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## **An Act To Clarify the Laws Governing Certain Benefits Provided to Veterans and Military Service Members**

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

**Sec. 1. 10 MRSA §963-A, sub-§51-A**, as amended by PL 2001, c. 417, §3, is repealed.

**Sec. 2. 10 MRSA §1026-A, sub-§1**, as amended by PL 2009, c. 124, §3, is further amended to read:

**1. Insurance.** The authority may make commitments and agreements to insure loan payments. Any loan insurance must be subject to the following:

A. Loan insurance may not exceed:

(1) One hundred percent of the principal amount of the loan made to any borrower including related entities for any of the following types of loans or projects:

(a) Loans to veterans ~~and wartime veterans~~, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(b) Underground and aboveground oil storage facility projects and projects to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(c) Clean fuel vehicle projects and sustainable biofuel vehicle projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(d) Waste oil disposal site clean-up projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; or

(e) The Plymouth waste oil remedial study, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; and

(2) Ninety percent of the principal amount of the loan made to any borrower, including related entities for any other manufacturing enterprise, industrial enterprise, recreational enterprise, fishing enterprise, agricultural enterprise, natural resource enterprise or any other eligible business enterprise;

B. The loan must be serviced as required by the authority;

D. The authority must determine that there is a reasonable prospect that the loan will be repaid;

E. The loan must be in compliance with the credit policy of the authority;

F. Loan insurance payments may not exceed the lesser of:

(1) Principal, outstanding accrued interest and collection costs approved by the authority; and

(2) The original insured amount; and

G. Terms other than those specified in paragraphs A to F as may be required by law or by rule of the authority.

The authority may provide insurance for related entities of up to \$7,000,000.

Notwithstanding any provision to the contrary in this chapter, the authority may provide special loan insurance benefits to veterans and ~~wartime veterans~~ determined by rule of the authority developed in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

For all loan insurance liability in excess of \$1,000,000 and in other instances when the authority determines it is appropriate, the authority shall obtain a written assessment from the Department of Environmental Protection of the environmental conditions known by the department to exist at a project location so that the authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

**Sec. 3. 10 MRSA §1026-A, sub-§1**, as amended by PL 2015, c. 38, §1 and affected by §3, is further amended to read:

**1. Insurance.** The authority may make commitments and agreements to insure loan payments. Any loan insurance must be subject to the following:

A. Loan insurance may not exceed:

(1) One hundred percent of the principal amount of the loan made to any borrower including related entities for any of the following types of loans or projects:

(a) Loans to veterans ~~and wartime veterans~~, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(b) Underground and aboveground oil storage facility projects and projects to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(c) Clean fuel vehicle projects and sustainable biofuel vehicle projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(d) Waste oil disposal site clean-up projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; or

(e) The Plymouth waste oil remedial study, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; and

(2) Ninety percent of the principal amount of the loan made to any borrower, including related entities for any other manufacturing enterprise, industrial enterprise, recreational enterprise, fishing enterprise, agricultural enterprise, natural resource enterprise or any other eligible business enterprise;

B. The loan must be serviced as required by the authority;

D. The authority must determine that there is a reasonable prospect that the loan will be repaid;

E. The loan must be in compliance with the credit policy of the authority;

F. Loan insurance payments may not exceed the lesser of:

(1) Principal, outstanding accrued interest and collection costs approved by the authority; and

(2) The original insured amount; and

G. Terms other than those specified in paragraphs A to F as may be required by law or by rule of the authority.

The authority may provide insurance for related entities of up to \$10,000,000.

Notwithstanding any provision to the contrary in this chapter, the authority may provide special loan insurance benefits to veterans ~~and wartime veterans~~ determined by rule of the authority developed in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

For all loan insurance liability in excess of \$1,000,000 and in other instances when the authority determines it is appropriate, the authority shall obtain a written assessment from the Department of Environmental Protection of the environmental conditions known by the department to exist at a project location so that the authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

**Sec. 4. 12 MRSA §1819, last ¶**, as enacted by PL 1997, c. 678, §13, is amended to read:

Any disabled veteran displaying on the veteran's motor vehicle special designating plates or placards issued in accordance with Title 29-A, section 523, subsections 1 and 2 or providing a driver's license displaying a sticker issued in accordance with Title 29-A, section 1404-B or a nondriver identification card displaying a sticker issued in accordance with Title 29-A, section 1410, subsection 11 is not required to pay a fee for admission to any state-owned park, camping area or beach.

**Sec. 5. 12 MRSA §1819-B**, as enacted by PL 2009, c. 220, §2, is amended to read:

### **§ 1819-B. Day use passes for active military personnel**

Notwithstanding section 1819, the commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free day use pass to state parks and historic sites to each active duty military member determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 7. The pass entitles the holder, and the holder's spouse and children when accompanied by the holder, to admission free of charge to all state parks and historic sites. A spouse and children of a holder who is deployed for military service may present a family member identification card issued by the United States Armed Forces with the holder's day use pass in lieu of accompaniment by the holder. For the purposes of this section, "deployed for military service" means active duty with the state military forces, as described in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves of the United States Armed Forces, whether pursuant to orders of the Governor or the President of the United States.

**Sec. 6. 20-A MRSA §5201, sub-§3, ¶A**, as amended by PL 1983, c. 704, §2, is further amended to read:

A. ~~War veterans~~A veteran who ~~have~~has not completed high school before ~~their~~the veteran's 18th birthday may enroll in the public schools in the school administrative ~~units~~unit where ~~they reside~~the veteran resides until ~~they graduate~~the veteran graduates or until the end of the school year in which ~~they reach~~the veteran reaches the age of 25. For the purposes of this paragraph, "veteran" means a person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable.

**Sec. 7. 29-A MRSA §453, sub-§2**, as amended by PL 2007, c. 647, §1 and affected by §8, is further amended to read:

**2. Fee.** ~~The~~Except as otherwise provided in this subsection, the annual service fee for a vanity registration plate is \$25 in addition to the regular motor vehicle registration fee. The fee for a vanity plate that is also a veterans registration plate issued under section 523 is \$25 upon issuance of the plate and is not subject to an annual service fee. The service fee must be credited to the General Highway Fund, except that, beginning July 1, 2009, \$10 of the service fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G. A sum sufficient to defray the cost of this program must be allocated annually from the General Highway Fund.

**Sec. 8. 29-A MRSA §1404-B** is enacted to read:

**§ 1404-B. License sticker; disabled veteran designation**

The Secretary of State shall, at the request of a person who is a 100% disabled veteran, issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's driver's license to indicate that the person is a 100% disabled veteran. The Secretary of State before issuing the sticker shall require the veteran to provide certification from the United States Department of Veterans Affairs or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits.

**Sec. 9. 29-A MRSA §1410, sub-§11** is enacted to read:

**11. Nondriver identification card sticker; disabled veteran designation.** The Secretary of State shall, at the request of a person who is a 100% disabled veteran, issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's nondriver identification card to indicate that the person is a 100% disabled veteran. The Secretary of State before issuing the sticker shall require the veteran to provide certification from the United States Department of Veterans Affairs or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits.

**Sec. 10. 30-A MRSA §4743**, as amended by PL 1993, c. 427, §4, is repealed and the following enacted in its place:

**§ 4743. Housing rentals and tenant admissions; veteran preference**

In the operation or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant admissions.

**1. Rent to persons of low income.** It shall rent or lease at least 20% of the dwelling units in any project only to persons or families of low income and at rentals within the financial reach of persons or families of low income.

**2. Number of rooms.** It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, that it considers necessary to provide safe and sanitary accommodations to the proposed occupants of the rooms without overcrowding.

**3. Preferences.** In the selection of tenants for housing projects, as among low-income families that are eligible applicants for occupancy in dwellings of given sizes and at specified rents, a housing authority shall extend the following preferences.

A. First, preference must be given to families that are to be displaced by any low-rent housing project or by any public slum-clearance or redevelopment project initiated after January 1, 1947, or that were so displaced within 3 years before applying to the public housing agency for admission to any low-rent housing. Among these families:

(1) First preference must be given to families of disabled veterans whose disabilities have been determined by the United States Department of Veterans Affairs to be service-connected;

(2) Second preference must be given to families of deceased veterans whose deaths have been determined by the United States Department of Veterans Affairs to be service-connected; and

(3) Third preference must be given to families of other veterans and the families of persons on active duty with the United States Armed Forces, including the National Guard and Reserves of the United States Armed Forces.

B. Second, preference must be given to families of other veterans and the families of persons on active duty with the United States Armed Forces, including the National Guard and Reserves of the United States Armed Forces. Among these families:

(1) First preference must be given to families of disabled veterans whose disabilities have been determined by the United States Department of Veterans Affairs to be service-connected; and

(2) Second preference must be given to families of deceased veterans whose deaths have been determined by the United States Department of Veterans Affairs to be service-connected.

As used in this section, unless the context otherwise indicates, "veteran" means a person who has served on active duty in the United States Armed Forces, including the National Guard and Reserves of the United States Armed Forces, who received a discharge other than dishonorable

Notwithstanding any provisions of this section, an authority may agree to conditions as to tenant eligibility or preference required by the Federal Government under federal law in any contract for financial assistance with the authority.

Nothing in this section or section 4742 may be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a project or cause the appointment of a receiver of the project, free from all the restrictions imposed by this section or section 4742.

**Sec. 11. 37-B MRSA §158, sub-§2** is enacted to read:

**2. Report required.** Beginning October 1, 2016, the Adjutant General shall cause a quarterly report to be made to the Adjutant General of all funds expended from the fund. The report must contain information as to the military sponsor, military unit of the sponsor, rank of the military member, the amount of funds provided and the general reason for the award of funds, as well as any other information requested by the Adjutant General. Beginning April 1, 2017, the Adjutant General shall submit annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs a summary report on the fund, including the number of grants awarded from the fund, the range of grants and the average amount of each grant.

**Sec. 12. Contingent effective date.** That section of this Act that amends the Maine Revised Statutes, Title 10, section 1026-A, subsection 1, as amended by Public Law 2015, chapter 38, section 1 and affected by Public Law 2015, chapter 38, section 3, takes effect only upon the receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, allocation or other funding source in the amount of at least \$37,000,000 in accordance with the contingency set forth in Public Law 2015, chapter 38, section 3. Upon receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, allocation or other funding source in the amount of at least \$37,000,000 in accordance with Public Law 2015, chapter 38, section 3, the Finance Authority of Maine shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

## SUMMARY

This bill is submitted by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 19. The bill implements the recommendations of a subcommittee established to streamline the criteria for the delivery and administration of state-established services and benefits to veterans and military service members in the State. The bill repeals the definition of "wartime veteran" with regard to small business loans administered by the Finance Authority of Maine. It provides an alternative to license plates as a method of showing eligibility for free day-use admission to state parks by disabled veterans by directing the Secretary of State to provide for a sticker to be placed on the veteran's driver's license or state identification card. The bill also provides that a person with a veterans registration plate that is also a vanity plate is not required to pay the annual service fee for the vanity plate after an initial \$25 fee is paid. The bill clarifies references to veterans and military service members in the

law governing the application of veteran preferences for rental housing administered through the Maine State Housing Authority. Finally, the bill codifies in statute a provision currently in rule that requires the Adjutant General to issue an annual report on the expenditures made from the Maine Military Family Relief Fund.