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Legislative Document

No. 1226

H.P. 887

House of Representatives, March 14, 2019

**An Act To Make Criteria for State Veterans' Benefits Consistent
within the Maine Revised Statutes**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.
Cosponsored by Senator CARPENTER of Aroostook and
Representatives: ACKLEY of Monmouth, BABINE of Scarborough, SHEATS of Auburn,
Senators: CHENETTE of York, LUCHINI of Hancock.

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

2 **Sec. 1. 10 MRSA §8011, first ¶**, as enacted by PL 2013, c. 424, Pt. D, §2 and
3 affected by §3, is amended to read:

4 By January 1, 2014, each board, commission, office and agency within the
5 department listed in section 8001 or affiliated with the department under section 8001-A
6 shall adopt a process to facilitate qualified returning military veterans and qualified
7 spouses of returning military veterans or of active duty service members to qualify for
8 professional licenses granted by those boards, commissions, offices and agencies in an
9 expeditious manner. For the purposes of this section, "returning military veteran" means
10 a veteran of the Armed Forces of the United States who has ~~been honorably discharged~~
11 ~~from active duty~~ received an honorable discharge or general discharge under honorable
12 conditions. Notwithstanding any other provision of law, the Director of the Office of
13 Professional and Occupational Regulation and each licensing board within or affiliated
14 with the department shall, upon presentation of satisfactory evidence by an applicant for
15 professional or occupational licensure, accept education, training or service completed by
16 the applicant as a member of the Armed Forces of the United States or Reserves of the
17 United States Armed Forces, the national guard of any state, the military reserves of any
18 state or the naval militia of any state toward the qualifications to receive the license.

19 **Sec. 2. 12 MRSA §10853, sub-§4, ¶B**, as repealed and replaced by PL 2017, c.
20 475, Pt. A, §19, is amended to read:

21 B. ~~Was honorably discharged~~ Received an honorable discharge or general discharge
22 under honorable conditions from the Armed Forces of the United States or the
23 National Guard; and

24 **Sec. 3. 12 MRSA §11212-A, sub-§3, ¶E**, as enacted by PL 2017, c. 176, §2, is
25 amended to read:

26 E. A person who is 21 years of age or older and is not otherwise prohibited from
27 possessing a firearm or is 18 years of age or older and under 21 years of age and is on
28 active duty in the Armed Forces of the United States or the National Guard or is ~~an~~
29 ~~honorably discharged~~ a veteran of the Armed Forces of the United States or the
30 National Guard who received an honorable discharge or general discharge under
31 honorable conditions and is not otherwise prohibited from carrying a firearm may
32 have in or on a vehicle a loaded pistol or revolver.

33 **Sec. 4. 20-A MRSA §4722, sub-§6, ¶E**, as enacted by PL 2001, c. 85, §1, is
34 amended to read:

35 E. The person received an honorable discharge or general discharge under honorable
36 conditions or a certificate of honorable service from the Armed Forces.

37 **Sec. 5. 20-A MRSA §4722-A, sub-§3, ¶E**, as amended by PL 2015, c. 489, §2,
38 is further amended to read:

39 E. A person may be awarded a high school diploma, including a posthumous award,
40 if the person or a family member of the person applies to a secondary school and:

- 1 (1) The person:
- 2 (a) Attended a secondary school in the geographic area now served by the
- 3 secondary school from which a diploma is requested; or
- 4 (b) Resides at the time of application for a diploma in the geographic area
- 5 served by the secondary school from which a diploma is requested;
- 6 (2) The person did not graduate or receive a diploma from a secondary school
- 7 because the person left secondary school to serve in the Armed Forces and served
- 8 during the following periods:
- 9 (a) World War II, from December 7, 1941 to August 16, 1945;
- 10 (b) The Korean Conflict;
- 11 (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or
- 12 (d) The period of wartime or peacetime after a period of wartime described in
- 13 division (a), (b) or (c); and
- 14 (3) The person received an honorable discharge or general discharge under
- 15 honorable conditions or a certificate of honorable service from the Armed Forces.

16 For the purposes of this paragraph, "Armed Forces" means the United States Army,

17 Navy, Air Force, Marine Corps and Coast Guard and the merchant marine.

18 **Sec. 6. 20-A MRSA §10010**, as repealed and replaced by PL 2013, c. 488, §1, is

19 amended to read:

20 **§10010. Current members and veterans of the United States Armed Forces**

21 If a current member of the United States Armed Forces or a veteran of the United

22 States Armed Forces who ~~has been honorably discharged~~ received an honorable

23 discharge or general discharge under honorable conditions is enrolled in a program of

24 education at any campus of the University of Maine System, the Maine Community

25 College System or the Maine Maritime Academy, that member or veteran is eligible for

26 in-state tuition rates, regardless of the member's or veteran's state of residence.

27 **Sec. 7. 22 MRSA §2900, sub-§1, ¶B**, as enacted by PL 2011, c. 318, §1, is

28 amended to read:

29 B. "Veteran" means a person who served in and ~~was honorably discharged~~ received

30 an honorable discharge or general discharge under honorable conditions from active

31 duty:

- 32 (1) In the Armed Forces of the United States;
- 33 (2) In the Army or Air Force National Guard in a full-time status; or
- 34 (3) As a reservist in the Armed Forces of the United States.

35 **Sec. 8. 25 MRSA §2001-A, sub-§2, ¶A-1**, as enacted by PL 2015, c. 327, §2, is

36 amended to read:

1 A-1. A handgun carried by a person who is 21 years of age or older and is not
2 otherwise prohibited from carrying a firearm or is 18 years of age or older and under
3 21 years of age and is on active duty in the Armed Forces of the United States or the
4 National Guard or is ~~an honorably discharged~~ a veteran of the Armed Forces of the
5 United States or the National Guard who received an honorable discharge or general
6 discharge under honorable conditions and is not otherwise prohibited from carrying a
7 firearm;

8 **Sec. 9. 26 MRSA §877, sub-§3**, as enacted by PL 2013, c. 576, §4, is amended to
9 read:

10 **3. Veteran.** "Veteran" means a person who has served on active duty in the United
11 States Armed Forces, or has served in the national guard of any state or the Reserves of
12 the United States Armed Forces, and was discharged or released with an honorable
13 discharge or general discharge under honorable conditions.

14 **Sec. 10. 29-A MRSA §523, sub-§3**, as amended by PL 2017, c. 43, §2, is further
15 amended to read:

16 **3. Special veterans registration plates.** The Secretary of State, on application and
17 evidence of payment of the excise tax required by Title 36, section 1482 and the
18 registration fee required by section 501 or by section 504, subsection 1 for a vehicle with
19 a registered gross weight over 10,000 pounds, shall issue a registration certificate and a
20 set of special veterans registration plates to be used in lieu of regular registration plates
21 for a vehicle with a registered gross weight of not more than 26,000 pounds to any person
22 who has served in the United States Armed Forces and who ~~has been honorably~~
23 ~~discharged~~ received an honorable discharge or general discharge under honorable
24 conditions or to a person who has served in the United States Armed Forces for at least 3
25 years and continues to serve. If a person who qualifies for a special veterans registration
26 plate under this subsection is the primary driver of 3 vehicles, the Secretary of State may
27 issue in accordance with this section a set of special veterans registration plates for each
28 vehicle.

29 Each application must be accompanied by the applicant's Armed Forces Report of
30 Transfer or Discharge, DD Form 214, certification from the United States Veterans
31 Administration or the appropriate branch of the United States Armed Forces verifying the
32 applicant's military service and honorable discharge or general discharge under honorable
33 conditons, or a letter from the Department of Defense, Veterans and Emergency
34 Management, Bureau of Maine Veterans' Services verifying active duty military service
35 and length of service.

36 The Secretary of State shall recall a special veterans registration plate of a recipient who
37 has been less than honorably discharged from the United States Armed Forces.

38 All surplus revenue collected for issuance of the special registration plates is retained by
39 the Secretary of State to maintain and support this program.

40 The surviving spouse of a special veteran plate recipient issued plates in accordance with
41 this subsection may retain and display the special veteran plates as long as the surviving
42 spouse remains unmarried. Upon remarriage, the surviving spouse may not use the

1 special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the
2 death of the surviving spouse, the family may retain the special veteran plates, but may
3 not use them on a motor vehicle.

4 The Secretary of State may issue a special disability registration plate for veterans in
5 accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration
6 plate for veterans must bear the International Symbol of Access.

7 The Secretary of State may issue a set of special veterans registration plates when the
8 qualifying veteran is the primary driver of a company-owned vehicle if:

9 A. The company is owned solely by a veteran who qualifies for a veteran plate under
10 this section;

11 B. The vehicle is leased by a veteran who qualifies for the veteran plate under this
12 subsection; or

13 C. The vehicle is leased by the employer of a veteran who qualifies for the veteran
14 plate and the employer has assigned the vehicle exclusively to the veteran. The
15 employer must attest in writing that the veteran will have exclusive use of the vehicle
16 and agrees to the display of the special veteran plate.

17 **Sec. 11. 29-A MRSA §523, sub-§3-A**, as amended by PL 2011, c. 356, §12, is
18 further amended to read:

19 **3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to
20 subsection 3, the Secretary of State, on application and evidence of payment of the excise
21 tax required by Title 36, section 1482 and the registration fee required by section 515,
22 subsection 1, shall issue a registration certificate and a special veterans registration plate
23 for up to 3 designated motorcycles owned or controlled by a person who has served in the
24 United States Armed Forces and who ~~has been honorably discharged~~ received an
25 honorable discharge or general discharge under honorable conditions or to a person who
26 has served in the United States Armed Forces for at least 3 years and continues to serve.

27 Each application must be accompanied by the applicant's Armed Forces Report of
28 Transfer or Discharge, DD Form 214, certification from the United States Department of
29 Veterans Affairs or the appropriate branch of the United States Armed Forces verifying
30 the applicant's military service and honorable discharge or general discharge under
31 honorable conditions, or a letter from the Department of Defense, Veterans and
32 Emergency Management, Bureau of Maine Veterans' Services verifying active duty
33 military service and length of service.

34 The Secretary of State shall recall a special veterans registration plate of a recipient who
35 has been less than honorably discharged from the United States Armed Forces.

36 All surplus revenue collected for issuance of the special veterans registration plates is
37 retained by the Secretary of State to maintain and support this program.

38 Upon request the Secretary of State shall issue special veterans registration plates for a
39 motorcycle that are also vanity plates. These plates are issued in accordance with this
40 section and section 453. Vanity plates issued under this subsection may not duplicate
41 vanity plates issued in another class of plate.

1 The surviving spouse of a recipient of a special veterans registration plate issued in
2 accordance with this subsection may retain and use the plate or plates as long as the
3 surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use
4 the plate or plates, but may retain them. Upon the death of the surviving spouse, the
5 family may retain the plate or plates, but may not use them.

6 The Secretary of State may not issue special commemorative decals under subsection 5 or
7 6 for use on special veterans registration plates for a motorcycle.

8 **Sec. 12. 29-A MRSA §523, sub-§5**, as amended by PL 2017, c. 8, §1, is further
9 amended to read:

10 **5. Special commemorative decals for medals, badges or ribbons awarded.** The
11 Secretary of State may issue special commemorative decals for use with special veterans
12 registration plates to any person who served in the United States Armed Forces, ~~was~~
13 ~~honorably discharged~~ who received an honorable discharge or general discharge under
14 honorable conditions and was awarded a medal, badge or ribbon described in paragraphs
15 A to BB when that person's application is accompanied by the appropriate military
16 certification verifying that the medal, badge or ribbon was awarded to the applicant. One
17 set of commemorative decals may be issued for each set of special veterans registration
18 plates issued under this section. One set of 2 commemorative decals must be displayed
19 on the front and back plates. The fee for a set of commemorative decals may not exceed
20 \$5.

21 Special commemorative decals may be issued to applicants awarded the following
22 medals, badges or ribbons:

- 23 A. Distinguished Service Cross;
- 24 B. Navy Cross;
- 25 C. Air Force Cross;
- 26 D. Silver Star;
- 27 E. Distinguished Flying Cross;
- 28 F. Bronze Star;
- 29 G. Soldier's Medal;
- 30 H. Navy or Marine Corps Medal;
- 31 I. Airman's Medal;
- 32 J. Coast Guard Medal;
- 33 K. Asiatic-Pacific Campaign Medal;
- 34 L. European-African-Middle Eastern Campaign Medal;
- 35 M. Korean Service Medal;
- 36 N. Vietnam Service Medal;
- 37 O. Southwest Asia Service Medal;

- 1 P. Armed Forces Expeditionary Medal;
- 2 Q. Kosovo Service Medal;
- 3 R. Korea Defense Service Medal;
- 4 S. Global War on Terrorism Medal;
- 5 T. Iraq Campaign Medal;
- 6 U. Afghanistan Campaign Medal;
- 7 V. United States Army Combat Infantry Badge;
- 8 W. United States Army Combat Medic Badge;
- 9 X. United States Army Combat Action Badge;
- 10 Y. United States Navy, Marine Corps or Coast Guard Combat Action Ribbon;
- 11 Z. United States Air Force Combat Action Medal;
- 12 AA. National Emergency Service Medal; and
- 13 BB. Air Medal.

14 **Sec. 13. 29-A MRSA §523, sub-§6**, as enacted by PL 2001, c. 453, §2 and
 15 affected by §4, is amended to read:

16 **6. Special commemorative decals for branches of armed forces.** The Secretary of
 17 State may issue special commemorative decals for use with special veterans registration
 18 plates to any person who served in the United States Armed Forces and ~~was honorably~~
 19 ~~discharged~~ received an honorable discharge or general discharge under honorable
 20 conditions when that person's application is accompanied by the appropriate military
 21 certification verifying the applicant's service. One set of commemorative decals may be
 22 issued for each set of special veterans registration plates issued under this section. One
 23 set of 2 commemorative decals must be displayed on the front and back plate. The fee for
 24 a set of commemorative decals may not exceed \$5.

25 Special commemorative decals may be issued to applicants who served in the:

- 26 A. United States Army;
- 27 B. United States Air Force;
- 28 C. United States Navy;
- 29 D. United States Marine Corps; or
- 30 E. United States Coast Guard.

31 **Sec. 14. 29-A MRSA §1412, sub-§1, ¶B**, as enacted by PL 2011, c. 356, §20, is
 32 amended to read:

33 B. The applicant has served in the United States Armed Forces as defined in 10
 34 United States Code, Section 101(a)(4) (2011) and ~~has been honorably discharged~~
 35 received an honorable discharge or general discharge under honorable conditions. To
 36 receive the designation under this paragraph, the applicant must provide an Armed

1 Forces Report of Transfer or Discharge, DD Form 214, or a certification from the
2 United States Veterans Administration or the appropriate branch of the United States
3 Armed Forces verifying the applicant's military service and honorable discharge or
4 general discharge under honorable conditions.

5 **Sec. 15. 30-A MRSA §5725, sub-§10**, as enacted by PL 1987, c. 737, Pt. A, §2
6 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
7 further amended to read:

8 **10. Veteran rehabilitation.** Provide for a local program with or without state
9 coordination for rehabilitating veterans ~~honorably discharged~~ who received an honorable
10 discharge or general discharge under honorable conditions from the Armed Forces of the
11 United States;

12 **Sec. 16. 32 MRSA §2251-A, sub-§3, ¶C**, as enacted by PL 2017, c. 476, §1, is
13 amended to read:

14 C. ~~Was honorably discharged~~ Received an honorable discharge or general discharge
15 under honorable conditions from active duty.

16 **Sec. 17. 37-B MRSA §110-A**, as enacted by PL 2001, c. 662, §18, is amended to
17 read:

18 **§110-A. Honorary military staff**

19 The honorary military staff may consist of not more than 11 aides-de-camp
20 commissioned by the Governor to serve during the Governor's term. ~~Honorably~~
21 ~~discharged officers~~ Officers or enlisted personnel who served in the Army, Air Force,
22 Navy, Coast Guard or Marine Corps during any war and who received an honorable
23 discharge or general discharge under honorable conditions and who are not members of
24 the state military forces may be appointed as aides-de-camp with the rank of colonel.
25 One may be a naval aide with the rank of captain and one may be an Air Force aide with
26 the rank of colonel. Aides-de-camp may be detailed from the commissioned officers of
27 the state military forces, but officers so detailed may not be relieved from their regular
28 duties, except when on duty with the Commander in Chief.

29 **Sec. 18. 37-B MRSA §147, sub-§1**, as amended by PL 2001, c. 662, §21, is
30 further amended to read:

31 **1. Discharge.** Any officer who accepts an appointment in the Army, Air Force,
32 Navy, Marine Corps or Coast Guard of the United States, or who resigns from service,
33 must receive an honorable discharge or general discharge under honorable conditions,
34 only if:

35 A. That person is not under arrest or returned to a military court for any deficiency or
36 delinquency;

37 B. That person is not indebted to the State in any manner; and

38 C. The accounts of that person for money and public property are correct.

1 **Sec. 19. 37-B MRSA §503, sub-§1**, as amended by PL 2009, c. 406, §8, is
2 further amended to read:

3 **1. Employment of personnel.** The director may employ, subject to approval of the
4 appointing authority and the Civil Service Law, the personnel necessary to administer this
5 chapter. The director may employ a superintendent of the cemetery system, a veteran
6 claims specialist and veteran service officers. The director and other employees referred
7 to in this subsection must be veterans as defined by 38 United States Code, Section 101
8 (2) who were separated with an honorable discharge or general discharge under honorable
9 conditions.

10 **Sec. 20. 37-B MRSA §509, sub-§5, ¶D**, as enacted by PL 2011, c. 481, §1, is
11 amended to read:

12 D. The date the person was ~~honorably discharged~~ received an honorable discharge or
13 general discharge under honorable conditions.

14 **Sec. 21. 37-B MRSA §601**, as amended by PL 2015, c. 397, §4, is further
15 amended to read:

16 **§601. Homes established; purpose**

17 There must be public homes for veterans in Maine known as "Maine Veterans'
18 Homes" for the purpose of providing long-term care, support and related services to
19 eligible veterans and family members of veterans. The Maine Veterans' Homes also are
20 authorized to provide nonnursing facility care and services to Maine veterans if approved
21 by appropriate state and federal authorities. The Maine Veterans' Homes are authorized
22 to construct community-based outpatient clinics for Maine veterans in cooperation with
23 the United States Department of Veterans Affairs and may construct and operate veterans
24 hospice facilities, veterans housing facilities and other facilities authorized by the Board
25 of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to
26 the Maine Veterans' Homes for operating purposes from the funded depreciation accounts
27 of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine
28 Veterans' Homes and available for that purpose. The primary purpose of the Maine
29 Veterans' Homes is to provide support and care for ~~honorably discharged~~ veterans who
30 served on active duty in the United States Armed Forces and received an honorable
31 discharge or general discharge under honorable conditions or who served in the Reserves
32 of the United States Armed Forces on active duty for other than training purposes.

33 **Sec. 22. 37-B MRSA §603**, as amended by PL 2015, c. 397, §10, is further
34 amended to read:

35 **§603. Board of trustees**

36 The administration of the homes is vested in the Board of Trustees of the Maine
37 Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board
38 consists of 11 members, one of whom must be the Director of the Bureau of Maine
39 Veterans' Services, ex officio, who serves without term. The Governor shall appoint the
40 remaining trustees, who must be ~~honorably discharged~~ veterans who received an

1 honorable discharge or general discharge under honorable conditions. One member must
2 be a woman. One member must be appointed from and represent each of the largest
3 veterans' organizations, not exceeding 5, that are nationally chartered and have a
4 department in Maine. The remaining members must be appointed at large and serve
5 staggered 3-year terms. The membership must be distributed across the State so that
6 approximately 1/3 reside in the southern part of the State, approximately 1/3 in the central
7 part and approximately 1/3 in the northern part. In the event of a vacancy, a successor
8 must be appointed to complete a member's unexpired term. Each trustee continues to
9 hold office until a successor is appointed and qualified.

10 **Sec. 23. 37-B MRSA §606**, as amended by PL 2015, c. 397, §13, is further
11 amended to read:

12 **§606. Chief executive officer**

13 The chief executive officer must be ~~an honorably discharged~~ a veteran who received
14 an honorable discharge or general discharge under honorable conditions who shall
15 administer the homes in accordance with the rules, guidelines and general policies
16 established by the board. The chief executive officer serves an indefinite term, but may
17 be removed for cause by the board. The chief executive officer's salary is set by the
18 board. The chief executive officer shall hire the necessary employees to operate the
19 homes and, whenever possible, give preference in hiring to veterans. These employees
20 are not deemed employees of the State.

21 **SUMMARY**

22 This bill revises language in the Maine Revised Statutes regarding eligibility for
23 veterans' benefits to make that language consistent throughout the statutes.