

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: July 31, 2020

To: Veterans and Legal Affairs Committee

From: Janet Stocco, Legislative Analyst

Re: **LD 2145, An Act To Help Veterans Access Jobs, Education, Health Care and Housing and Provide General Support to Veterans**
(Sen. Carpenter concept draft)

LD 2145 is a concept draft that proposes to make numerous changes to the laws governing veterans' access to employment, education, health care, housing and other benefits under Maine law. At the public hearing, the sponsor indicated he is working with several Executive Branch departments and agencies to determine how to provide enhanced services to veterans in a fiscally responsible way, given the current pandemic and attendant economic uncertainty in the State.

The chart below identifies current laws and pending legislation related to items in the concept draft, as well as issues raised in testimony related to these items. Because I am not an expert in each of these areas of law, this table may not include all relevant legislation/statutes.

Concept Draft Item	Related Current Law / Program	Pending Legislation & Hearing testimony
1. The bill would help veterans access jobs by:		
A. Requiring the Department of Professional and Financial Regulation to waive licensing fees for veterans;	Current law gives the DPFR discretion to waive examination and license fees for veterans who have licenses from boards within the Office of Professional and Occupational Regulation. ¹ 10 M.R.S.A. §8003(2-A)(N) .	
B. Requiring licensing boards affiliated with the Department of Professional and Financial Regulation ² to waive licensing fees for veterans;		

¹ The licensing boards under the auspices of the Office of Professional and Occupational Regulation (OPOR) are listed in [10 M.R.S.A. §8001\(38\)](#), including the boards regulating accountants, pharmacists, architects, geologists, funeral practitioners, plumbers, veterinarians, speech, physical and occupational therapists, etc.

² The Board of Dental Practice, Board of Licensure in Medicine, State Board of Nursing, Board of Optometric Examiners, Board of Osteopathic Licensure and State Board of Licensure for Professional Engineers are each *affiliated with* the Department of Professional and Financial Regulation. [10 M.R.S.A. §8001-A](#).

<p>C. Expanding eligibility of veterans and their spouses for the program that helps veterans and their spouses obtain occupational licenses;</p>	<p>Program: current law <i>requires</i> licensing boards within and affiliated with DPFR to provide “returning military veterans” and their qualified spouses:</p> <ul style="list-style-type: none"> • Expedited processing of applications; • Acceptance of education and training completed while in the military toward the qualifications for licensure and toward continuing education credits; • If military education and training qualifies the veteran/spouse for Maine licensure, grant a temporary license during the application process; <p>These boards also have <i>discretion</i>:</p> <ul style="list-style-type: none"> • If the veteran/spouse holds a comparable license in another state, to give the veteran/spouse a reciprocal Maine license for the remainder of the license term or a temporary license during the application process; <p>Eligibility: A “returning military veteran” is defined as a “veteran of the Armed Forces of the United States who has been honorably discharged from active duty.”</p> <p>10 M.R.S.A. §8011.</p>	<p>The Maine Bureau of Veterans’ Services testified that it has worked with DPFR and the Maine Department of Labor to provide “quicker, easier licensing for veterans who have demonstrable military experience in the areas of: Boiler, Electrical, Fuel, Plumbing and Health Care.” The Department of Labor provides individualized assistance to veterans.</p>
<p>D. Requiring each board, commission, office and agency within the Department of Professional and Financial Regulation or affiliated with the department to permit a veteran or spouse who holds a comparable license in another state to acquire a license by endorsement in this State for the remainder of the term of the license from the other state or until a license is obtained in this State or obtain a temporary license in</p>	<p>As is explained above, current law gives boards within and affiliated with DPFR discretion to grant these benefits returning military veterans or qualified spouses in these circumstances.</p> <p>10 M.R.S.A. §8011(1) & (2).</p>	

this State for the period of time necessary to obtain a license in this State;		
<p>E. Requiring each board, commission, office and agency within the Department of Professional and Financial Regulation or affiliated with the department to grant a full or partial exemption from continuing education requirements for a veteran or spouse;</p>	<p>Current law gives these boards discretion to waive continuing education requirements for “returning military veterans” (see definition above), their spouses and active duty service members. 10 M.R.S.A. §8011(4).</p> <p>Current law also exempts National Guard members and reservists who have any Maine professional or occupational license, registration, etc. and who are called to active duty for > 30 days from continuing education requirements during the period of active duty and for “6 months after that person is released from active duty.” (During which time they might separate from service and become “veterans”...) 37-B M.R.S.A. §390-A(2).</p>	
<p>F. Obtaining information regarding the implementation of the process established to help qualified veterans and their spouses to obtain occupational licenses, including data concerning how many veterans and their spouses have received assistance;</p>		<p>Proposed Amendment (McCreight): require the Maine Bureau of Veterans’ Services to collect data to determine whether any disparities exist in the services provided to veterans of color.</p>
<p>G. Extending renewal dates for occupational licenses for veterans and their spouses;</p>	<p>Current law automatically extends the Maine professional or occupational licenses, registrations or certifications of National Guard members and reservists who are called to active duty for > 30 days if the license, registration, or certification expires during the period of active duty. The extension expires 6 months after the person is released from active duty. 37-B M.R.S.A. §390-A(3).</p> <p>Other current laws for specific occupations—electricians, engineers, plumbers, barbers, veterinarians, etc. —require extension of</p>	

	<p>license renewal dates and sometimes waiver of renewal fees for certain members of the military called to active service or to war. The details vary.</p> <p>See, e.g., 32 M.R.S.A. §§1204, 1358, 3504, 14235, 15216-C, 16410(3).</p>	
H. Waiving fees for licensing veterans as emergency medical services persons and security guards ³ ;		
I. Extending the period of time allowed between the completion of military service and the favorable treatment of that military service for purposes of occupational licensing;	<p>Note: there is no time limit to the requirement that licensing boards within and affiliated with DPFR accept military training and experience for veterans of the armed forces who were honorably discharged from active duty.</p> <p>10 M.R.S.A. §8011 (first ¶).</p> <p>There is also no time limit to the requirement that the director of OPOR, in consultation with relevant boards within DPFR, “review and determine on a case-by-case basis examination and licensing eligibility for applications for licensure submitted by individuals who identify themselves as veterans with military service, experience and training.”</p> <p>10 M.R.S.A. §8003(2-A)(M).</p>	
J. Allowing all veterans to purchase credit for time served in the military for purposes of the Maine Public Employees Retirement System.	<p>Current law allows veterans to purchase credit for the time served in the armed forces if they have 15 years of state service upon retirement and <u>if they served in the armed forces either during any federally recognized period of conflict or received certain campaign or expeditionary medals.</u></p> <p>5 M.R.S.A. §17760(3).</p>	

³ The Commissioner of Public Safety licenses private security guards and the Emergency Medical Services Board, which is under the auspices of the Department of Public Safety, licenses emergency medical services person. Paragraph 1(A) of the concept draft therefore does not affect these licensed professions.

2. The bill would help veterans access education by:		
A. Extending the amount of time given to veterans to transition from military service to school;		<p>The University of Maine System testified that, as required by P.L. 2015, ch. 465, pt. E, it worked with the Maine Community College System, in consultation with the Maine Bureau of Veterans' Services, to identify the needs of student veterans in successfully: gaining admission to college, completing a course of study, transitioning to civilian life in an education environment and obtaining available benefits to meet personal and financial obligations. The University of Maine System submitted its report to this committee in 2017, and has implemented many of the recommendations in that report. The System welcomes the opportunity to conduct further work on this important issue of supporting its student-veterans.</p>
B. Requiring each campus of the University of Maine System and the Maine Community College System to have a dedicated space for veterans with at least one computer where veterans may meet and have the tools available to them that they need to access benefits;		<p>The University of Maine System testified that, as required by federal law, each of its universities has a "School Certifying Official" who works with veterans and helps them to access their education benefits. In addition, its three campuses with large veteran populations (UMO, USM, UMA) have designated space for veterans to meet and to access services and supports, including academic and career advising and assistance in receiving credit for military training and experience. They also have several staff with military experience who assist veterans in accessing their benefits.</p> <p>Proposals (UMS): (2) If a military liaison is required, do not specifically prescribe the liaison's duties beyond benefits assistance; (2) If military liaisons and dedicated space for</p>

		veterans are required, those requirements should apply to each university, not to each separate campus of each university.
C. Providing loans to veterans for books that are required for classes;	The federal Post-9/11 Veterans Educational Assistance Act of 2008 allows veterans who served on active duty after Sept. 10, 2001—and who (a) were on active duty ≥ 90 days; (b) received a purple heart after Sept. 10, 2001 and have been honorably discharged; or (c) were on active duty ≥ 30 continuous days and were honorably discharged with a service-connected disability—to receive several educational financial benefits, including: up to \$1,000 per school year (for up to 36 months) for books and supplies.	
D. Providing services for veterans who receive other than an honorable discharge from military service;	<i>(Unclear what this means.)</i> <i>Veterans of the U.S. Armed Forces who have been “honorably discharged” are eligible for in-state tuition at the University of Maine System, Maine Community College System or Maine Maritime Academy.</i> 20-A M.R.S.A. §10010.	The University of Maine System testified that, since adoption of the in-state tuition policy in 2014, the number of out-of-State veterans has nearly doubled. They now comprise one-fourth of the system’s veteran population.
E. Providing easier readmittance to school for veterans who leave school for health-related issues; and		
F. Providing graduate school assistance to veterans.	<i>(Unclear what this means.)</i> <i>The in-state tuition benefit in 20-A M.R.S.A. §10010 is not expressly limited to undergraduate education. However, the Maine National Guard Education Assistance Program in Title 37-B, ch. 3, sub-ch. 7-A, which applies to <u>current</u> members of the National Guard, may only be used to earn a degree at the baccalaureate, associate or certificate level.</i>	

3. The bill would help veterans access health care by:		
A. Continuing and improving the pilot program established in Resolve 2017, chapter 24 that provides mental health case management services to veterans;	The pilot program in Resolve 2017, chapter 24 expires January 1, 2020 or until all funds are exhausted.	VLA unanimously voted in favor of an OTP-A report on LD 835 , which (as amended) would extend the pilot project in Resolve 2017, chapter 24 through June 30, 2021 and would add a provider with experience providing services in northern Maine. LD 835 was reported out of committee this week.
B. Providing mental health treatment in all counties for veterans;	The pilot program in Resolve 2017, chapter 24 was not restricted geographically; between April 2018 and September 2019 it served veterans in each county across the State, other than Knox County.	
C. Waiving the fee for medical marijuana identification cards for veterans;	Qualifying patients are not required to obtain registry identification cards and, if they voluntarily choose to do so, they are not required to pay a fee. Caregivers (other than those caring for 1-2 patients in their household or family) must pay a fee to obtain registration identification cards. ⁴ 22 M.R.S.A. §2425-A .	
D. Providing that the time limit for veterans who are otherwise eligible for assistance under the federal Supplemental Nutrition Assistance Program is twice the time limit that would otherwise apply to the veterans; and	Under SNAP Rules , an able-bodied adult without dependents (ABAWD) between the ages of 18 and 49 is limited to receiving SNAP benefits for 3 months during a 36-month period unless the adult is working or in a training program for at least 20 hours per week or qualifies for an exception to this requirement (caring for either a child under age 6 or a person with a disability; in a substance abuse treatment; receiving disability benefits, including VA disability benefits; etc.).	
E. Supporting programs that provide transportation to medical appointments for veterans.		VLA unanimously voted to support LD 171 , which would direct DOT, in consultation with DVEM, to establish a pilot project in Oxford, Franklin and Androscoggin counties to provide transportation for veterans to and from employment or employment-related services,

⁴ Registration fees are also imposed on dispensaries and medical-marijuana manufacturing facilities. See [22 M.R.S.A. §2425-A](#).

		medical appointments, mental health services, social services and community activities. This bill was reported out in the First Regular Session and has since been carried over on the special appropriations table with a one-time, \$150,000 fiscal note.
4. The bill would help veterans access housing by:		
A. Providing funding to seek long-term solutions to reduce barriers, such as criminal convictions, substance use, mental illness and physical disabilities, to veterans securing housing;		The LBHS Committee recently reported out (OTP-A/ONTP; 9-3) LD 1572 , which (as amended) requires the Maine State Housing Authority to examine fair chance housing policies (<i>i.e.</i> , policies to assist formerly incarcerated individuals in securing housing) in other jurisdictions and to submit a report to LBHS by Feb. 2021. As amended, LD 1572 has a “minor cost increase” fiscal note.
B. Increasing the number of housing vouchers provided to homeless veterans;	Current law requires housing projects operated by public housing authorities to give preference to veterans and their families. “Veteran” is defined to include individuals who served in active military or naval service of the U.S. during specified periods of time, the latest from August 1990 to April 1991, and who did not receive a dishonorable discharge. 30-A M.R.S.A. §4743(3)(B), (C) .	The Maine State Housing Authority testified: <ul style="list-style-type: none"> • Housing vouchers are a federal program, not a program of state law; • MaineHousing gives veterans a preference for these housing vouchers; and • The federal Veterans Affairs Supportive Housing (VASH) voucher program combines housing vouchers with VA support services for veterans experiencing homelessness. <p>The Maine Bureau of Veterans’ Services also testified that, under 37-B M.R.S.A. §513-A, it provides homelessness prevention coordination services to veterans that are designed to reduce the number of homeless veterans in the State.</p>
C. Providing funding to assist landlords to improve substandard apartments and give incentives to landlords to rent to veterans;		Proposal (Maine State Housing Authority): The authority operates a landlord repair program designed to entice landlords to accept housing vouchers, which it suggested “could

		be tweaked to encourage landlords to rent to veterans with housing vouchers.”
D. Changing the "Salute ME" mortgage program administered by the Maine State Housing Authority to provide veterans with a greater discount on home mortgage rates;	The Salute Me Program offers income-qualified active duty military members and “veterans” (who served at least 180 days of active duty or in a war zone and who were honorably discharged) a 0.25% discount off of the 30-year fixed interest rate under the First Home Loan program. (The First Home Loan program also offers \$3,500 toward closing costs and other advantages to participants.)	The Maine State Housing Authority testified that lowering the Salute Me interest rate further than the existing 0.25% discount off of the First Home Loan rate would require either: additional funding or an increase to the rate charged to other First Home Loan borrowers (to offset the cost of the Salute Me discount).
E. Changing the property tax exemption for certain veterans to apply to all veterans;	<p>Veterans (1) who have served during certain recognized period of war or have earned the Armed Forces Expeditionary Medal and are ≥ 62 years of age; (2) who are receiving any form of military pension or compensation for a total, service-connected disability—are entitled to a \$6,000 property tax exemption, which is increased to \$7,000 if they served during World War I. Paraplegic veterans who served during certain recognized periods of war or who have earned the Armed Forces Expeditionary Medal are entitled to a \$50,000 property tax exemption.</p> <p>To qualify, the “veteran” must have served on active duty and must not have received a dishonorable discharge.</p> <p style="text-align: right;">36 M.R.S.A. §653.</p>	<p>Proposal (Maine Municipal Association): If expanded property tax exemptions are included in the bill, provide 100% state reimbursement to municipalities for the lost tax revenue.</p> <p>The following 2 bills reported out by TAX are currently on the special appropriations table. Both provide for state reimbursement to municipalities of 100% of the property tax revenue lost due to the expanded exemptions:</p> <ul style="list-style-type: none"> • LD 1042 (as amended), would provide a sliding-scale property tax exemption from \$1500 to \$6000 for veterans with a 30% to 100% service-connected disability rating, regardless of whether the veteran served during a recognized period of war. • LD 1194 (as amended), would increase the \$6000 property tax exemption in current law to \$10,000 and would add service between 2/1/1955 and 2/27/1961 to the list of qualifying time periods of military service.⁵

⁵ In the First Regular Session, the TAX Committee also unanimously voted ONTP on the following bills related to veteran property-tax exemptions:

<p>F. Surveying public land, unused public buildings and available private buildings, including closed mills, for opportunities to provide housing or temporary shelter for veterans;</p>	<p>Resolve 2019, ch. 62 requires DAFS to inventory “surplus state-owned land and structures” and to provide the inventory to the Maine State Housing Authority to “determin[e] the suitability of land and structures for use in the development of affordable housing.”</p> <p>The Resolve does not specify that any resulting affordable housing be set aside for veterans.</p>	<p>The Maine Municipal Association expressed concern about the process by which such properties might be converted to housing or temporary shelter for veterans—<i>i.e.</i>, would the input of local governments and citizens be solicited during the process and would the State compensate local governments for properties owned by those governments?</p>
<p>G. Providing preference to veterans in the Bridging Rental Assistance Program, which assists persons with mental illness to secure temporary housing; and</p>	<p>The Bridging Rental Assistance Program is administered by DHHS and provides housing assistance to persons with mental illness for up to 24 months or until they receive a federal housing voucher. 34-B M.R.S.A. §3011.</p> <p>According to the BRAP Program Manual, program participants must have a severe mental illness under certain MaineCare criteria; currently receive SSI/SSDI benefits or have applied for those benefits; have applied for federal Section 8 assistance; and qualify under one of the following priority criteria: are being discharged from a psychiatric facility, are being released from a correctional facility or are “literally homeless.”</p>	

- [LD 35](#), which would have increased the homestead exemption to \$50,000 for veterans receiving disability compensation from the federal government for a service-connected disability.
- [LD 163](#), which would have provided additional, enhanced property tax exemptions for veterans who served ≥ 90 days in a combat zone or who have a service-connected disability rating $> 50\%$ from the VA.
- [LD 1271](#), which would have provided a complete property tax exemption in the veteran’s town of residence for a veteran with a 100% service-connected disability.
- [LD 1326](#), which would have added service between 2/1/1995 and 2/27/61 to the list of qualifying time periods of military service. The substance of this bill appears to have been incorporated into the TAX Committee’s amendment to LD 1194.
- [LD 1448](#), which would have granted a homestead exemption to disabled veterans = (value of veteran’s homestead) X (veteran’s VA-disability rating %).

	In light of COVID-19, beginning May 1, 2020, BRAP participants are required to pay 40% of their income toward rent, the remaining amount is subsidized by the State. (Previously, participants were required to contribute 51% of their income toward rent.) See BRAP website .	
H. Providing funding for organizations and facilities that provide housing for homeless veterans.		VLA unanimously supported LD 510 , which would provide one-time funding of \$150,000 to the Betsy Ann Ross House of Hope for women veterans in transition and their families, in the First Regular Session. LD 510 is currently on the special appropriations table. Although VLA unanimously voted ONTP on LD 501 —which would have provided one-time funding of \$200,000 to the homeless veterans center in Caribou—Senator Carpenter testified he recently secured \$100,000 from the Attorney General’s office for this organization (United Veterans of Maine in Caribou).
5. The bill would provide general support to veterans by:		
A. Raising the amount of pension income paid under an employee retirement plan that is exempt from the income tax;	The primary recipient of pension benefits under an employee retirement plan, including a military retirement plan (based on service in active or reserved components of U.S. Armed Forces), is exempt from paying State income tax on \$6,000 of those pension benefits. 36 M.R.S.A. §5122(2)(M) . Under federal law, service-connected disability payments to veterans are not taxable income. See IRS Publication 525, pages 16 & 18 .	
B. Extending the time for which a driver's license is valid for active duty military members; and	The Maine driver’s license of a person serving on active duty in the U.S. Armed Forces remains active, notwithstanding the expiration date of the license, for a period of 180 days	

	<p>after the person’s discharge or release from the Armed Forces.</p> <p>29-A MRSA §1255(1)(C), (2).</p>	
<p>C. Increasing the maximum amount of a grant of temporary assistance that may be provided to a veteran from the Veterans Temporary Assistance Fund from \$2,000 to \$2,500.</p>	<p>The Maine Bureau of Veterans’ Services may grant temporary assistance of up to \$2,000 each year to a veteran who:</p> <ul style="list-style-type: none"> • Is awaiting a decision on an application for a federal veteran’s pension; or • Demonstrates emergency financial need including: damage to the veteran’s home due to fire, flood or hurricane; illness of the veteran or an immediate family member; or hardship that would result in the veteran becoming homeless. <p>To qualify, the veteran must have:</p> <ul style="list-style-type: none"> • Served on active duty in the U.S. Armed Forces and received an honorable discharge or discharge under honorable conditions; or • Must have served in the reserves and is entitled to retired pay. <p>The MBVS director can also determine eligibility on a case-by-case basis (including for those who served in the National Guard).</p> <p>37-B M.R.S.A. §505(1-C).</p> <p>This program receives \$250,000 per year of General Fund money. See P.L. 2019, ch. 343 (biennial budget) at page 145.</p>	

FISCAL IMPACT

- Not yet determined (dependent upon which items in the concept draft list move forward)