

MAINE STATE LEGISLATURE

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October 23, 1944

To Harry O. Page, Commissioner of Health and Welfare
Re: Beginning Date of War Period.

The question you raise is whether, in the administration of the provisions of Chapter 89 of the Public Laws of 1943, we should consider the beginning of the war period as December 7, 1941 or as September 16, 1940.

The President was authorized by Public #2, Section 4, 73rd Congress, approved March 20, 1933, to

"prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this act be deemed wartime service."

The President, on March 31, 1933, by Veterans' Regulation #10, paragraph 1, prescribed the period of World War I. This regulation was amended by Public #10, 78th Congress, approved March 17, 1943. This regulation defined World War II Veterans as follows:

"Any person who served in the active military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress."

The law relating to compensation and pension was amended by Public 144, 78th Congress, approved July 13, 1943, by including veterans or dependants of veterans who served

"during an enlistment or employment entered into on or after December 7, 1941 and before the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress."

Public #10, 78th Congress, approved March 17, 1943, amends that portion of Veterans Regulation #10 which carries miscellaneous provisions relating to pension, hospitalization, domiciliary care and burial, and defines a veteran of World War II as:

"Any person who served in the active military or naval service of the United States on or after December 7, 1941 and before the termination

of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress."

Public #225, 78th Congress, approved February 3, 1944, provides mustering-out payments to

"each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941."

The effect of the various provisions above mentioned and quoted is the basis for establishing the beginning of World War II as December 7, 1941. In general, I am of the opinion that for the purposes of the administration of the provisions of Chapter 89 of the Public Laws of 1943 the beginning of the War must be considered as December 7, 1941.

However, this interpretation of the law applies only to the eligibility requirements for compensation, pensions, hospitalization, domiciliary care and burial.

If there are other benefits to which World War II veterans and their dependants are entitled by virtue of Federal Acts or legally authorized regulations issued by the Veterans Administration or the War or Navy Departments and which would accrue to persons who served in the active military or naval forces on or after September 16, 1940, such persons will be deemed eligible to receive such other benefits as it may be possible to provide under the terms of the Maine World War Assistance Act and the administrative policies established thereunder.

LeRoy R. Folsom
Assistant Attorney General

LRF:ms