

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

Sec. 1. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 1993, c. 410, Pt. F, §20, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
1995	\$67,000,000
1996	\$67,000,000
1997	\$67,000,000
1998	\$67,000,000

See title page for effective date.

CHAPTER 694

S.P. 583 - L.D. 1627

An Act to Amend the Structure of Veterans' Services

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

Sec. 1. 37-B MRSA §4, as amended by PL 1991, c. 626, §6, is further amended to read:

§4. Directors of bureaus

~~Each~~ The Division of Veterans' Services and each bureau of the department must have a director. ~~The Director of the Military Bureau, the Director of Operations of the Division of Veterans' Services and the Director of the Maine Emergency Management Agency~~ must ~~are~~ each ~~be~~ appointed by the Adjutant General and shall serve at the pleasure of the Adjutant General. These directors may not hold any other state office for compensation. If the Adjutant General is unable to act, the Director of the Military Bureau has the civilian administrative powers and duties of

the Adjutant General in the Adjutant General's capacity as Commissioner of Defense and Veterans' Services. The Director of the Military Bureau may also perform other civilian duties of the Adjutant General as assigned by the Adjutant General or the Governor.

Sec. 2. 37-B MRSA §502, as amended by PL 1991, c. 626, §8, is further amended to read:

§502. Director of Operations of the Division of Veterans' Services

The ~~Supervisor~~ Director of Operations of the Division of Veterans' Services, ~~referred to in this chapter as the "supervisor,"~~ shall ~~supervise~~ direct the operation of the division.

Sec. 3. 37-B MRSA §503, as amended by PL 1991, c. 626, §9, is further amended to read:

§503. Powers and duties

The ~~supervisor~~ Director of Operations has the following powers and duties.

1. Employment of personnel. The ~~supervisor~~ Director of Operations may employ, subject to approval of the appointing authority and the Civil Service Law, the personnel necessary to administer this chapter. All full-time permanent employees, except clerical employees, must be persons who served on active duty in the United States Armed Forces during any federally recognized period of conflict, as defined in section 504, subsection 4, paragraph A-1, subparagraph (3).

2. Expenditures. The ~~supervisor~~ Director of Operations may make expenditures approved by the Adjutant General necessary to carry out this chapter.

3. Agent. The ~~supervisor~~ Director of Operations shall act, upon request, as the agent of any Maine resident who has a claim against the United States for any compensation, pension, insurance, loan or other benefit accruing as a result of any federal military service and, in cooperation with all public and private agencies, shall prosecute the claim without charge.

4. Record. The ~~supervisor~~ Director of Operations shall maintain a permanent record of all Maine residents who served in the armed services after December 7, 1941.

6. Other duties. The ~~supervisor~~ Director of Operations shall perform other duties required by this chapter.

Sec. 4. 37-B MRSA §504, sub-§1, as amended by PL 1991, c. 626, §11, is further amended to read:

1. Land acquisition. The ~~Commissioner of Defense and Veterans' Services~~ Director of Operations may acquire by eminent domain in accordance with Title 35-A, chapter 65 and with approval of the Governor, or by purchase, gift or otherwise, real estate in fee simple, or any interest therein, for use as a Veterans' Memorial Cemetery. The land may not exceed 200 acres in area and must be located near the center of population of the State.

Sec. 5. 37-B MRSA §504, sub-§§2 and 3, as amended by PL 1991, c. 626, §12, are further amended to read:

2. Superintendent. The ~~Commissioner of Defense and Veterans' Services~~ Director of Operations, with approval of the appointing authority, shall appoint a competent and trustworthy cemetery superintendent and shall arrange for personnel, material and equipment necessary for adequate maintenance of the cemetery. The superintendent must be an honorably discharged war veteran or a war veteran currently a member of the armed services in nonactive or reserve status.

3. Monuments, buildings and markers. The ~~Commissioner of Defense and Veterans' Services~~ Director of Operations shall cause to be erected a suitable monument in the center of the cemetery.

A. The monument must be suited to the topography of the land and display, on suitable flag poles, the national emblem and the state flag in accordance with the Flag Code.

B. The immediate area surrounding the monument must be prepared and reserved as a suitable place for commemorating Memorial Day and other appropriate observances. The remaining grounds must be laid out in a wheel-like pattern around the monument, expanding from the center as required. Suitable buildings may be erected for purposes the ~~Commissioner of Defense and Veterans' Services~~ Director of Operations determines necessary.

C. All grave markers must be flat-type granite, as furnished by the United States Department of the Army, Memorial Division, or flat-type granite facsimiles of a marker. All boxes used for burial must be protected with permanent vaults or grave liners. Stones and vaults may not be provided at state expense.

Sec. 6. 37-B MRSA §504, sub-§4, ¶B, as amended by PL 1991, c. 626, §13, is further amended to read:

B. The ~~superintendent~~ Director of Operations shall allow the earth burial in the cemetery of any eligible veteran who requests burial in the cemetery. The ~~superintendent~~ Director of Operations shall allow the veteran the option of crypt burial if crypt space exists. All burials must be without charge.

Sec. 7. 37-B MRSA §504, sub-§4, ¶C, as amended by PL 1991, c. 626, §14, is further amended to read:

C. At the dependent's request, the ~~superintendent~~ Director of Operations shall allow an eligible dependent of a veteran to be buried in the cemetery if, at the date of the dependent's death, the veteran would be eligible for burial. Dependents may be buried in the earth or placed in a crypt adjacent to the veteran without charge, provided that:

(1) If the veteran dies first, the dependents specify in writing their intention to be so buried;

(2) If the dependent dies first, the veteran specifies in writing the intention to be buried in the cemetery; or

(3) Eligible family members of members of the armed services or veterans who are permanently buried overseas, buried at sea, missing in action and declared dead, or whose bodies are inaccessible for other reasons, may be buried in this cemetery, provided that the deceased member of the armed services or veteran was eligible for the burial at the time of death.

Sec. 8. 37-B MRSA §505, sub-§2, ¶¶B and D, as amended by PL 1991, c. 626, §17, are further amended to read:

B. The division shall pay to a spouse or child of a veteran a maximum of \$300 per year toward the cost of higher education during a period not exceeding 8 semesters of attendance or 6 consecutive academic years from the date of first entrance. The ~~supervisor~~ Director of Operations may waive the limitation of 6 consecutive academic years when the recipient's education has been interrupted by severe medical disability or illness making continued attendance impossible. These educational benefits must be used for the purpose of providing tuition, matriculation fees, board, room rent, books and supplies. Assistance under this subsection may not be paid to any eligible person receiving benefits under paragraph C.

D. Appropriations for the administration of this subsection must be determined from the recommendation of the ~~supervisor~~ Director of Operations, who shall furnish estimates of the costs of carrying out this subsection in the same manner as for other appropriations allocated to the division.

Sec. 9. 37-B MRSA §506, sub-§1, as amended by PL 1991, c. 626, §19, is further amended to read:

1. Claimant or representative. To the claimant personally, as to matters concerning the claimant alone, when, in the ~~supervisor's~~ Director of Operations's judgment, the disclosure would not be injurious to the claimant's physical or mental health, or to the claimant's duly appointed guardian or duly authorized representative holding a power or appointment approved by the supervisor;

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF**

Veterans' Services

Personal Services \$8,700

Provides funds for a position upgrade of the Supervisor of the Division of Veterans' Services to the Director of Operations of the Division of Veterans' Services.

Veterans' Services

Positions - Legislative Count (-1.0)
Personal Services (\$8,700)

Provides for the deappropriation of funds due to savings resulting from the elimination of one part-time Veterans' Counselor position.

**DEPARTMENT OF
DEFENSE AND VETERANS'
SERVICES
TOTAL**

-0-

See title page for effective date.

CHAPTER 695

H.P. 1201 - L.D. 1609

**An Act to Clarify Maine
Election Laws**

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

Sec. 1. 4 MRSA §312 is enacted to read:

§312. Political activities of judges of probate

As a candidate for the elective office of judge of probate or as an elected judge, a person seeking or holding the office of judge of probate may engage in any political activity that would be lawful for a candidate for any other elected county office or for an incumbent elected county official. Any such judge may hold any other elected office or offices not made incompatible by the Constitution of Maine.

Sec. 2. 21-A MRSA §112, sub-§1, as amended by PL 1993, c. 473, §3 and affected by §46, is further amended to read:

1. Residence. The residence of a person is that place ~~in~~ where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

A. ~~The following factors, if applicable, are relevant to a determination of~~ may be offered by an applicant and considered by a registrar in determining a person's intention to establish a residence under this section:

(1) A direct statement of intention by the person pursuant to section 121, subsection 1;

(2) The location of any dwelling currently occupied by the person;

~~(3) The duration of the person's habitation at the current dwelling and the place where residence is sought to be established, if different;~~

~~(4) The proportional amount of time the person is absent from the place where resi-~~