

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 345

H. P. 899 House of Representatives, Feb. 4, 1931.

Referred to Committee on Pensions and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Stearn of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT to Provide for a System of Non-Contributory Old
Age Pensions.

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

Section 1. There is hereby created within the Department of Public Welfare a Board of Old Age Pensions headed by a Chairman, whose duty shall be to supervise and arrange for the payment of old age pensions and funeral allowances to persons who are entitled thereto under the provisions of this act, and otherwise see that the provisions of this act are carried out.

Sect. 2. The Governor with the advice and consent of the Council shall appoint a Chairman and four other persons as members of the Board of Old Age Pensions. They shall serve for a term of four years, except that of the first five persons appointed the Chairman and one other shall be appointed to serve for a period of four years, one for three years, and one for two years, and one for one year. The members of the board shall receive five dollars per day while actually engaged in the business of the board, and their necessary expenses incurred in the performance of their duties.

Sect. 3. The Board of Old Age Pensions shall have the power to appoint such deputies, agents, investigators, clerks, and other employees as the work of the board may require and as the legislature may provide for.

Sect. 4. Cities, towns, and plantations are hereby authorized and directed to create local Old Age Pension Boards. The Overseers or Board of Overseers of the Poor shall serve ex-officio as the local Old Age Pension Board, unless the city by ordinance, or the town or plantation by vote upon warrant shall provide specially for a local Old Age Pension Board. Cities by ordinance, and towns and plantations by vote upon warrant may unite for the purpose of maintaining a local Old Age Pension Board.

Sect. 5. Whenever an application is made to the local Old Age Pension Board for an old age pension the local board directly or through an agent shall promptly make an investigation, and, after hearing the applicant if he so requests, shall pass upon the application and if it approves the application shall determine the amount of the old age pension to be allowed and make a record of its decision. If the applicant is dissatisfied with the award of the local board he may appeal within thirty days to the state old age pension board, which shall decide the questions at issue.

Sect. 6. The local boards and the state old age pension board shall have the power to subpoena witnesses, compel the production of books, papers and records, and administer oaths.

Sect. 7. Subject to the qualifications and restrictions contained in this act, every person residing in this state shall be entitled to a pension in old age. The amount of the pension shall be the amount which, when added to the income of the applicant from all other sources, will be necessary to make the income of an applicant equal to one dollar a day, or such additional sum in the case of persons who are ill as may be necessary to provide for the applicant adequate and decent maintenance and care.

Sect. 8. An old age pension shall be granted only to an applicant who

(a) Is sixty-five years of age or more.

(b) Has no property or property which, including household furniture, totals less than three hundred dollars, provided, however, that the value of a house owned by the applicant or by the applicant jointly with his spouse, and used exclusively by the applicant and his family for a dwelling shall not be considered in reckoning the amount of property.

(c) Has resided in the city or town for a year preceding his application and has resided continuously in the state for fifteen years preceding the date of application, provided, however, that continuous residence in the state shall not be deemed to have been interrupted by periods of absence of less than a year, totaling less than three years; or has resided in the state a total of twenty-five years, at least five of which have immediately preceded the application, provided, however, that absence in the service of the state or of the United States shall not be deemed to interrupt residence in the state.

(d) Is not at the time of making application an inmate of any prison, jail, insane asylum, or any public reform or correctional institution, or during the period of ten years immediately preceding such application has not been in prison for four months or more for an offence for which he was sentenced without option of a fine.

(e) Has not during the fifteen years preceding the date of application, if a husband, deserted his wife, or without just cause failed to support her or his children under fifteen years of age; if a wife has not deserted her husband or failed without just cause to support such of her children under fifteen as she was bound to support.

(f) Has not within year preceding such an application been a professional tramp or beggar.

(g) Has no spouse able to support him.

(h) Has no children able to support him.

Sect. 9. Any applicant for an old age pension who deprives himself directly or indirectly of any property for the purpose of qualifying for an old age pension shall forfeit all right to receive an old age pension under this act.

Sect. 10. For the purpose of determining the amount of old age pensions under this act, the income of the applicant shall be taken to be his income for the twelve months preceding the date of application unless evidence is submitted and a finding made that the probable income for the succeeding twelve months will be a different amount.

Sect. 11. On the death of a person receiving a pension under this act the total amount paid to him in pensions, together with simple interest at five per cent, shall be allowed as a claim upon the estate by the court having jurisdiction to set-

tle the estate and one third thereof shall be paid into the treasury of the city, town, or plantation, and two thirds into the treasury of the state.

Sect. 12. If the local old age pension board deems it necessary to protect the interest of the city, town, plantation or the state, it may from time to time file attachments with the register of deeds against the property of a recipient of an old age pension for the amount of old age pensions paid under this act.

Sect. 13. If the recipient of an old age pension or his spouse becomes possessed of any property or income in excess of the amount allowed by this act, it shall be his duty immediately to notify the local board of such fact, and it may upon inquiry revoke or reduce the pension; any excess pension paid shall be returned and be recoverable as a debt; two thirds of the amount returned or recovered shall be payable to the state and one third to the city, town or plantation.

Sect. 14. If any recipient shall suffer a reduction in his property or income below the amount which he was expected by the local board to hold or receive he may apply to the local board for an increase in the pension and if they believe upon investigation that the reduction is likely to be permanent, they shall grant an increase in the amount of the pension.

Sect. 15. Any recipient of an old age pension who is convicted of drunkenness may be disqualified for receiving or continuing to receive an old age pension for a period of three months after the date of his conviction if the court so directs.

Sect. 16. If on the death of a recipient it is found that he was possessed of property or income in excess of the amount specified by this act, double the amount of the pension in excess of that to which he was entitled may be recovered by the local from his estate and one third thereof shall be paid into the treasury of the city, town, or plantation, and two thirds into the treasury of the state.

Sect. 17. On the death of a recipient, reasonable funeral expenses not exceeding one hundred dollars shall be paid by the local board if the estate of the deceased is insufficient to pay the same.

Sect. 18. If the recipient of a pension is, on the testimony of reputable citizens, found by the local board to be incapable of taking care of himself or his money, the board after due in-

vestigation, may direct the instalments of the pension to be paid to any responsible person or corporation for his benefit.

Sect. 19. All rights to a pension shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy to any trustee, assignee or creditors.

Sect. 20. If at any time the local board has reason to believe that the pension has been improperly obtained, it shall cause special inquiry to be made immediately and may suspend payment of any installment pending the inquiry. If on inquiry it appears that the pension was improperly obtained, the grant of a pension shall be cancelled by the local board; and the amount of a pension in excess of the lawful amount with interest at five per cent shall be recoverable; but if the pension was properly obtained the suspended payments shall be payable.

Sect. 21. Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent devices obtains or attempts to obtain, or aids or abets any person to obtain,

(a) A pension to which he is not entitled.

(b) A larger pension than that to which he is entitled, or

(c) Payment of any forfeited instalment of a pension; and any person who buys or aids or abets in buying or in any way disposing of the property of a recipient in such a way as to constitute a fraud upon the old age pension board shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or undergo imprisonment not exceeding one year, or both.

Sect. 22. Any person who violates any provisions of this act for which no penalty is specifically provided shall upon conviction be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both. If a recipient of a pension is convicted of an offense under this section the local board may cancel the pension.

Sect. 23. If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment. In such cases, the pension may be declared forfeited in the discretion of the local board or by the decree of the court.

Sect. 24. The board of old age pensions shall supervise the work done and the amount of old age pensions granted under the provisions of this act by the local old age pension boards, to the end that aged persons may receive suitable and dignified maintenance and care, and that uniformity of treatment of the aged may prevail throughout the state. For these purposes they may visit and investigate the recipients of old age pensions, and shall have access to all records or other data kept by the local old age pension boards.

The local old age pension boards shall make full and complete reports to the state board of old age pensions, giving the number of persons granted pensions under this act, the amount of pensions granted to each, the number and amount of funeral allowances paid under this act, and the amount of money recovered under sections eleven, thirteen, sixteen, and twenty of this act. The chairman of the board of old age pensions shall have the power to make reasonable rules and regulations concerning the keeping of records and the making of reports by the local old age pension boards.

The department of public welfare shall include in its annual report a separate statement of the work done and the money spent under this act, including a tabulation of the information received from the local old age pension boards.

Sect. 25. All pensions granted under this act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his pension being affected in any way by such amending or repealing act.

Sect. 26. Whenever used in this act, the singular shall include the plural and the masculine the feminine.

Sect. 27. The expenses of the board of old age pensions shall be paid by the treasurer of the state out of money specifically appropriated for that purpose by the legislature.

Sect. 28. Two thirds of the amount paid by the local old age pension boards for old age pensions, and the funeral expenses of aged persons under this act, shall, after approval of the bills by the board of old age pensions, be paid to the cities, towns and plantations by the treasurer of the state out of money specifically appropriated for that purpose by the legis-

lature, provided that reports are rendered by the local old age pension boards to the board of old age pensions in the manner prescribed by the chairman of the old age pension board under section twenty-four of this act.

Sect. 29. The unconstitutionality of any section or provision of this act shall not invalidate the remainder of the act.