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Public Law
123rd Legislature
Second Regular Session

Chapter 678
S.P. 779 - L.D. 1985

An Act To Meet the Emergency Needs of Maine Veterans

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, necessary emergency assistance to veterans in need of funds must be provided before the end of the legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 37-B MRSA §505, sub-§1-A, as enacted by PL 2001, c. 439, Pt. QQ, §2, is amended to read:

1-A. Financial assistance. Financial assistance may be granted as follows.

A. The bureau may provide a grant of temporary assistance not to exceed ~~\$200 per month and not to exceed \$600 in any 12-month period~~ to a veteran in this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension, if that veteran is not incarcerated or a permanent resident of a nursing home and requests such assistance. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the federal Veterans' Administration pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of emergency assistance not to exceed \$500 to a veteran who demonstrates to the bureau's satisfaction a financial need and suffers an emergency, such as ~~the loss of damage to~~ that veteran's home due to fire, flood or hurricane, that is not fully compensable by insurance; illness or the illness of an immediate family member; or a similar emergency. In the case of a veteran with terminal illness or catastrophic injury, the director may provide a grant of up to \$1,000. No more than \$1,000 in emergency assistance may be provided to a veteran in any 12-month period. For the purposes of this paragraph, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1. Grants may not be issued for fuel assistance or due to loss of income due to unemployment while the veteran is receiving other unemployment benefits.

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

D. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter H-A2-A.

Sec. 2. Study. The contracted mobile Veterans Services Officer position authorized pursuant to section 5 is a limited-period position ending on July 30, 2009. The Department of Defense, Veterans and Emergency Management shall undertake a study to determine the need to continue the mobile Veterans Services Officer position, results achieved from the position, activities of the position and the need for an additional Veterans Services Officer position to be located in Portland. The department shall report the results of this study to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 15, 2009.

Sec. 3. Transfer of funds from Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$90,762 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

Sec. 4. Transfer of funds from Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$27,111 by June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of retiree health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Provides an appropriation of \$85,000 for one limited-period contracted mobile Veterans Service Officer position and related administrative and operating costs.

| GENERAL FUND | 2007-08 | 2008-09 |
|---------------------|----------------|----------------|
| All Other | \$0 | \$85,000 |
| | | |
| GENERAL FUND TOTAL | \$0 | \$85,000 |

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 23, 2008.