

MAINE STATE LEGISLATURE

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CHAPTER 3
BENEFITS FOR CERTAIN VETERANS
AND DEPENDENTS

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SUBCHAPTER I.

PENSIONS

Sec.

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- 52. Pensions to widows, orphans and relatives.
- 53. Jurisdiction.
- 54. Monthly payments.
- 55. Special legislative pensions.

§ 51. Pensions to soldiers, sailors or dependents

Any person who has served in the Army or Navy of the United States in the War of 1861, on the quota of Maine, and any person not on the quota of Maine, who has served in the Army or Navy of the United States in said war, and at time of making application for pension shall have been a resident of the State at least 5 years; any person who has served in the Army or Navy of the United States in the War with Spain, on the quota of Maine, and any person whether or not on the quota of Maine, who has served in the Army or Navy of United States in the War with Spain or the Philippine Insurrection at any time prior to the 4th day of July, 1902, and at time of making application for pension shall have been a resident of the State at least 5 years, and who is unable from his own resources and the United States pension, if any, to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the State not exceeding \$12 a month, provided he has been honorably discharged from said service. No such pension shall be paid by this State to persons residing in other states.

R.S.1954, c. 26, § 6.

§ 52. Pensions to widows, orphans and relatives

The widow during her widowhood, or the son, daughter, parent or sister of any soldier or seaman deceased, who was dependent upon him at the time of his decease, is entitled to the same pension as is provided in section 51 and under similar conditions, provided not more than \$12 a month shall be paid the dependents of any such soldier or seaman. Any son, daughter, parent or sister of any soldier or seaman deceased, who was receiving a pension on July 10th, 1925, shall not be rendered ineligible by reason of anything herein contained.

R.S.1954, c. 26, § 7.

§ 53. Jurisdiction

The department shall determine whether or not any applicant is entitled to a pension under sections 51 and 52.

R.S.1954, c. 26, § 8; 1963, c. 60, § 2.

§ 54. Monthly payments

Pensions granted under sections 51 to 54 shall be paid monthly from the State Treasury.

R.S.1954, c. 26, § 9.

§ 55. Special legislative pensions

All special legislative pensions granted prior to January 1, 1941, and charged to the appropriation for support of dependent soldiers and sailors shall be paid from the appropriation for special legislative pensions. If investigation by the Department of Health and Welfare reveals that the need for a special pension no longer exists said department may suspend the same for part or all of the period until the next regular session of the Legislature, and shall promptly notify the person to that effect.

R.S.1954, c. 25, § 320.

SUBCHAPTER II.**AID TO DEPENDENTS OF VETERANS OF WORLD
WAR I OR II OR KOREAN CAMPAIGN**

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§ 101. Definitions

As used in this subchapter the following terms shall have the following meanings:

1. Child. The term "child" shall be construed to mean a child under the age of 16, or over age 16 and under age 18 if found by the department to be regularly attending school, or over 16 and not attending school if, prior to reaching age 16, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, and shall include a foster child, a legitimate or legally adopted child of the veteran, or a stepchild if a member of the veteran's household either at time of application, or in the event of the veteran's death, at time of death, and who continues a member of the household, or an illegitimate child, provided that the veteran has been judicially ordered or decreed by the court to contribute to the child's support, or has been judicially decreed to be the putative father or has acknowledged under oath in writing that he is the father of such child.

1955, c. 109, § 1; 1963, c. 60, § 2.

2. Parent. The term "parent" shall mean the father or mother of a veteran with whom the veteran lived during his minority and for whom he would be legally responsible under the laws of the State; or the foster father or mother of a veteran.

1955, c. 109, § 2.

3. Veteran. The term "veteran" shall be construed to mean any person who served in the armed forces of the United States on active duty during World War I, World War II or the Korean Campaign, not dishonorably discharged.

4. Wife. The term "wife" shall be construed to mean the legally married wife of the veteran, not divorced, or the unmarried widow of the veteran, not previously divorced.

5. World War I and II; Korean Campaign. The term "World War I" shall mean that period between April 6, 1917 and November 11, 1918; if service was in Russia the ending date shall

be on March 31, 1920. The term "World War II" shall mean that period between December 7, 1941 and December 31, 1946. The term "Korean Campaign" shall mean that period between June 27, 1950 and January 31, 1955. (1955, c. 147, § 1.)

R.S.1954, c. 26, § 10; 1955, c. 109, §§ 1, 2; c. 147, § 1; 1963, c. 60, § 2.

§ 102. Eligibility for aid

Aid shall be granted under this subchapter to the needy wife, child or parent or parents, residing in the State, of a veteran, providing said veteran enlisted or was inducted while having a residence in the State of Maine, or who shall have been a resident of the State at least 5 years previous to date of application, and who is deceased or disabled, or providing, if the veteran is deceased and not enlisted or inducted while having a residence in the State, that the dependent or dependents applying shall have been resident of the State at least 5 years previous to date of application. Such aid shall not be forfeited by reason of temporary absence from the state. The department shall endeavor to give preference to applications in which the death or disability of the veteran is due to service or in which the department might presume that death or disability might be due to service. The department shall require satisfactory proof as to the disability of a veteran and its effect on his ability to provide for himself and dependents. During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement and no person receiving such aid under this subchapter shall be considered a pauper.

R.S.1954, c. 26, § 11; 1963, c. 60, § 2.

§ 103. Eligibility under other laws

Any applicant for or recipient of assistance under this subchapter, who is found eligible to receive public assistance under any state law for which federal funds are available, shall receive assistance under one of the state laws for which federal funds are available. Aid may be granted under this subchapter until payments can be made under one of the state laws for which federal funds are available.

R.S.1954, c. 26, § 12.

§ 104. Applications

Application for aid under this subchapter shall be made to the department on forms provided for this purpose by the department,

and may be made by the dependent of the veteran, or any person who is recognized by the department as entitled to act therefor.

R.S.1954, c. 26, § 13; 1963, c. 60, § 2.

§ 105. Amount of aid

The department shall determine the character and amount of aid which shall be granted with due regard to the resources of the veteran and his dependents and the necessary expenditures and conditions existing in each case, and which shall be sufficient, when added to all other income and resources available, to provide such dependents with a reasonable subsistence compatible with decency and health. In determining the amount of aid the department shall use the same budgetary standards as are being used by the Department of Health and Welfare.

R.S.1954, c. 26, § 14; 1963, c. 60, § 2.

§ 106. Administration of funds

The department shall administer all funds appropriated for the purpose of this subchapter. It shall make such rules and regulations with respect to the administration of this subchapter as it deems advisable.

R.S.1954, c. 26, § 15; 1963, c. 60, § 2.

§ 107. Appeals

Any person who is denied or who is not satisfied with the amount of aid allotted to him by the department shall have the right of appeal to the commissioner, who shall provide the appellant with reasonable notice and opportunity for a fair hearing. Said commissioner or a member of the department designated and authorized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period after the date of hearing. When the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.

R.S.1954, c. 26, § 16; 1963, c. 60, § 2.

§ 108. Payments

Aid granted under this subchapter as approved by the department and audited by the State Controller shall be paid by the Treasurer of State, and may, in the discretion of the department,

be paid to any persons whom it may designate for the benefit of such dependents.

R.S.1954, c. 26, § 17; 1963, c. 60, § 2.

§ 109. Fraud

Whoever knowingly shall make a false statement, oral or written, relating to a material fact in support of application for aid under this subchapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months. Whoever, being entitled to the benefits of this subchapter, fraudulently applies for or receives assistance for a period of time following a termination of his right to receive the same, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 26, § 18.

§ 110. Authority to receive federal funds

The department shall have authority to accept any federal law now in effect or hereafter enacted which makes federal funds available to the states for:

1. Information concerning rights. The furnishing of information to veterans and their beneficiaries and dependents concerning their rights under laws of the United States and the states relating to veterans' benefits;

2. Application for benefits. Providing assistance in making application for such benefits; and

3. Reemployment; administration. Furnishing information and assistance with respect to reemployment and other matters relating to the readjustment of veterans to civilian life, and to meet such federal requirements with respect to the administration of such funds as are required as conditions precedent to receiving such federal funds.

R.S.1954, c. 26, § 19; 1963, c. 60, § 2.