

The [Maine Bureau of Veterans' Services](#) will hold a public hearing on Thursday, May 30, 2019 at 1:00 PM at the Augusta Armory, 179 Western Avenue, Augusta, ME, to hear comments on the Administration of the Veterans' Emergency Financial Assistance Program. All persons may appear to show cause, if any, why the above application should not be approved.

Notice of Agency Rule-making Proposal:

AGENCY: Maine Department of Defense, Veterans and Emergency Management-Bureau of Maine Veterans Services

CHAPTER NUMBER AND TITLE: Chapter 2: Administration of the Veterans' Emergency Financial Assistance Program

PROPOSED RULE NUMBER (leave blank; to be assigned by Secretary of State):

BRIEF SUMMARY: This proposed rule establishes the process to govern the administration of the Veterans' Emergency Financial Assistance Program pursuant to Title 37-B M.R.S. §505. The program is administered by the Bureau of Maine Veterans' Services for the purposes of offering financial assistance of up to \$2,000 annually per veteran to veterans who are residents of the State of Maine and who demonstrate to the Bureau's satisfaction a financial need due to an emergency as defined in the statute, or who are awaiting notice of a pension award on a valid claim for a veteran's pension. The proposed rule also outlines the application procedures for the grant, reporting requirements, and procedures to remedy misuse of the funds.

Conditions which would make a veteran eligible for a grant under this fund would include but are not limited to: damage to that veteran's place of primary residence due to any natural disaster, technological or human caused incident that is not fully compensable by the veteran's insurance coverage; sudden or sustained illness of the veteran or veteran's immediate family member that is causing financial hardship; hardship that would result in the veteran becoming homeless, or other emergency needs as determined on a case-by-case basis.

Date, time and location of PUBLIC HEARING (if any): Thursday May 30, 2019. 1 p.m. Augusta Armory, 179 Western Avenue, Augusta, Maine.

COMMENT DEADLINE: June 10, 2019

CONTACT PERSON FOR THIS FILING (include name, mailing address, telephone, fax, TTY, e-mail): Darren Henry

ADDRESS: Maine Bureau of Veterans' Services
Dept. of Defense, Veterans & Emergency Management
117 State House Station, Augusta, Maine 04333

WEB SITE: <https://www.maine.gov/>

E-MAIL: Darren.Henry@maine.gov

TELEPHONE: (207) 430-6037

FAX: (207) 626-4471

TTY: (711) Maine Relay

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): Same.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None.

STATUTORY AUTHORITY FOR THIS RULE: 37-B M.R.S. §505.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

AGENCY WEBSITE: <http://www.maine.gov/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: kevin.rousseau@maine.gov

MAPA-3 revised 2-2016: additional summary information for web

Notice of Agency Rule-making Proposal Additional Information for the Web (if any)

DETAILED SUMMARY: This proposed rule establishes the process to govern the administration of the Veterans' Emergency Financial Assistance Program pursuant to Title 37-B M.R.S. §505. The program will assist veterans in need and provide a resource that may have not otherwise been available. The fixed program cost set by the Legislature is currently \$250,000 per year. The Bureau or its contracted provider(s) may provide a grant of temporary assistance not to exceed \$2,000 annually 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, as well as to veterans with emergency needs for assistance as defined in the statute. The proposed rule will help ensure that the State of Maine is assisting the veterans in the appropriate manner and within the guidelines and intent of the law. Conditions which would make a Veteran eligible for a grant under this fund for emergency assistance would include but are not limited to:

- a. Damage to that veteran's place of primary residence due to any fire, flood, hurricane or other natural disaster, or technological or human caused incident that is not fully compensable by the veteran's insurance coverage;
- b. A sudden or sustained illness of the veteran or of the veteran's immediate family member that is causing financial hardship; or
- c. Any financial hardship that in the absence of assistance would result in the veteran becoming homeless.

The Director of the Bureau of Maine Veterans' Services may also determine eligibility for temporary financial assistance on a case-by-case basis.

The proposed rule also outlines the application procedure for the grant, reporting requirements and procedures to remedy any misuse of the funds.

DEPARTMENT OF DEFENSE AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

BUREAU OF MAINE VETERANS' SERVICES

Chapter 2: Administration of the Veterans' Emergency Financial Assistance Program

Summary: This rule describes the administration of the Veterans' Emergency Financial Assistance Program, established pursuant to Title 37-B: Defense, Veterans and Emergency Management, Chapter 7: Maine Bureau of Veterans' Services, §505(1-B) & (1-C), enacted by P.L. 2017, chapter 419, § 6.

SECTION 1. Definitions

1. Armed Forces. "Armed Forces" means the United States Army, Navy, Air Force, Marines, Coast Guard and World War II-era Merchant Mariners.
2. Bureau. "Bureau" means the Bureau of Maine Veterans' Services of the Maine Department of Defense, Veterans and Emergency Management.
3. Department. "Department" means the Maine Department of Defense, Veterans and Emergency Management.
4. Director. "Director" means the Director of the Bureau of Maine Veterans' Services of the Maine Department of Defense, Veterans and Emergency Management.
5. Fund. "Fund" means the "Veterans' Temporary Assistance Fund" established pursuant to M.R.S. Title 37-B, section 505, subsections 1-B and 1-C.
6. Grant. "Grant" means a monetary award provided to a Veteran from the Fund pursuant to 37-B M.R.S. §505(1-B) & (1-C) and these rules.
7. Immediate family. "Immediate family" includes a spouse, domestic partner (as defined in 22 M.R.S. § 2710 (2)) and minor children (biological, adopted or step children).
8. Provider. "Provider" means a successful bidder contracted by the Department to administer disbursements of monies available from the Fund.
9. Veteran. "Veteran" means a 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, provided that the discharge was not upgraded through a program of general amnesty; or
 - (ii) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.
 - b. Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.
 - c. Served in the Maine National Guard or United States Armed Forces and is determined by the Director to be eligible for assistance under this program.

SECTION 2. Administration of the Fund

1. Ten percent of the monies allocated by the Legislature will be set aside for administration of the Fund, and the remainder will be available for grants to eligible veterans. Individual grants may not exceed two thousand dollars (\$2,000.00) in any twelve month period.
2. The Fund will be administered by the Bureau and one or more providers selected through a procurement process approved by the State of Maine Department of Administration and Financial

Services, Division of Procurement Services. The providers will administer the Fund under the guidance and direction of the Bureau and in compliance with this rule.

SECTION 3. Eligibility for grants under the Fund

1. A Veteran who is a resident of this State and has filed a valid claim for a veteran's pension may be eligible for a temporary assistance grant 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.

2. A Veteran who is a resident of this State and who has experienced or is experiencing financial hardship due to any of the following conditions may be eligible for a temporary assistance grant:

a. Damage to the Veteran's place of primary residence due to fire, flood, hurricane, or other natural disaster, or technological or human caused incident that is not fully compensable by the Veteran's insurance coverage.

b. A sudden or sustained illness of the Veteran or of an immediate family member of the Veteran that is causing financial hardship.

c. Any financial hardship that, in the absence of assistance, would result in the Veteran becoming homeless.

d. Any other circumstances determined by the Director on a case-by-case basis to demonstrate a need for temporary financial assistance.

SECTION 4. Application requirements

Veterans seeking financial assistance must submit an application on a form developed by the Provider(s) and approved by the Bureau, along with additional documentation as described below.

1. Applicants seeking financial assistance while awaiting the award of a military pension must submit a copy of a completed DD-214 form documenting the Veteran's discharge from active duty in the Armed Forces.

2. Applicants seeking financial assistance due to physical damage to the Veteran's primary residence must submit copies of:

a. A property tax bill or rental agreement to establish the veteran's title, right or interest in the primary residence;

b. any insurance policy for the property and any correspondence from the insurer indicating the amount of coverage awarded for the damage; and

c. estimates from licensed contractors for the cost of repairs.

3. Applicants seeking financial assistance due to the illness of the Veteran or Veteran's immediate family member must submit:

a. An explanation of how the illness is creating financial hardship;

b. Documentation of the diagnosis;

c. Copies of medical bills, if applicable;

- d. Health insurance coverage information, if applicable; and
- e. Credit card bills and receipts or other documentation of any expenses for which the Veteran is seeking financial assistance related to the illness.

4. Applicants seeking financial assistance to avoid homelessness must submit:

- a. An explanation of the circumstances causing the Veteran to be at risk of becoming homeless;
- b. Supporting documentation, such as a notice of layoff from an employer, or a notice of eviction or foreclosure; and
- c. Name and address of housing provider to be paid for housing for the Veteran and his or her immediate family.

SECTION 5. Disbursement of Funds

1. Disbursements from this Fund will be made in a timely and expeditious manner once financial need and eligibility for assistance has been determined by the Provider, or by the Bureau if the Director has determined eligibility pursuant to section 1(9)(c) or section 3(d) of this rule.
2. The Provider will determine the amount of the award that is suitable to meet the demonstrated need based on review of the Veteran's application, up to but not exceeding the amount of \$2,000.
3. The assistance amount per Veteran may not exceed \$2,000 in any one twelve-month period. The maximum lifetime allocation per Veteran from the Fund shall not exceed \$10,000.
4. Payments for housing or other services, including any debts demonstrating financial need, must be made directly to service provider or creditor and not directly to the Veteran.

SECTION 6. Reconsideration

A Veteran who requests temporary assistance under this Fund and is denied such assistance by the Bureau or one of its Providers may request a reconsideration and review of this decision. Requests for reconsideration must be submitted to the Bureau Director and the Commissioner or Commissioner's designee. The decision after reconsideration by the Commissioner or Commissioner's designee shall be final and may not be appealed to a court.

SECTION 7. Misuse of Funds

1. If the provider or the Bureau discovers evidence that monies disbursed by the Fund have been used for a purpose other than as authorized by the statute or rules governing this program, the Department reserves the right to recover those funds from the Veteran and/or to refer the matter to a law enforcement agency for further investigation and potential prosecution.

STATUTORY AUTHORITY: 37-B M.R.S. §505(1-B) & (1-C).

EFFECTIVE DATE:

Rule-Making Fact Sheet (5 MRSA §8057-A)

AGENCY: Maine Department of Defense, Veterans and Emergency Management

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

Darren Henry

ADDRESS: Maine Bureau of Veterans' Services
Dept. of Defense, Veterans & Emergency Management
117 State House Station
Augusta, Maine 04333

WEB SITE: <https://www.maine.gov/>

E-MAIL: Darren.Henry@maine.gov

TELEPHONE: (207) 430-6037

FAX: (207) 626-4471

TTY: (711) Maine Relay

CHAPTER NUMBER AND RULE TITLE: Bureau of Maine Veterans' Services Chapter 2:
Administration of the Veteran's Emergency Financial Assistance Program

STATUTORY AUTHORITY: 37-B M.R.S. §505.

DATE, TIME AND PLACE OF PUBLIC HEARING: Thursday May 30, 2019. 1 p.m. Augusta
Armory 179 Western Avenue. Augusta, Maine.

COMMENT DEADLINE: June 10, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: This proposed rule establishes the process to govern the administration of the Veterans' Emergency Financial Assistance Program pursuant to Title 37-B M.R.S. §505. The program will assist veterans in need and provide a resource that may have not otherwise been available. The fixed program cost set by the legislature, is currently \$250,000 per year. The Bureau or its contracted provider(s) may provide a grant of temporary assistance not to exceed \$2,000 annually 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, as well as to veterans who have demonstrated a financial need due to an emergency.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES X NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The proposed rule will enhance access to financial aid for veterans that have a valid emergency and that are in need of assistance as well as for those who are awaiting award of a veteran's pension on a valid claim. The proposed rule will help ensure that the State of Maine is assisting the veterans in the appropriate manner and within the guidelines and intent of the law. Conditions which would make a Veteran eligible for a grant under this fund for emergency assistance would include but are not limited to:

- a. Damage to the Veteran's place of primary residence due to fire, flood, hurricane, or other natural disaster, or technological or human caused incident that is not fully compensable by the Veteran's insurance coverage.
- b. A sudden or sustained illness of the Veteran or of an immediate family member of the Veteran that is causing financial hardship.
- c. Any financial hardship that, in the absence of assistance, would result in the Veteran becoming homeless.

d. Any other circumstances determined by the Director, on a case-by-case basis, to demonstrate a need for temporary financial assistance.

The proposed rule also outlines the application procedure for the grant, reporting requirements and procedures to remedy misuse of the funds.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING

DEVELOPMENT OF THE RULE: In developing the proposed rule, the Bureau considered its experience with other financial assistance programs at the state and federal level and what procedures would be necessary to administer the program in a manner that would avoid miscommunication and assist veterans that have emergencies in an appropriate and expeditious manner.

ESTIMATED FISCAL IMPACT OF THE RULE: The proposed rule governs the disbursement of funds that have been allocated through the regular budget and appropriation process of the Maine Legislature and pursuant to 37-B M.R.S. § 505.