

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

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

**Augusta, Maine
2020**

F. Two members who are municipal shellfish wardens. ~~In making the appointments under this paragraph, the commissioner shall solicit and consider up to 3 recommendations for these 2 appointments from associations representing the interests of persons who protect and help manage municipal shellfish resources officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee, as described in section 6671, subsection 2; and~~

G. One member who has been issued a shellfish deputation certificate under section 6856, subsection 3; ~~or who is designated by the department as an authorized representative of the holder of the shellfish deputation certificate; and~~

H. One member who has a demonstrated knowledge of biological science and, at a minimum, a bachelor's degree. The commissioner shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience.

The commissioner shall make appointments so that the composition of the council reflects a geographic distribution along the coast of the State.

Sec. 2. Completion of term. Notwithstanding the Maine Revised Statutes, Title 12, section 6038, subsection 1, a person who is a member of the Shellfish Advisory Council on the effective date of this Act may continue to serve on the council until the expiration of that person's term.

See title page for effective date.

CHAPTER 601
S.P. 668 - L.D. 1926

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

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

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

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

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

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

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

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

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

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

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

(i) Before attaining 21 years of age; or

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

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

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

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

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

(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.

Sec. 2. 37-B MRSA §505, sub-§1-C, as enacted by PL 2017, c. 419, §6, is amended to read:

1-C. Financial assistance. The following provisions apply to grants of temporary financial assistance to veterans.

A. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the United States Department of Veterans Affairs pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who demonstrates to the bureau's satisfaction a financial need and suffers an emergency, including but not limited to:

- (1) Damage to that veteran's home due to fire, flood or hurricane that is not fully compensable by insurance;
- (2) Illness or the illness of an immediate family member; or
- (3) Hardship that would result in the veteran becoming homeless.

C. A veteran who requests temporary assistance under this subsection and is denied such assistance by the bureau may request a reconsideration and review of this decision. Requests for reconsideration of a claim must be reviewed by the director and the commissioner or the commissioner's designee, and the decision after the reconsideration is final and may not be appealed to a court.

D. The bureau may contract with an organization incorporated in the State as a nonprofit corporation in accordance with Title 13-B or an organization with tax-exempt status under 26 United States Code, Section 501(c) for the purpose of providing

temporary financial assistance to veterans as described in this subsection. A contract authorized under this subsection may provide only for the distribution of direct temporary financial assistance to veterans and may not provide for compensation for personnel costs of the organization, funding of positions of employment within the organization or administrative costs of the organization except those directly related to the distribution of temporary financial assistance grants to veterans.

E. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. For the purposes of this subsection, "veteran" means any person who:

(1) Served in the active United States Armed Forces and who, if discharged, received an honorable discharge or a general discharge under honorable conditions, as long as the discharge was not upgraded through a program of general amnesty;

(2) Served in the Reserve Components of the United States Armed Forces and who is entitled to retired pay under 10 United States Code, chapter 1223 or would be entitled to retired pay under chapter 1223 except that the person is under 60 years of age;

(3) Served in the United States Armed Forces and, although the person does not meet the requirements of subparagraph (1) or (2), is determined by the director, on a case-by-case basis, to be eligible for temporary financial assistance; or

(4) Served in the Maine National Guard and is determined by the director, on a case-by-case basis, to be eligible for temporary financial assistance.

~~For the purposes of this subsection, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A 1. The director may also determine eligibility for temporary financial assistance on a case by case basis.~~

See title page for effective date.