

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 231

In Senate, March 18, 1919.

Reported by Mr. Gannett from Committee on Military Affairs and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

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

AN ACT to Provide for the Support of Dependents 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, children

4 under the age of sixteen years, the infirm and dependent
5 father, mother or other member of the family incapable of
6 self-maintenance, of any soldier, sailor or marine, who
7 subsequently to April first, nineteen hundred seventeen, en-
8 tered the military or naval service of the United States
9 by enlistment or draft, or who subsequently to the said date
10 was recalled to such service or who was continued therein
11 after the termination of a prior enlistment, or dependent
12 member of a family of which any such soldier, sailor or
13 marine, prior to said enlistment or draft, was the head;
14 provided, that on said April first, nineteen hundred seven-
15 teen, such soldier, sailor or marine was a resident of this
16 state. The money so raised shall be paid directly to the
17 dependents entitled thereto under the provisions of this
18 act, or to the parent or legal guardian of any such depend-
19 ents who are minors or under guardianship, by the mu-
20 nicipal officers of the cities, towns and plantations wherein
21 such dependents respectively reside, in sums not exceed-
22 ing four dollars a week to relieve the necessitous circum-
23 stances of the wife, infirm and dependent father or mother
24 of such soldier, sailor or marine, and a sum not exceeding
25 one dollar and fifty cents a week to relieve the necessitous
26 circumstances of each child under the age of sixteen years
27 or other members of the family incapable of self-mainte-
28 nance, who is dependent upon such soldier, sailor or marine;
29 provided, however, that the sum so paid shall not in any
30 case exceed ten dollars a week for all persons entitled

31 thereto under the provisions of this act by reason of their
32 relationship and dependency upon one soldier, sailor or
33 marine, and such money in the same amounts shall be fur-
34 nished to relieve the necessitous circumstances of any of
35 the aforesaid relatives of any such soldier, sailor or ma-
36 rine killed in battle, totally disabled or dying as a result
37 of the casualties of war or of sickness contracted in the
38 line of his duty, and not of his own fault, the beginning
39 or continuation of whose service was subsequent to the said
40 first day of April, nineteen hundred seventeen, provided
41 such relatives would be entitled thereto under this act if
42 such soldier, sailor or marine were living.

The money authorized to be raised under this act shall
2 be available only to inhabitants of the aforesaid cities,
3 towns and plantations of the state of Maine on the said
4 first day of April, nineteen hundred seventeen, but any
5 persons entitled to receive aid hereunder shall not forfeit
6 the same 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 and federal
4 compensation in lieu of insurance, federal allotment and
5 federal allowance and any and all other provisions made
6 by either state or federal government or any divisions or
7 departments thereof for the same or similar purposes con-
8 templated 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 be
3 reimbursed from the state treasury to such city, town or
4 plantation.

Sect. 4. Towns to file certified accounts. No such re-
2 imbursement shall be made in any case, until an account
3 of the expenditures, duly certified and sworn to by a ma-
4 jority of the municipal officers of the city, town and plan-
5 tation in the state, furnishing the aid as aforesaid, shall
6 be made and filed with the governor and council and a
7 recital of so much of the facts as shall show the dependency
8 and necessitous circumstances in each case, which account
9 shall set forth the name of the soldier for whose family
10 expense has been incurred, also the name, age and rela-
11 tionship of each person who received aid and the sum paid
12 for each of said persons. Accounts thus made out and
13 filed within the time hereinafter prescribed, shall be ex-
14 amined by the governor and council, and if found correct
15 and duly vouchered 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
6 such filing. If approved, the amounts allowed shall be
7 paid, upon warrants drawn by the governor against any
8 moneys in the treasury not otherwise appropriated and
9 especially the proceeds of bonds or notes authorized by
10 the legislature for war purposes, by the state treasurer
11 to the city, town or plantation whose claim has been thus
12 established.

Sect. 6. No pauper disabilities shall be created by rea-
2 son 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 mem-
3 ber of the family as aforesaid, of any commissioned offi-
4 cer in the military or naval service as aforesaid, or money
5 applied to aid the family of any soldier, sailor or marine
6 who has deserted the service, after notice of such desertion.

7 shall have been received by the city, town or plantation of
8 his residence.

Sect. 9. Applicants for allowance under this act shall, as
2 a basis for the first payment thereof, state in writing, un-
3 der 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 regi-
6 ment or branch of service in which he was enlisted and in
7 which he last served, the date and place of his enlistment,
8 if known, the duration of his service, the amount of United
9 States pay, allotment and federal family allowance, the av-
10 erage weekly amount contributed by the soldier, sailor or
11 marine during the year previous to service, and reason for
12 the application, and shall furnish such official certificates
13 on records, or other evidence of enlistment, service and
14 discharge or of physical or personal condition as may be
15 required.

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
4 of this act, shall be punished by a fine of not more than
5 five 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 hun-

10 dred dollars, or by imprisonment for not more than one
11 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 mat-
5 ters embraced within the terms of this act.

Sect. 12. If any city, town or plantation, or the municipi-
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 aggrieved
8 party and one-half to the county where the cause is tried,
9 to be recovered by an action on the case in any court hav-
10 ing jurisdiction in such county of civil actions to the
11 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 of city, town or planta-
12 tion, or the municipal officers thereof, neglecting or refus-
13 ing to comply with the orders of the governor and council,
14 to whom an appeal shall have been taken under this sec-
15 tion for a period of thirty days after such award and or-
16 der has been made by the governor and council, shall for-
17 feit and pay the sum of one hundred dollars, one-half to
18 the use of the aggrieved party and one-half to the county
19 where the cause is tried, to be recovered by an action on
20 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
2 to give immediate notice to the several cities, towns and
3 plantations of the state, of all cases of desertion of each
4 soldier, sailor or marine residing therein and also in all
5 cases of return from desertion, and also when any non-
6 commissioned officer or private shall have been promoted
7 to the 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.