all soldiers, sailors and marines who served in the Indian wars; the polls of all soldiers, sailors and marines who served in the war with Spain; the polls of all soldiers, sailors and marines who served in the Philippine Insurrection; the polls of all disabled veterans of World Wars I and II or the **Korean Campaign**, namely, soldiers, sailors and marines who are receiving pension or retirement pay or compensation or vocational training from the United States Government on account of

disability incurred in or aggravated by service in World Wars I or II or the Korean Campaign; and the estates, to the value of \$3,500 of all male or female veterans who have served in the armed forces of the United States during any federally recognized war period and who were honorably discharged, or honorably separated from such service and retired to the reserve, who shall have reached the age of 62 years or are receiving a pension, retirement pay or compensation from the United States Government for total disability, or the unmarried widow of any veteran who is herself receiving a pension from the United States Government, or whose husband died after reaching the age of 62 years, or whose husband was during his lifetime receiving, or was awarded after death, a pension, retirement pay or compensation from the United States Government for total disability, or the minor children of any veteran who shall be receiving a pension from the United States Government, and of all persons determined to be blind within the definition provided by sections 275 to 293, inclusive, of chapter 22 who are receiving aid under the provisions of said sections; and in case any person entitled to such exemption has property taxable in more than one city or town of the state, such proportion of such total exemption shall be made in each city or town, as the value of the property taxable in such city or town bears to the value of the whole of the property of such person taxable in the state; provided, however, that no exemption shall be allowed hereunder in favor of any person who is not a legal resident of this state; and provided further, that any male or female veteran, or blind person, or widow, or minor child of such male veteran or blind person, who desires to pay said tax may, on or before the 1st day of April in each year, notify in writing the assessors of the city, town or plantation in which he or she resides of his or her desire to pay said tax, whereupon the said assessors shall assess said tax against said male or female veteran, or blind person, or widow or minor child of said male veteran or blind person, and said male or female veteran, or blind person, or widow or minor child of said male veteran or blind person shall be legally holden to pay said tax; and provided further, that no property conveyed to such male or female veteran, or blind person, or widow or minor child of said male veteran or blind person for the person of obtaining exemption from taxation under the provisions of this subsection shall be so exempt, and any attempt to obtain such exemptions by means of fraudulent conveyance shall be punished by a fine of not less than \$100.'

Sec. 14. R. S., c. 82, § 10, amended. The 1st sentence of section 10 of chapter 82 of the revised statutes is hereby amended to read as follows:

'No soldier, sailor or marine who served in the army, navy or marine corps of the United States, in the war of 1861 or in the war with Spain, and no male or female veteran who served in World Wars I or II or the **Korean Campaign**, and who has received an honorable discharge from said service, and who has or may become dependent upon any town shall be considered a pauper, or be subject to disfranchisement for that cause; but the time during which said soldier, sailor or marine is so dependent shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to or support in the poorhouse any such dependent soldier, sailor or marine, or his family.'

Sec. 15. R. S., c. 93, § 4-A, amended. The 1st sentence of section 4-A of chapter 93 of the revised statutes, as enacted by chapter 70 of the public laws of 1945, is hereby amended to read as follows:

'Any person who has been graduated from a class A secondary school of this state as recognized by the commissioner of education or a secondary school of equal standard located without the state and who has served in the armed forces of the United States during any part of World War II or the **Korean Campaign** and has been honorably discharged therefrom shall be deemed to have an equivalent preliminary education.'

Sec. 16. R. S., c. 141, § 23, amended. The last sentence of section 23 of chapter 141 of the revised statutes, as enacted by section 1 of chapter 312 of the public laws of 1945, is hereby amended to read as follows:

'Except that persons ~~in World War II service~~ **on active duty with the armed forces of the United States** classed as "missing in action" shall be presumed to be dead after continued absence of 1 year from the date such persons are so classed upon written finding of presumed death made by the Secretary of War, the Secretary of the Navy or other officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act, or upon a duly certified copy of said finding.'

Sec. 17. R. S., c. 154, § 23, amended. The 1st sentence of the 2nd paragraph of section 23 of chapter 154 of the revised statutes is hereby amended to read as follows:

'Provided, however, that when a state of war exists between the United States and any other nation, or **when a state of emergency has been proclaimed by the president**, any resident of the state who is in the armed forces of the United States, and who executes a general or special power of attorney, deed, lease, contract or any instrument that is required to be recorded, may acknowledge the same as his true act and deed before any

lieutenant or officer of senior grade thereto in the army, or before any ensign or officer of senior grade thereto in the navy, and the record of such acknowledgment by said officers shall be received and have the same force and effect as acknowledgments under the other provisions of this section.'

Sec. 18. P. L. 1943, c. 157, repealed. Chapter 157 of the public laws of 1943, as amended by chapter 246 of the public laws of 1945, is hereby repealed.

Sec. 19. R. S., c. 19, § 48, amended. Section 48 of chapter 19 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

'Provided further, that on application to the secretary of state, any person who is serving in the armed forces of the United States in time of war or national emergency and who is otherwise qualified to operate a motor vehicle in this state shall receive a license without the requirement of the payment of any fee.'

Sec. 20. R. S., c. 59, § 23, amended. The 2nd sentence of the 2nd paragraph of section 23 of chapter 59 of the revised statutes is hereby amended to read as follows:

'Said interim appointments may be considered permanent if the employee granted the military leave fails to report for duty within a 90-day period from the date of his discharge from the military or naval forces of the United States, and provided further, that such discharge must have been effective not later than 6 months after the state of war ceases between the United States and every foreign government except in cases where a male or female veteran of World War II or the Korean Campaign was receiving treatment in a hospital at the time of his or her discharge, and except in cases where such veteran has not been returned from and discharged from foreign service, in which event his or her status shall be governed by section 2 of chapter 300 of the public laws of 1943.'