Reserve Organization of America

Law Review 26109

MAINE: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Maine guarantees an interview for state jobs to qualified veterans, including Guard and Reserve members discharged other than dishonorably, and to Gold Star spouses. Veterans who aren't hired receive help finding other state openings.

Veterans' Preference:
Maine

The Federal Veterans' Preference Act (VPA)

The Federal Veterans' Preference Act (VPA), as explained in Law Review 0721 (May 2007), gives certain veterans an advantage in securing federal civil service jobs. The VPA does not apply to state and local government employment, but most states have their own veterans' preference laws that apply to the state and its political subdivisions (counties, cities, school districts, and other units of local government).

Maine Veterans Preference in Hiring[1]:

§7054-B. Veteran preference
1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Gold star spouse" means a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010). [PL 2015, c. 438, §2 (NEW).]

[1] 2023 Maine Revised Statutes Title 5 Part 17-A Chapter 372 Subchapter 2 Article 1 §7054-B, Veteran Preference. 10 United States Code, Section 1126 (2010).

B. "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. [PL 2015, c. 438, §2 (NEW).]
[PL 2015, c. 438, §2 (NEW).]
2. Interview. In filling any position in the classified service, the employing agency shall offer an interview to any veteran or gold star spouse who meets the minimum qualifications established for the position.
[PL 2015, c. 438, §2 (NEW).]
3. Retention preference. In any reduction in personnel in the state service, employees who are veterans or gold star spouses must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews.

[PL 2015, c. 438, §2 (NEW).]
SECTION HISTORY
PL 2015, c. 438, §2 (NEW).

§1126. Gold star lapel button: eligibility and distribution
(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify next of kin of members of the armed forces-
(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;
(2) who lost or lose their lives after June 30, 1958-
(A) while engaged in an action against an enemy of the United States;
(B) while engaged in military operations involving conflict with an opposing foreign force; or
(C) while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or
(3) who lost or lose their lives after March 28, 1973, as a result of-
(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or
(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.
(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary concerned, upon application to him, shall furnish one gold star lapel button without cost to each next of kin of a member who lost or loses his or her life under any circumstances prescribed in subsection (a).
(c) Not more than one gold star lapel button may be furnished to any one individual except that, when a gold star lapel button furnished under this section has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was furnished, the button may be replaced upon application and without cost.
(d) In this section:
(1) The term "next of kin" means individuals standing in such relationship to members of the armed forces described in subsection (a) as the Secretaries concerned shall jointly specify in regulations for purposes of this section.
(2) The term "World War I" includes the period from April 6, 1917, to March 3, 1921.
(3) The term "World War II" includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(4) The term "military operations" includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

(5) The term "peacekeeping force" includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.

Maine offers a hiring preference to qualified Veterans and Gold Star Spouses who apply for state employment. This preference ensures that they are offered an interview. Additionally, if a Veteran applies for a state job and is not hired, the Bureau of Human Resources actively assists them in finding other suitable state job openings.

Eligible Veterans include those who served on active duty in the U.S. Armed Forces or a reserve component thereof, receiving a discharge other than dishonorable. To qualify, they must provide a copy of their DD214.

Surviving spouses of eligible service members who are eligible to receive a Gold Star Lapel Button are also eligible for Veterans preference. To prove their eligibility, they must provide a copy of the service member's DD1300, Report of Casualty.

For more information, please call the Maine the Bureau of Human Resources at 207-624-7761.
DoD Instructions 1348.36, Gold Star Lapel Button, Service Flag and Service Lapel Button

Q: The great majority of veterans are men. Does a veterans' preference law discriminate against women and violate the Equal Protection Clause of the Constitution's Fourteenth Amendment?

A: In 1979, the Supreme Court considered and rejected that argument, by a 7-2 vote. Even if the effect of a veterans' preference law is to benefit many more men than women, the purpose of the law is to benefit veterans, not to discriminate against women.[2]

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[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).
[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

ROA is more than a century old—on 10/2/1922 a group of veterans of "The Great War," as World War I was then known, founded our organization at a meeting in Washington's historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had commanded American troops in the recently concluded "Great War." One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

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If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002[6]

About the Author

Deng received his Juris Doctor from Baylor University School of Law and received his Bachelor of Science in Sociology, his Bachelor of Science in Criminal Justice, and his minor in Political Science, from Abilene Christian University. As a division-1 student-athlete, Deng played cornerback for the Abilene Christian University Football Team from 2015-19, and Pole Vaulted with the Abilene Christian University Track and Field Team in 2015.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
[5] Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join.
[6] You can also contribute on-line at www.roa.org.