

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

1993-94

PUBLIC SAFETY, DEPARTMENT OF**State Police**

Positions	(0.5)
Personal Services	\$14,128
All Other	3,000

Provides funds in fiscal year 1993-94 for a part-time Clerk Typist II position and general operating expenses to collect and disseminate information as part of the Missing Children Information Clearinghouse.

**DEPARTMENT OF PUBLIC SAFETY
TOTAL**

\$17,128

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective July 13, 1993.

CHAPTER 426**S.P. 41 - L.D. 53****An Act to Improve Access to Maine's
Veterans' Homes**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Veterans' Home and the Department of Human Services are in the process of obtaining federal funds and determining the need for and location of additional veterans' homes; and

Whereas, a change in the implementing law is necessary to permit greater geographic diversity in the location of veterans' homes; and

Whereas, this change must be effective sooner than 90 days after this legislative session in order to be taken into consideration during the approval process; and

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

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

Sec. 1. 37-B MRSA §601, as amended by PL 1991, c. 702, §1, is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the ~~presently~~ existing home located in Augusta, a 120-bed home located in southern Maine, a home; not to exceed 60 beds; located in Aroostook County, a home located in ~~eastern Maine Bangor~~ not to exceed 120 beds and a home located in ~~western Maine South Paris~~ not to exceed ~~120~~ 90 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The board of trustees shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict and the Vietnam War.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective July 13, 1993.

CHAPTER 427**H.P. 787 - L.D. 1060****An Act Concerning Rights and Privileges for
Maine Veterans of the Persian Gulf War**

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

Sec. 1. 5 MRSA §7054, sub-§1, ¶D, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

D. "War, campaign or expedition" means any of the following periods:

- (1) April 6, 1917; to November 10, 1918;
- (2) December 7, 1941; to September 1, 1945;
- (3) June 27, 1950; to January 31, 1955; and

(4) August 5, 1964; to May 7, 1975; and

(5) August 7, 1990 to April 11, 1991.

Sec. 2. 5 MRSA §7054, sub-§2, ¶A, as amended by PL 1985, c. 811, is further amended to read:

A. A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively during a war, campaign or expedition and who was honorably separated ~~shall~~ must be accorded a 5-point preference.

A 5-point preference ~~shall~~ must also be ~~accorded~~ accorded a veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days and who, during that time:

(1) Served in the expedition to Grenada at any time from October 25, 1983; to November 2, 1983; ~~or~~

(2) Served in the mission in Lebanon at any time from August 25, 1983; to February 24, 1984; or

(3) Served in Panama at any time from December 20, 1989 to January 31, 1990.

Sec. 3. 10 MRSA §963-A, sub-§51, as amended by PL 1989, c. 857, §45, is further amended to read:

51. Veteran. "Veteran" means any person who served in the United States Armed Forces during any federally recognized period of conflict as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and was not dishonorably discharged. A veteran of the Vietnam War must have served on active duty for a period of more than 90 days, unless that veteran was discharged for a service-connected disability, and any part of that active duty service occurred after December 22, 1961; and before May 7, 1975.

Sec. 4. 30-A MRSA §4743, sub-§3, ¶C, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

C. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

(1) The term "veteran" means a person who has served in the active military or naval service of the United States at any time on or after April 6, 1917 and before November 11, 1918, or at any time on or after September 16, 1940 and before July 26, 1947, or at any time on or after June 27, 1950 and before

February 1, 1955, or at any time on or after August 5, 1964 and before May 7, 1975, or at any time on or after August 7, 1990 and before April 11, 1991, and who has been discharged or released from the service under conditions other than dishonorable.

(2) The term "serviceman" means a person in the active military or naval service of the United States who has served in that service on or after April 6, 1917 and before November 11, 1918, or at any time on or after September 16, 1940 and before July 26, 1947, or at any time on or after June 27, 1950 and before February 1, 1955, or at any time on or after August 5, 1964 and before May 7, 1975, or at any time on or after August 7, 1990 and before April 11, 1991.

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

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

Sec. 5. 34-B MRSA §6253-A, sub-§4, as enacted by PL 1989, c. 749, §§2 and 3, is amended to read:

4. Veterans' preference. Preference in admission to the Bath Children's Home must be given to the children of veterans of this State who have served in wars in which the United States has been involved, including the Korean Campaign, the Vietnam War and the Persian Gulf War.

Sec. 6. 36 MRSA §653, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 878, Pt. A, §104, is amended to read:

C. The estates up to the just value of \$5,000, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign ~~and~~ the Vietnam War and the Persian Gulf War, when they ~~shall~~ have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. The exemp-

tion provided in this paragraph ~~shall apply~~ applies to the property of that veteran including property held in joint tenancy with that veteran's spouse.

Sec. 7. 36 MRSA §653, sub-§1, ¶E, as amended by PL 1989, c. 501, Pt. Z and c. 502, Pt. A, §128, is repealed and the following enacted in its place:

E. The word "veteran" as used in this subsection means any person, male or female, who was in active service in the Armed Forces of the United States during any federally recognized war period or the Korean Campaign, the Vietnam War or the Persian Gulf War and who, if discharged, retired or separated from the Armed Forces, was discharged, retired or separated under other than dishonorable conditions. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964 and before May 7, 1975, except if the veteran died in service or was discharged for a service-connected disability after such date. "Vietnam War" means that period between August 5, 1964 and May 7, 1975. "Persian Gulf War" means service on active duty between August 7, 1990 and April 11, 1991;

Sec. 8. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 1989, c. 502, Pt. D, §21, is further amended by amending subparagraph (3) to read:

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; ~~and~~ the Vietnam War, August 5, 1964 to May 7, 1975; ~~and~~ the Persian Gulf War, August 7, 1990 to April 11, 1991.

Sec. 9. 37-B MRSA §505, sub-§1, ¶A, as amended by PL 1989, c. 502, Pt. A, §140, is further amended by amending subparagraph (2) to read:

(2) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, or to March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955 ~~and~~; the Vietnam War, August 5, 1964 to May 7, 1975; ~~and~~ the Persian Gulf War, August 7, 1990 to April 11, 1991.

Sec. 10. 37-B MRSA §601, as amended by PL 1991, c. 702, §1, is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the presently existing home located in Augusta, a 120-bed home located in southern Maine, a home, not to exceed 60 beds, located in Aroostook County, a home located in eastern Maine not to exceed 120 beds and a home located in western Maine not to exceed 120 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. ~~The board of trustees~~ Board of Trustees of the Maine Veterans' Homes shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict ~~and~~ the Vietnam War ~~and~~ the Persian Gulf War.

See title page for effective date.

CHAPTER 428

S.P. 98 - L.D. 251

An Act to Abolish the Board of Licensure of Railroad Personnel

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

Sec. 1. 5 MRSA §12004-A, sub-§45, as repealed and replaced by PL 1989, c. 878, Pt. A, §15, is repealed.

Sec. 2. 10 MRSA §8001, sub-§34, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is repealed.

Sec. 3. 26 MRSA §681, sub-§9, as enacted by PL 1989, c. 832, §3, is repealed.

Sec. 4. 32 MRSA c. 60, as amended, is repealed.

Sec. 5. Refunding of fees. All fees paid by an individual in connection with the examination and licensing of railroad personnel by the Board of Licensure of Railroad Personnel must be refunded upon application by that individual to the Treasurer of State.

Payment is payable from the State Treasury and chargeable to the Department of Professional and Financial Regulation.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.