

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 97

In Senate, Feb. 20, 1919.

Referred to Committee on Military Affairs and 2000 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Gurney of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Provide for the Support of Families of Soldiers,
Sailors and Marines.

Emergency Preamble. Whereas, suitable provision for the support of dependent members of families of soldiers, sailors and marines who have served in the army and naval forces of the United States or of this state since April first, nineteen hundred seventeen, is immediately necessary for the preservation of the public peace, health and safety ;

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

Section 1. The cities, towns and plantations in this state
2 shall raise money by taxation or otherwise to be applied
3 to relieve the necessitous circumstances of the wife, chil-

4 dren under the age of fifteen years, infirm and dependent
5 father or mother or other dependent member of the family
6 incapable of self-maintenance, of any soldier, sailor or
7 marine, who subsequently to April first, nineteen hundred
8 seventeen, entered the military or naval service of the
9 United States by enlistment or draft, or who subsequently
10 to the said date was recalled to such service or who was
11 continued therein after the termination of a prior enlist-
12 ment; provided, that on said April first, nineteen hundred
13 seventeen, such soldier, sailor or marine was a resident of
14 this state. The money so raised shall be expended under
15 the direction of the municipal officers of said cities, towns
16 and plantations in sums not exceeding four dollars a week
17 to relieve the necessitous circumstances of the wife, infirm
18 and dependent father or mother of said soldier, sailor or
19 marine, and a sum not exceeding one dollar and fifty cents
20 a week to relieve the necessitous circumstances of such
21 children under the age of fifteen years or other member
22 of the family incapable of self-maintenance, who is de-
23 pendent upon said soldier, sailor or marine; provided, how-
24 ever, that the sum so paid shall not in any case exceed ten
25 dollars a week for all persons entitled thereto under the
26 provisions of this act by reason of his or her relationship
27 and dependency upon one soldier, sailor or marine, and
28 such money in the same amounts shall be furnished to
29 relieve the necessitous circumstances of any of the afore-
30 said relatives of any such soldier, sailor or marine killed

31 in battle or dying as a result of the casualties of war and
32 not from his own fault, the beginning or continuation of
33 whose service was subsequent to the said first day of April,
34 nineteen hundred seventeen, provided such relatives would
35 be entitled thereto under this act if such soldier, sailor or
36 marine were living.

The money authorized to be raised under this act shall be
2 available only to inhabitants of the aforesaid cities, towns
3 and plantations of the state of Maine on the said first day
4 of April, nineteen hundred seventeen, but any persons en-
5 titled to receive aid hereunder shall not forfeit the same
6 by reason of temporary absence from the state.

All officials charged with duties under this act shall, in
2 determining the question of dependency and necessitous
3 circumstances, duly consider federal insurance or compen-
4 sation in lieu of insurance, federal allotment and federal
5 allowance and any and all other provisions made by either
6 state or federal government or any divisions or depart-
7 ments thereof for the same or similar purposes contem-
8 plated by this act.

Sect. 2. The cities, towns and plantations in this state
2 are hereby authorized and empowered to raise any addi-
3 tional sum or sums of money over and above the amount
4 to be reimbursed by the state, by taxation or otherwise,
5 to aid in the support of the dependent family of such sol-
6 dier, sailor or marine in the service of the United States,
7 or of this state, as set forth in the first section of this act,

8 in order to provide such support as may be deemed neces-
9 sary in cases not met or adequately provided for by the
10 provisions of this act.

Sect. 3. The money so applied by any city, town or plan-
2 tation, as authorized by the first section of this act, shall
3 be reimbursed from the state treasury to such city, town
4 or plantation.

Sect. 4. Towns to file certified accounts. No such reim-
2 bursement shall be made in any case, until an account of
3 the expenditures, duly certified and sworn to by a majority
4 of the municipal officers of the city, town and plantation
5 in the state, furnishing the aid as aforesaid, shall be made
6 and filed with the governor and council and a recital of
7 so much of the facts as shall show the dependency and
8 necessitous circumstances in each case, which account shall
9 set forth the name of the soldier for whose family expense
10 has been incurred, also the name, age and relationship of
11 each person who received aid and the sum paid for each
12 of said persons. Accounts thus made out and filed within
13 the time hereinafter prescribed, shall be examined by the
14 governor and council, and if found correct and duly vouch-
15 ered shall be approved.

Sect. 5. Such accounts shall be made up to the first days
2 of July and January in each year, and shall be filed with
3 the governor and council on or before the first days of
4 August and February following and shall be examined and
5 passed upon within a reasonable time after the date of such

6 filing. If approved, the amounts allowed shall be paid,
7 upon warrants drawn by the governor against any moneys
8 in the treasury not otherwise appropriated and especially
9 the proceeds of bonds or notes authorized by the legislature
10 for war purposes, by the state treasurer to the city, town
11 or plantation whose claim has been thus established.

Sect. 6. No pauper disabilities shall be created by reason
2 of receiving the aid provided in this act.

Sect. 7. The word plantation, when it occurs in this act,
2 is intended to include plantations duly organized for any
3 purpose, and any person entitled to the aid provided for
4 in this act, who may reside in any unorganized township
5 in this state, shall receive it in the nearest duly organized
6 city, town or plantation in this state.

Sect. 8. This act shall not authorize reimbursing money
2 applied to aid the wife, child, parent or dependent member
3 of the family as aforesaid, of any commissioned officer in
4 the military or naval service as aforesaid, or money applied
5 to aid the family of any soldier, sailor or marine who has
6 deserted the service, after notice of such desertion shall
7 have been received by the city, town or plantation of his
8 residence.

Sect. 9. Applicants for allowance under this act shall,
2 as a basis for the first payment thereof, state in writing,
3 under oath, the name, age and residence of the person for
4 whom the same is sought, the relationship of such person
5 to the soldier, sailor or marine, the company and regiment

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6 or branch of service in which he was enlisted and in which
7 he last served, the date and place of his enlistment, if known,
8 the duration of his service, the amount of United States
9 pay, allotment and federal family allowance, the average
10 weekly amount contributed by the soldier, sailor or marine
11 during the year previous to service, and reason for the
12 application, and shall furnish such official certificates or
13 records, or other evidence of enlistment, service and dis-
14 charge or of physical or personal condition as may be re-
15 quired.

Sect. 10. Whoever knowingly makes a false statement,
2 oral or written, relating to a material fact in support of
3 claim to war allowance or state aid under the provisions of
4 this act, shall be punished by a fine of not more than five
5 hundred dollars, or by imprisonment for not more than
6 one year. Whoever, being entitled to the benefits of this
7 act, fraudulently claims or receives pay for a period of
8 time following a termination of his right to receive the
9 same, shall be punished by a fine of not more than five
10 hundred dollars, or by imprisonment for not more than
11 one year, or by both such fine and imprisonment.

Sect. 11. The governor and council shall have power to
2 send for persons and papers in order to ascertain the
3 amount due to each city, town and plantation under this
4 act or other facts essential to an understanding of any
5 matters embraced within the terms of this act.

Sect. 12. If any city, town or plantation, or the munici-

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2 pal officers thereof, shall neglect or refuse to comply with
3 the provisions of this act according to its true intent and
4 meaning, and to the satisfaction of the governor and coun-
5 cil, such city, town or plantation, or the municipal officers
6 thereof, as the case may be, shall forfeit and pay the sum
7 of one hundred dollars, one-half to the use of the ag-
8 grieved party and one-half to the county where the cause
9 is tried, to be recovered by an action on the case in any
10 court having jurisdiction in such county of civil actions
11 to the amount of one hundred dollars.

Sect. 13. Any person entitled to any of the benefits of
2 this act and in the case of children or other persons unable
3 to proceed in the matter, any other interested person may
4 appeal from the decision of the municipal officers of any
5 city, town or plantation to the governor and council who
6 are hereby authorized to hear and consider the facts of
7 any particular case and to make award to the person en-
8 titled to the benefits of this act and such award made by
9 the governor and council shall be binding upon any city,
10 town or plantation of this state as if originally made by
11 the municipal officers thereof, and any city, town or plan-
12 tation, or the municipal officers thereof, neglecting or re-
13 fusing to comply with the orders of the governor and coun-
14 cil, to whom an appeal shall have been taken under this
15 section for a period of thirty days after such award and
16 order has been made by the governor and council, shall
17 forfeit and pay the sum of one hundred dollars, one-half

18 to the use of the aggrieved party and one-half to the coun-
19 ty where the cause is tried, to be recovered by an action
20 on the case in any court having jurisdiction in such county
21 of civil actions to the amount of one hundred dollars.

Sect. 14. It shall be the duty of the adjutant general to
2 give immediate notice to the several cities, towns and plan-
3 tations of the state, of all cases of desertion of each soldier,
4 sailor or marine residing therein and also in all cases of
5 return from desertion, and also when any non-commis-
6 sioned officer or private shall have been promoted to the
7 rank of a commissioned officer.

Sect. 15. The secretary of state shall furnish an attested
2 copy of this act to the municipal officers of the several
3 cities, towns and plantations of the state, within a reason-
4 able time after its approval by the governor.

Sect. 16. Chapter 276 of the public laws of nineteen hun-
2 dred seventeen is hereby repealed.

Sect. 17. In view of the emergency expressed in the pre-
2 amble hereof, this act shall take effect when approved.