

CHAPTER 7

MAINE BUREAU OF VETERANS' SERVICES

§501. Purpose

The Maine Bureau of Veterans' Services, referred to in this chapter as the "bureau," is established and shall provide informational services, program assistance, memorial facilities and financial aid to veterans in the State and their dependents in order to ensure that they receive all entitlements due under the law, are relieved to the extent possible of financial hardship, receive every opportunity for self-improvement through higher education and are afforded proper recognition for their service and sacrifice to the Nation. The bureau shall serve as the primary source of information for veterans in the State regarding all services, benefits and honors administered by the State and, to the maximum extent possible, services and benefits provided by the United States Department of Veterans Affairs, veterans' service organizations and other organizations dedicated to serving veterans. [PL 2019, c. 377, §1 (AMD).]

The bureau acts as the primary public advocate for veterans before the United States Department of Veterans Affairs. [PL 2001, c. 662, §60 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1991, c. 626, §8 (AMD). PL 1997, c. 455, §17 (AMD). PL 2001, c. 662, §60 (AMD). PL 2015, c. 465, Pt. A, §2 (AMD). PL 2019, c. 377, §1 (AMD).

§502. Director of Maine Bureau of Veterans' Services

The Director of the Maine Bureau of Veterans' Services, referred to in this chapter as the "director," shall direct the operation of the bureau. [PL 1997, c. 455, §18 (AMD); PL 2019, c. 377, §6 (REV).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1991, c. 626, §8 (AMD). PL 1993, c. 694, §2 (AMD). PL 1997, c. 455, §18 (AMD). PL 2019, c. 377, §6 (REV).

§503. Powers and duties

The director has the following powers and duties. [PL 1997, c. 455, §19 (AMD).]

1. Employment of personnel. The director may employ, subject to approval of the appointing authority and the Civil Service Law, the personnel necessary to administer this chapter. The director may employ a superintendent of the cemetery system, a veteran claims specialist and veteran service officers. The director and other employees referred to in this subsection must be veterans as defined by 38 United States Code, Section 101 (2) who were separated with an honorable discharge. [PL 2009, c. 406, §8 (AMD).]

2. Expenditures. The director may make expenditures approved by the commissioner necessary to carry out this chapter. [PL 1997, c. 455, §19 (AMD).]

3. Agent. The director shall act, upon request, as the agent of any Maine resident who has a legitimate claim against the United States for any benefit accruing as a result of any federal or state military service and, in cooperation with all public and private agencies, shall prosecute the claim without charge. [PL 2001, c. 662, §61 (AMD).]

4. Record.
[PL 2001, c. 662, §61 (RP).]

5. Rules.

[PL 1991, c. 626, §9 (RP).]

6. Other duties.

[PL 2001, c. 662, §61 (RP).]

7. Marketing and outreach program. The director shall implement, as a core function of the bureau, a marketing and outreach program to increase, to the greatest extent practicable, awareness of services and benefits available to veterans and family members of veterans and to encourage veterans to seek the benefits and services to which they are entitled. The director is authorized to employ personnel dedicated to the marketing and outreach program objectives described in this subsection. The director is authorized to enter into memoranda of understanding with other state agencies to allow for the sharing of information to achieve the objectives of the program. Upon request of the director, agencies required to enter into memoranda of understanding with the director include, but are not limited to, the Bureau of Motor Vehicles under the Department of the Secretary of State, the Bureau of Parks and Lands under the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the University of Maine System and the Maine Community College System. The marketing and outreach program objectives must include, but are not limited to:

- A. Identifying residents of the State who are veterans; [PL 2015, c. 465, Pt. A, §3 (NEW).]
- B. Increasing awareness of the bureau for veterans and family members of veterans; [PL 2015, c. 465, Pt. A, §3 (NEW).]
- C. Implementing media and technology to encourage veterans to self-identify to the bureau and communicating to veterans and family members of veterans about the services and benefits available to them; [PL 2015, c. 465, Pt. A, §3 (NEW).]
- D. Attendance by bureau personnel at events organized for and by veterans that, as determined by the director, facilitate the objectives of this subsection; and [PL 2015, c. 465, Pt. A, §3 (NEW).]
- E. Establishing benchmarks to measure the effectiveness of marketing and outreach efforts. [PL 2015, c. 465, Pt. A, §3 (NEW).]

The program objectives listed in this subsection may also be used to assist the commissioner to identify residents of this State who are military retirees or former members of the Army National Guard or Air National Guard who completed service requirements but never served on active duty pursuant to section 3, subsection 1, paragraph D, subparagraph (21).

[PL 2015, c. 465, Pt. A, §3 (NEW).]

8. Records management system. The director shall acquire and maintain an electronic database with secured remote access capabilities to facilitate management of records of veterans, spouses of veterans and veterans' dependents served by the bureau. When selecting a records management system, the director shall ensure that, at a minimum, the system supports the bureau in meeting the following objectives:

- A. Reducing reliance on paper records; [PL 2015, c. 465, Pt. A, §3 (NEW).]
- B. Allowing for immediate access by authorized users to update records; [PL 2015, c. 465, Pt. A, §3 (NEW).]
- C. Displaying a complete record of assistance provided by the bureau to veterans and veterans' family members; and [PL 2015, c. 465, Pt. A, §3 (NEW).]
- D. Providing efficient and timely customer service to veterans seeking assistance from the bureau. [PL 2015, c. 465, Pt. A, §3 (NEW).]

[PL 2015, c. 465, Pt. A, §3 (NEW).]

9. Change in treatment of certain discharges.

[PL 2023, c. 202, §1 (RP).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1985, c. 785, §B174 (AMD). PL 1989, c. 502, §A139 (AMD). PL 1991, c. 626, §9 (AMD). PL 1993, c. 694, §3 (AMD). PL 1997, c. 455, §19 (AMD). PL 1997, c. 643, §Q7 (AMD). PL 2001, c. 662, §61 (AMD). PL 2009, c. 406, §8 (AMD). PL 2015, c. 465, Pt. A, §3 (AMD). PL 2021, c. 37, §1 (AMD). PL 2023, c. 202, §1 (AMD).

§503-A. Rules

The Commissioner of Defense, Veterans and Emergency Management may, in accordance with Title 5, chapter 375, subchapter II, adopt reasonable rules necessary to carry out this chapter, provided that regulations pertaining to the management of the Maine Veterans' Memorial Cemetery System are not rules within the meaning of Title 5, section 8002, subsection 9. [PL 2001, c. 662, §62 (AMD).]

SECTION HISTORY

PL 1991, c. 626, §10 (NEW). PL 1997, c. 455, §32 (AMD). PL 2001, c. 662, §62 (AMD).

§504. Maine Veterans' Memorial Cemetery System

1. Land acquisition. The director 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 by the Maine Veterans' Memorial Cemetery System.

[PL 2001, c. 662, §63 (AMD).]

2. Superintendent of the cemetery system. The director, with approval of the appointing authority, shall appoint a competent and trustworthy superintendent of the cemetery system and shall arrange for personnel, material and equipment necessary for adequate maintenance of the cemeteries.

[PL 2009, c. 406, §9 (AMD).]

3. Monuments, buildings and markers. The director shall erect a suitable monument in the center of each 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. [PL 1991, c. 626, §12 (AMD).]

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 manner suitable to the topography of the land, expanding from the center when possible. Suitable buildings may be erected for purposes the director determines necessary. [PL 2019, c. 377, §2 (AMD).]

C. All nongreen burial section grave markers must be flat-type granite or 42-inch upright white marble grave markers as furnished by the United States Department of Veterans Affairs, National Cemetery Administration. Grave markers for a green burial section must be granite as furnished by the National Cemetery Administration. All caskets used for burial in nongreen burial sections must be protected with permanent vaults. Permanent vaults must be reinforced and properly cured and match pounds per square inch specifications imposed by the National Cemetery Administration. Vaults may be either water-resistant or waterproof or have drain holes in their liner boxes as long as they meet the stated specifications. Headstones and vaults are not provided at state expense. The process of a burial in a green burial section may not include the use of embalming fluids and must use a shroud made of natural biodegradable fabric, and the decedent must be strapped onto a wooden board of appropriate size or placed in a wicker casket or a wooden casket

that has been assembled with wooden dowels and contains no metal. [PL 2019, c. 377, §3 (AMD).]

[PL 2019, c. 377, §§2, 3 (AMD).]

4. Burials. Burials in the cemeteries must be as follows.

A. [PL 1985, c. 117, §1 (RP).]

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

(1) "Eligible dependent" means:

- (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, 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;
- (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.

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 517. [PL 2023, c. 202, §2 (AMD).]

B. The director must allow the earth burial in one of the cemeteries of any eligible veteran who requests burial in the cemetery system. The director must allow the veteran the option of crypt burial if crypt space exists. All burials must be without charge. [PL 1999, c. 401, Pt. II, §1 (AMD).]

B-1. The director may allow the earth burial in one of the cemeteries of a person, and any spouse or minor child of that person, who meets the criteria established by the department by rule and who died while:

- (1) A member or former member of the National Guard;
- (2) A member or former member of the state military forces or the Reserve Components of the United States Armed Forces; or
- (3) A member of a reserve officer training corps of the United States Armed Forces.

The department shall adopt rules necessary to implement this paragraph, including rules governing the eligibility for burial in the cemeteries. In establishing criteria for the burial of a person under this paragraph, the department shall ensure that such criteria comply with any applicable state or federal requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 593, §1 (NEW).]

C. At the dependent's request, the director must allow an eligible dependent of a veteran to be buried in one of the cemeteries if, at the date of the dependent's death, the veteran would be eligible for burial. Dependents may be buried in the same grave as the veteran or adjacent to the veteran, in accordance with regional state veterans' cemetery procedures, without charge, so long as:

- (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 same grave as the dependent or adjacent to the dependent; 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 one of the cemeteries if the deceased member of the armed services or veteran was eligible for the burial at the time of death. [PL 2007, c. 167, §3 (AMD).]

D. The plots must be reserved as necessary and a permanent record of all burials must be kept. [PL 1999, c. 401, Pt. II, §1 (AMD).]

E. Remains of eligible veterans or eligible dependents previously buried in other cemeteries may be reinterred in one of the cemeteries upon request, as long as no cost other than that which would be incurred in an original burial is borne by the State. [PL 2007, c. 167, §4 (AMD).]

F. This subsection may not be construed to obligate the State beyond the furnishing of a grave site, opening and closing of the grave and maintenance of the grave and the cemeteries thereafter in perpetuity. [PL 1999, c. 401, Pt. II, §1 (AMD).]

G. The interment of an eligible veteran or eligible dependent is permanent and final except that the director may allow disinterment as long as there is no cost to the State. [PL 2011, c. 539, §1 (NEW).]

H. A person is not eligible for interment under this chapter if the person has:

- (1) Been convicted of the crime of murder;

- (2) Been convicted of a crime in another jurisdiction punishable by a sentence of life imprisonment or death;
 - (3) Been convicted of a Class A or Class B crime under:
 - (a) Title 17-A, chapter 11;
 - (b) Title 17-A, chapter 12;
 - (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022; or
 - (d) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022;
 - (4) Been convicted of a Class C crime under Title 17-A, section 853, subsection 1;
 - (5) Been convicted of a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151;
 - (6) Been convicted under any other jurisdiction's sex offender laws requiring the person to register for life; or
 - (7) Been found to have committed any crime listed in subparagraphs (1) to (6) but has not been convicted because the person has not been available for trial due to the person's death or flight to avoid prosecution. A finding under this subparagraph must be made by the appropriate federal official. Any such finding may be based only upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate federal official. For purposes of this subparagraph, "appropriate federal official" means the Secretary of Veterans Affairs, in the case of the National Cemetery Administration, or the Secretary of the Army, in the case of the Arlington National Cemetery. [PL 2021, c. 299, Pt. B, §4 (AMD).]
- [PL 2023, c. 202, §2 (AMD).]

5. Weekend visitation. The director of the cemetery system shall arrange for public access during weekend daylight hours and regularly scheduled weekday visiting hours unless closure of the cemetery is considered necessary by the director for security or public safety purposes.
[PL 2007, c. 368, §1 (AMD).]

6. Maine Veterans' Memorial Cemetery Maintenance Fund. There is established the Maine Veterans' Memorial Cemetery Maintenance Fund, an interest-bearing account, referred to in this subsection as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5289 and any other money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the maintenance and upkeep of Maine veterans' cemeteries and for the necessary administrative and personnel costs associated with the management of the fund. Money in the fund may not be deposited in the General Fund or any other fund except as specifically provided by law.
[PL 2005, c. 519, Pt. RRR, §2 (NEW); PL 2005, c. 519, Pt. RRR, §3 (AFF).]

7. Flag placement program. The director of the cemetery system shall establish a program to facilitate the placement of 12-inch by 18-inch American flags at the graves of veterans buried in the Maine Veterans' Memorial Cemetery System. This program must allow for volunteer organizations to place flags on graves beginning 2 days prior to the day Memorial Day is observed and for removal by volunteer organizations 3 days after the day Memorial Day is observed. The director of the cemetery system shall permit a limited extension beyond the 3 days, so that the flags do not have to be removed in inclement weather. The director of the cemetery system is authorized to use funds as provided in

subsection 8 and to accept private donations of flags, tools or other equipment necessary to implement the program.

[PL 2007, c. 368, §2 (NEW).]

8. Flag placement fund. There is established the Maine Veterans' Memorial Cemetery Flag Placement Fund, an interest-bearing account, referred to in this subsection as "the fund." The fund receives money appropriated from the General Fund and any other money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used to implement the flag placement program as described in subsection 7, specifically for the purchase of new flags as needed to ensure each veteran's grave is decorated as required by subsection 7 and as replacements for damaged flags. Money in the fund may not be deposited in the General Fund or any other fund except as specifically provided by law.

[PL 2007, c. 368, §3 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1985, c. 117, §§1,2 (AMD). PL 1987, c. 141, §B35 (AMD). PL 1989, c. 96 (AMD). PL 1989, c. 502, §D21 (AMD). PL 1989, c. 669, §§1,2 (AMD). PL 1991, c. 247 (AMD). PL 1991, c. 626, §§11-15 (AMD). PL 1993, c. 150, §1 (AMD). PL 1993, c. 427, §8 (AMD). PL 1993, c. 680, §A33 (AMD). PL 1993, c. 694, §§4-7 (AMD). PL 1997, c. 455, §§20-24 (AMD). PL 1997, c. 783, §2 (AMD). PL 1999, c. 401, §II1 (AMD). PL 1999, c. 462, §4 (AMD). PL 1999, c. 517, §1 (AMD). PL 1999, c. 531, §D1 (AMD). PL 1999, c. 531, §D2 (AFF). PL 1999, c. 790, §D11 (AMD). PL 2001, c. 662, §§63-65 (AMD). PL 2005, c. 273, §1 (AMD). PL 2005, c. 519, §RRR2 (AMD). PL 2005, c. 519, §RRR3 (AFF). PL 2007, c. 167, §§2-5 (AMD). PL 2007, c. 368, §§1-3 (AMD). PL 2007, c. 521, §1 (AMD). PL 2009, c. 406, §9 (AMD). PL 2011, c. 539, §1 (AMD). PL 2015, c. 175, §1 (AMD). PL 2019, c. 377, §§2, 3 (AMD). PL 2019, c. 601, §1 (AMD). PL 2021, c. 37, §2 (AMD). PL 2021, c. 299, Pt. B, §4 (AMD). PL 2021, c. 593, §1 (AMD). PL 2023, c. 202, §2 (AMD).

§505. Aid to veterans and their dependents

1. Financial assistance.

[PL 2001, c. 439, Pt. QQ, §1 (RP).]

1-A. Financial assistance.

[PL 2017, c. 419, §5 (RP).]

1-B. Veterans Temporary Assistance Fund. The Veterans Temporary Assistance Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the bureau. The fund is administered and used by the director for the purposes of offering financial assistance to veterans as prescribed by subsection 1-C.

[PL 2017, c. 419, §6 (NEW).]

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. [PL 2017, c. 419, §6 (NEW).]

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. [PL 2017, c. 419, §6 (NEW).]

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. [PL 2017, c. 419, §6 (NEW).]

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. [PL 2017, c. 419, §6 (NEW).]

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. [PL 2017, c. 419, §6 (NEW).]

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. [PL 2019, c. 601, §2 (NEW).]

[PL 2019, c. 601, §2 (AMD).]

2. Educational benefits. Educational benefits are granted as follows.

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

- (1) "Child" means a natural child whose mother or father is or was a veteran or a child who was adopted prior to turning 18 years of age and whose adoptive mother or father is or was a veteran and who:
 - (a) Is at least 16 years of age;
 - (b) Has graduated from high school; and

(c) Enrolled in a degree program and was awarded benefits under this subsection prior to the child's 22nd birthday. If the child is unable to enroll in a degree program prior to turning 22 years of age due to service in the United States Armed Forces, then the child may apply to begin this benefit until reaching 26 years of age. Other requirements must be met as described in paragraph F.

"Child" includes a stepchild whose parent is married to an eligible veteran for at least 5 years and remains married to the veteran during the period for which benefits are received.

The director may waive the requirements of this subparagraph when the director determines that there are special and extenuating circumstances that may have a negative effect on a dependent.

(2) "Spouse" means the person currently legally married to a living veteran or the unremarried widow or widower of a deceased veteran, not previously divorced from that veteran.

Awards under the educational benefits program are authorized to provide benefits to only one spouse per veteran.

(3) "Veteran" means any person who served in the military or naval forces of the United States and entered the service from this State or has been a resident of this State for 5 years immediately preceding application for aid and, if living, continues to reside in this State throughout the duration of benefits administered under the educational benefits program and who:

- (a) Has a total permanent disability resulting from a service-connected disability as a result of service;
- (b) Was killed in action;
- (c) Died from a service-connected disability as a result of service;
- (d) At the time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to the service-connected disability; or
- (e) Is a member of the Armed Forces on active duty who has been listed for more than 90 days as missing in action, captured or forcibly detained or interned in the line of duty by a foreign government or power.

The continuous residency requirement of this subparagraph does not apply to a person who is receiving educational benefits under this chapter on or before January 1, 2006. [PL 2019, c. 377, §4 (AMD).]

B. [PL 2001, c. 662, §66 (RP).]

C. [PL 2001, c. 662, §66 (RP).]

D. [PL 2001, c. 662, §66 (RP).]

E. Spouses of veterans who are attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for a certificate program or an associate's, bachelor's or master's degree program. Room and board may not be waived. Spouses are entitled to receive up to 120 credit hours of educational benefits and have 10 years from the date of first entrance to complete the program. This paragraph applies to all spouses enrolled in the educational benefits program as of September 1, 2007. [PL 2007, c. 521, §4 (AMD); PL 2007, c. 521, §6 (AFF).]

F. A child of a veteran who is attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for certificate programs, associate degree programs and bachelor's degree programs. The

tuition waiver provided under this paragraph may not exceed the cost of 120 undergraduate credit hours at the in-state tuition rate at the University of Maine campus located at Orono and may be reduced by an amount necessary to ensure that the value of this waiver, combined with all other grants and benefits received by the student, does not exceed the total cost of education. Room and board may not be waived. A child of a veteran has 10 academic years from the date of first entrance to complete 120 credit hours. For degree programs that require more than 120 credit hours, the state-supported postsecondary vocational school or institution of collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-supported postsecondary vocational school or institution of collegiate grade shall notify the director. The director may waive the limit of 10 consecutive academic years when the recipient's education has been interrupted by severe medical disability, learning disability, illness or other hardship, making continued attendance impossible. Students must maintain at least a 2.0 or "C" grade point average to continue receiving educational benefits. If a student's grade point average falls below 2.0 or a "C," then the student has one semester to bring the grade point average up to at least 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a "C," the student loses educational benefits under this paragraph until the student achieves a grade point average of at least 2.0 or a "C." [PL 2019, c. 377, §5 (AMD).]

G. In order to be eligible for benefits under this subsection, a student must apply for a Federal Pell Grant under 20 United States Code, Section 1070a. The director shall estimate the number of students anticipated that will use this program and provide the estimate to state institutions upon request. [PL 2013, c. 237, §1 (AMD).]

H. A school that provides tuition assistance pursuant to this subsection shall provide any information, such as enrollment verification, current contact information, semester grade point average, accumulated credit hours and transcripts, to the bureau as necessary for the bureau to properly administer the educational benefits described in this subsection in accordance with current laws. [PL 2009, c. 406, §10 (NEW).]

[PL 2019, c. 377, §§4, 5 (AMD).]

3. Fraud. Whoever knowingly makes a false statement, oral or written, relating to a material fact in support of application for aid under this section is guilty of a violation of Title 17-A, section 353. [PL 1983, c. 460, §3 (NEW).]

4. Vietnam and atomic veterans.
[PL 2001, c. 662, §67 (RP).]

5. Public assistance designation. Assistance granted to veterans or their dependents pursuant to this section is designated public assistance. The department retains administrative responsibility for assistance granted under this section. [PL 2007, c. 539, Pt. N, §73 (AMD).]

6. Determination of residency. The bureau shall verify that a person seeking benefits as provided by this section is a current resident of the State. The forms of identification sufficient to determine residency in accordance with this section are:

A. A valid state driver's license; [PL 2007, c. 521, §5 (NEW).]

B. A valid state-issued identification card; [PL 2007, c. 521, §5 (NEW).]

C. A current state motor vehicle registration form; [PL 2007, c. 521, §5 (NEW).]

D. A current state fishing or hunting license; and [PL 2007, c. 521, §5 (NEW).]

E. Items other than those listed in paragraphs A to D that allow the bureau to reasonably determine residency. [PL 2007, c. 521, §5 (NEW).]

[PL 2007, c. 521, §5 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1989, c. 502, §A140 (AMD). PL 1989, c. 547, §2 (AMD). PL 1991, c. 555, §1 (AMD). PL 1991, c. 626, §§16-18 (AMD). PL 1993, c. 273, §2 (AMD). PL 1993, c. 427, §9 (AMD). PL 1993, c. 694, §8 (AMD). PL 1997, c. 455, §§25-27 (AMD). PL 2001, c. 439, §§QQ1,2,UU2 (AMD). PL 2001, c. 662, §§66.67 (AMD). PL 2005, c. 273, §2 (AMD). PL 2007, c. 167, §§6-8 (AMD). PL 2007, c. 521, §§2-5 (AMD). PL 2007, c. 521, §6 (AMD). PL 2007, c. 539, Pt. N, §73 (AMD). PL 2007, c. 678, §1 (AMD). PL 2009, c. 406, §10 (AMD). PL 2009, c. 415, Pt. A, §§24, 25 (AMD). PL 2013, c. 237, §1 (AMD). PL 2013, c. 365, §1 (AMD). PL 2013, c. 569, §3 (AMD). PL 2017, c. 108, §6 (AMD). PL 2017, c. 419, §§5, 6 (AMD). PL 2019, c. 377, §§4, 5 (AMD). PL 2019, c. 601, §2 (AMD).

§506. Certain documents confidential

All claims and documents pertaining to claims for benefits under this chapter, whether pending or adjudicated, are confidential and privileged. No disclosure of those claims or documents may be made without the written consent of the claimant, except that disclosure may be made: [PL 1983, c. 460, §3 (NEW).]

1. Claimant or representative. To the claimant personally, as to matters concerning the claimant alone, when, in the director'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;
[PL 1997, c. 455, §28 (AMD).]

2. Veterans' organization. To the representative of a veterans' organization holding power of appointment from the claimant, provided that the organization is recognized by the United States Government and duly certified as such by the state department of the organization;
[PL 1983, c. 460, §3 (NEW).]

3. Courts. To any court of competent jurisdiction, when required by the process of the court, in an action pending under the laws of this State or the United States; and
[PL 1983, c. 460, §3 (NEW).]

4. Agencies engaged in health and welfare work. To any public or private agency engaged in health, welfare, rehabilitation or child placement work, from whom a veteran or that veteran's dependents have requested services, when, in the veteran advocate's judgment, disclosure is essential to the proper evaluation of the request.
[PL 2001, c. 662, §68 (AMD).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1991, c. 626, §19 (AMD). PL 1993, c. 694, §9 (AMD). PL 1997, c. 455, §28 (AMD). PL 2001, c. 662, §68 (AMD).

§507. Authority to receive federal funds

The bureau may accept federal funds under any federal law now in effect or hereafter enacted that makes these funds available to the states for: [PL 1997, c. 455, §29 (AMD).]

1. Furnish information to veterans, beneficiaries and dependents. Furnishing information to veterans and their beneficiaries and dependents concerning their rights under laws of the United States and other states relating to veterans' benefits;
[PL 1983, c. 460, §3 (NEW).]

2. Provide assistance. Providing assistance in making application for benefits;
[PL 1983, c. 460, §3 (NEW).]

3. Reemployment and readjustment. Furnishing information and assistance respecting reemployment and other matters concerning the readjustment of veterans to civilian life; [PL 2001, c. 662, §69 (AMD).]

4. Federal requirements. Meeting such federal requirements regarding the administration of federal funds as may be conditions precedent to the receipt of these funds; and [PL 2001, c. 662, §69 (AMD).]

5. Cemetery construction and maintenance. The state cemetery grants program. [PL 2001, c. 662, §70 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1991, c. 626, §20 (AMD). PL 1997, c. 455, §29 (AMD). PL 2001, c. 662, §§69,70 (AMD).

§507-A. Custodian to provide copies

When a copy of any public record is required by the United States Veterans' Administration to be used in determining the eligibility of any person to participate in benefits made available by the United States Veterans' Administration, the official custodian of that public record shall, without charge, provide the applicant for these benefits, or any person acting on the applicant's behalf or the authorized representative of the United States Veterans' Administration, with a certified copy of that record. [RR 2019, c. 1, Pt. B, §43 (COR).]

SECTION HISTORY

PL 1983, c. 594, §31 (NEW). RR 2019, c. 1, Pt. B, §43 (COR).

§508. Veteran service officers

Veteran service officers shall serve, assist and advocate for all veterans. A veteran service officer must be trained and conversant on the issues, benefits and definitions affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans. The bureau shall have at least one veteran service officer who specializes in female veterans' issues. [PL 2013, c. 569, §4 (AMD).]

A veteran service officer may not knowingly present or prosecute a fraudulent claim against the United States or knowingly provide false information to the United States; demand or accept unlawful compensation for preparing, presenting or prosecuting a claim or advising or consulting concerning a claim; or knowingly present to the United States Department of Veterans Affairs a frivolous claim, issue or argument. A claim, issue or argument is frivolous if the veteran service officer is unable to make a good faith argument on the merits of the position taken or to support the position taken by a good faith argument for an extension, modification or reversal of existing law. [PL 2017, c. 108, §7 (NEW).]

SECTION HISTORY

PL 2001, c. 662, §71 (NEW). PL 2009, c. 406, §11 (AMD). PL 2013, c. 569, §4 (AMD). PL 2017, c. 108, §7 (AMD).

§509. Confidentiality of military service records

1. Certificate of release. A certificate of release or discharge, casualty report, death notice or other record pertaining to active duty service issued by the United States Government, classified by the United States Government as confidential and filed for safekeeping with any state, county or local government authority is confidential for a period of 62 years following its date of issuance. During that 62-year period, it is unlawful for a person to permit inspection of the record, to disclose information contained in the record or to issue a copy of all or any part of the record except as authorized by this section or by court order. Nothing in this section may be construed to make a record confidential that is not directed to be confidential by the United States Government.

[PL 2013, c. 237, §2 (AMD).]

2. Identification. Upon presentation of proper identification, any of the following persons may examine a record filed pursuant to this section and obtain free of charge a copy or certified copy of all or part of the record:

- A. The person who is the subject of the record; [PL 2003, c. 404, §7 (NEW).]
- B. The spouse or next of kin of the person who is the subject of the record; [PL 2003, c. 404, §7 (NEW).]
- C. A person named in an appropriate power of attorney executed by the person who is the subject of the record; [PL 2003, c. 404, §7 (NEW).]
- D. The administrator, executor, guardian or legal representative of the person who is the subject of the record; [PL 2003, c. 404, §7 (NEW).]
- E. An attorney for any person specified in paragraphs A to D of this subsection; [PL 2005, c. 273, §3 (AMD).]
- F. A civilian employee or military member of the department when in the conduct of official duties; [PL 2015, c. 175, §2 (AMD).]
- G. The chief executive officer of the Maine Veterans' Homes when in the conduct of official duties; or [PL 2015, c. 397, §3 (AMD).]
- H. An authorized representative of the Department of Labor when in the conduct of official duties. [PL 2015, c. 175, §4 (NEW).]

[PL 2015, c. 397, §3 (AMD).]

3. Records. Records kept pursuant to this section may not be reproduced or used in whole or in part for any commercial or speculative purposes.

[PL 2003, c. 404, §7 (NEW).]

4. Disclose. An individual, agency or court that obtains information pursuant to this section may not disseminate or disclose the information or any part of this information except as authorized in this section or otherwise by law.

[PL 2003, c. 404, §7 (NEW).]

5. Release of information for veterans honor roll. Upon request in a manner determined by the bureau, the bureau may release the following information relating to a person from a municipality who has honorably served in the United States Armed Forces to a municipal official, as defined in Title 30-A, section 2001, subsection 11, for the purpose of establishing or updating a veterans honor roll in that municipality:

- A. The name of the person; [PL 2011, c. 481, §1 (NEW).]
- B. The date the person entered the service; [PL 2011, c. 481, §1 (NEW).]
- C. The branch of the service entered; and [PL 2011, c. 481, §1 (NEW).]
- D. The date the person was honorably discharged. [PL 2011, c. 481, §1 (NEW).]

[PL 2011, c. 481, §1 (NEW).]

6. Release of information about military status; false claims. Upon request by a law enforcement officer or a prosecutor, the bureau may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

[PL 2015, c. 21, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 404, §7 (NEW). PL 2005, c. 273, §§3,4 (AMD). PL 2011, c. 481, §1 (AMD). PL 2013, c. 237, §2 (AMD). PL 2015, c. 21, §2 (AMD). PL 2015, c. 175, §§2-4 (AMD). PL 2015, c. 397, §3 (AMD).

§510. Commemorative certificates, coins and medals

A commemorative certificates, coins and medals recognition program is established as follows. [PL 2005, c. 273, §5 (NEW).]

1. Design; construct; issue. The director is authorized to design, construct and issue commemorative certificates, coins and medals honoring Maine's veterans serving in different conflicts. For World War II, the Korean Conflict and the Vietnam War, the commemorative items must be of a design similar to the World War II, Korean Conflict and Vietnam War plaques that are displayed in the Hall of Flags in the State House.

[PL 2005, c. 273, §5 (NEW).]

2. Solicit donations. The bureau is authorized to solicit donations from private citizens, corporations and entities to help fund the design, construction and issuance of commemorative items under this section.

[PL 2005, c. 273, §5 (NEW).]

3. Advisory committee. The bureau shall establish an advisory committee of interested persons, including, but not limited to, veterans of the Persian Gulf War and the wars in Iraq and veterans from the period from 1947 to 1990, to develop commemorative items honoring veterans. Approval of commemorative items rests with the Commissioner of Defense, Veterans and Emergency Management.

[PL 2005, c. 273, §5 (NEW).]

4. Purchase by public. Specially identified commemorative certificates, coins and medals may be sold to the public as long as they are distinctive from those items awarded to the actual veterans.

[PL 2005, c. 273, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 273, §5 (NEW).

§511. Fund established

A nonlapsing fund is established for the purpose of receiving funds from the State, donations from private citizens, corporations and entities and funds from the sales of commemorative items to pay the costs of the program established under section 510. [PL 2005, c. 273, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 273, §5 (NEW).

§512. Maine Veterans' Memorial Cemetery System Care Fund

1. Maine Veterans' Memorial Cemetery System Care Fund establishment; purpose. The Maine Veterans' Memorial Cemetery System Care Fund, an interest-bearing account, known in this section as "the fund," is established for the purpose of ensuring ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System after plot interment allowances for burials within the system are no longer received from the United States Department of Veterans Affairs. The fund is established from deposits of 1/3 of the funds received from the United States Department of Veterans Affairs for plot interment allowances and from annual deposits from the Coordinated Veterans Assistance Fund established by section 514. The fund may also accept private and public donations. The fund is separate from other perpetual care or cemetery maintenance funds that support veterans' cemeteries and were established prior to July 12, 2010. Money deposited in the fund and the earnings on that money remain in the fund to be used for ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System.

[PL 2023, c. 412, Pt. OO, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 471, §1 (NEW). PL 2013, c. 128, §2 (AMD). PL 2023, c. 412, Pt. OO, §1 (AMD).

§512-A. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board

1. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board; establishment.

The Maine Veterans' Memorial Cemetery System Care Fund Advisory Board, as established by Title 5, section 12004-I, subsection 5-C and referred to in this section as "the board," shall monitor, facilitate and provide recommendations for the administration, management and use of the Maine Veterans' Memorial Cemetery System Care Fund.

[PL 2013, c. 569, §5 (NEW).]

2. Members. The board consists of the following 7 members appointed by the Commissioner of Defense, Veterans and Emergency Management:

A. One member representing the interests of the Commissioner of Defense, Veterans and Emergency Management; [PL 2013, c. 569, §5 (NEW).]

B. One member representing the interests of the Treasurer of State; [PL 2013, c. 569, §5 (NEW).]

C. One member representing the interests of the American Legion or a successor organization; [PL 2013, c. 569, §5 (NEW).]

D. One member representing the interests of the Veterans of Foreign Wars or a successor organization; [PL 2013, c. 569, §5 (NEW).]

E. One member representing the interests of Disabled American Veterans or a successor organization; [PL 2013, c. 569, §5 (NEW).]

F. One member representing the interests of American Veterans or a successor organization; and [PL 2013, c. 569, §5 (NEW).]

G. One member representing the interests of an organization that provides a forum for veterans' organizations to work together on behalf of veterans in the State. [PL 2013, c. 569, §5 (NEW).]
[PL 2013, c. 569, §5 (NEW).]

3. Vacancies. In the event of a vacancy on the board, the Commissioner of Defense, Veterans and Emergency Management shall appoint a new member to fill the vacancy until the expiration of the term. A vacancy on the board must be filled in the same manner as the original appointment was made under subsection 2.

[PL 2013, c. 569, §5 (NEW).]

4. Terms. Members of the board are appointed for 3-year terms.

[PL 2013, c. 569, §5 (NEW).]

5. Removal. The Commissioner of Defense, Veterans and Emergency Management may remove a member of the board for cause.

[PL 2013, c. 569, §5 (NEW).]

6. Voting; quorum. A quorum consists of 5 members of the board. Each member has one vote. A recommendation may not be approved by the board without at least 3 affirmative votes.

[PL 2013, c. 569, §5 (NEW).]

7. Board proceedings. The board shall meet not less than annually at a date and time set by the director. The director shall prepare the agenda and prepare and keep a summarized record of meetings. The board may not make binding decisions but shall vote on recommendations. The director shall be present at the meetings to facilitate the meetings. The director does not have a vote.

[PL 2013, c. 569, §5 (NEW).]

SECTION HISTORY

PL 2013, c. 569, §5 (NEW).

§513. Homelessness prevention coordination

(REPEALED)

SECTION HISTORY

PL 2011, c. 329, §1 (NEW). PL 2019, c. 504, §1 (RP).

§513-A. Veterans' homelessness prevention coordination

1. Veterans' homelessness prevention partnership. The director shall, through one or more collaborative agreements, establish a program of partnerships with human services-based volunteer organizations to provide transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in this State. The volunteer organizations must have as their core programs addressing homelessness and veterans' services and have been active in the State for at least 2 years. Priority must be given to an organization founded, chartered or organized in the State. The director may accept donations from outside sources and state and federal funding to accomplish the priorities of the partnerships. To the extent state, federal or outside funding is available, the priorities of these partnerships, listed in order of priority, include, but are not limited to:

A. Identifying homeless veterans in the State; [PL 2019, c. 504, §2 (NEW).]

B. Identifying and securing temporary or permanent living space for veterans within the veterans' communities; [PL 2019, c. 504, §2 (NEW).]

C. Providing reimbursement to human services-based volunteer organizations that provide transitional housing to homeless veterans pursuant to collaborative agreements entered into pursuant to this subsection; and [PL 2019, c. 504, §2 (NEW).]

D. Conducting annual outreach events, targeted to reach the maximum number of veterans in need, to disseminate information on resources and services available to assist homeless veterans. [PL 2019, c. 504, §2 (NEW).]

[PL 2019, c. 504, §2 (NEW).]

2. Rules. The bureau may adopt rules necessary to implement this section, including to define "veterans" for purposes of this section, to govern collaborative agreements with human services-based volunteer organizations and to govern the reimbursement of organizations that provide transitional housing to homeless veterans through disbursements from the Veterans' Homelessness Prevention Partnership Fund.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 504, §2 (NEW).]

3. Fund established. The Veterans' Homelessness Prevention Partnership Fund, a nonlapsing fund, is established under the bureau for the purpose of receiving funds from state, federal and other sources, including donations from private citizens, corporations and entities for the purpose of this section. The bureau shall use the fund to provide reimbursement to human services-based volunteer organizations that provide transitional housing to homeless veterans and to otherwise carry out the purposes of this section.

[PL 2019, c. 504, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 504, §2 (NEW).

§514. Coordinated Veterans Assistance Fund; establishment; report

The Coordinated Veterans Assistance Fund, referred to in this section as "the fund," is established to provide financial assistance to veterans' service organizations. Beginning July 1, 2013 the director shall make distributions from the fund as follows: [PL 2013, c. 128, §3 (NEW).]

1. Transportation for medical needs of veterans. Fifteen thousand dollars annually to a veterans' service organization that has maintained for the previous 5 years consecutively as of January 1, 2013 a program of providing transportation to veterans receiving medical services at the Veterans Administration Hospital at Togus or outreach centers of the veterans hospital; [PL 2013, c. 128, §3 (NEW).]

2. Veteran service officers at veterans hospital. Sixty-four thousand five hundred dollars annually to each veterans' service organization that has funded and maintained a veteran service officer at the Veterans Administration Hospital at Togus for at least one year as of January 1, 2013. If revenues in the fund are insufficient to make the full amount of the distributions required by this subsection, the director shall divide the amount of available funds equally between the veterans' service organizations; and [PL 2013, c. 569, §6 (AMD).]

3. Other veterans programs. The remainder of the funds, distributed by the director after payment of any fees applied by the State for administration of the fund, as follows:

A. Sixty-eight percent to the Maine Veterans Memorial Cemetery System Care Fund established by section 512, subsection 1; [PL 2013, c. 128, §3 (NEW).]

B. Twenty percent to organizations that coordinate an annual event to benefit homeless veterans by providing warm clothing and personal items; and [PL 2013, c. 128, §3 (NEW).]

C. Twelve percent to purchase flags for graves at veterans' cemeteries. [PL 2013, c. 128, §3 (NEW).]

[PL 2013, c. 128, §3 (NEW).]

Beginning in 2014, the director shall submit a report annually by February 15th regarding the distribution of these funds, including information from organizations that received the funds, to the joint standing committee of the Legislature having jurisdiction over veterans affairs. [PL 2013, c. 128, §3 (NEW).]

SECTION HISTORY

PL 2013, c. 128, §3 (NEW). PL 2013, c. 569, §6 (AMD).

§515. Adjutant General as next of kin

If the Adjutant General is next of kin to a veteran under Title 22, section 2843-A, the Adjutant General shall ensure that the veteran receives all benefits to which the veteran is entitled, including a grave marker or other death benefit from the United States Department of Veterans Affairs. [PL 2015, c. 208, §3 (NEW).]

SECTION HISTORY

PL 2015, c. 208, §3 (NEW).

§516. Hunting Opportunities for Disabled Veterans Fund

The Hunting Opportunities for Disabled Veterans Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the director for the purpose of supporting hunting opportunities in the State for disabled veterans. The fund receives transfers to the fund in accordance with Title 12, section 10201, subsection 7. The director may also accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources for the purposes of the fund. To the extent funds are available in the fund, the director, with assistance from the Department of Inland Fisheries and Wildlife, shall request proposals for use of those funds from organizations that

provide disabled veterans with hunting opportunities in the State and shall fund those proposals that, as determined by the director, will most effectively support the purposes of the fund. The Commissioner of Defense, Veterans and Emergency Management may adopt rules governing the process for accepting proposals and disbursing funds from the fund. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 199, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 199, §2 (NEW).

§517. Qualifying Condition Review Board

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

A. "Board" means the Qualifying Condition Review Board established under this section. [PL 2023, c. 202, §3 (NEW).]

B. "Gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C. [PL 2023, c. 202, §3 (NEW).]

C. "Sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C. [PL 2023, c. 202, §3 (NEW).]

D. "Veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve. [PL 2023, c. 202, §3 (NEW).]

[PL 2023, c. 202, §3 (NEW).]

2. Board established. The Qualifying Condition Review Board is established to review applications submitted by veterans under this section.

[PL 2023, c. 202, §3 (NEW).]

3. Board composition; terms; chair; compensation; meetings. The director shall appoint 3 members to serve on the board. Board members must have clinical experience working with veterans who have been discharged or are at risk of discharge based on a circumstance listed in subsection 4. Members of the board serve a term of 3 years. The director shall appoint a member to fill a vacancy on the board. The director shall designate one of the members as the chair of the board. The members of the board serve without compensation. The board shall meet at least monthly or as often as determined to be necessary by the chair of the board.

[PL 2023, c. 202, §3 (NEW).]

4. Application. A veteran who receives an other than honorable discharge may file an application for eligibility for rights, privileges and benefits granted to veterans under state law if the veteran believes the discharge characterization was based on:

A. The veteran's sexual orientation, gender identity or gender expression; [PL 2023, c. 202, §3 (NEW).]

B. Conduct associated with a diagnosis of post-traumatic stress disorder or acquired brain injury; or [PL 2023, c. 202, §3 (NEW).]

C. Conduct or circumstances relating to being a victim of military sexual assault. [PL 2023, c. 202, §3 (NEW).]

A veteran filing an application under this section may include evidence supporting the veteran's claim that the discharge characterization was based on a reason described in this subsection.

The bureau shall prescribe an application form to be used for purposes of this subsection and make that form available on the bureau's publicly accessible website along with instructions for filing the application.

[PL 2023, c. 202, §3 (NEW).]

5. Review of application. The board shall review each application submitted and render a recommendation to the director as to whether the reason cited in the application was more likely than not the primary reason for the other than honorable discharge. The board shall review each application not later than the 30th day after the date the board receives the application and render a written recommendation to the director not later than the 30th day after the date of the review. The director shall issue a written decision not later than the 10th day after the date the director receives the board's recommendation, approving or denying the application. If the director approves the application, the veteran is eligible for rights, privileges and benefits granted to veterans under state law. A veteran aggrieved by the director's decision may file a request for reconsideration with the director not later than the 15th day after the date of the director's decision. The veteran may include supplemental documentation in support of the request for reconsideration. The director shall provide due consideration to the request for reconsideration and render a decision not later than the 10th day after the day the director receives the request for reconsideration. The director's decision with regard to the reconsideration is a final decision by the Maine Bureau of Veterans' Services and may be appealed by filing a complaint in the Superior Court.

[PL 2023, c. 202, §3 (NEW).]

6. Rules. The bureau may adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as described under Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 202, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 202, §3 (NEW).

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