

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

EIGHTY - SEVENTH LEGISLATURE

---

---

Legislative Document

No. 517

S. P. 427

In Senate, Feb. 12, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Winn of Androscoggin.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

---

AN ACT Relating to Old Age Pensions.

---

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

**P. L., 1933, c. 267, repealed.** Chapter 267 of the public laws of 1933 is hereby repealed and the following enacted in place thereof.

**Sec. 1. Department of health and welfare to control.** The department of health and welfare shall administer the provisions of law relating to old age pensions. It is hereby empowered to employ such assistants as may be necessary to carry out the provisions of this act, and to coordinate their work with that of the other social welfare work of the department.

**Sec. 2. Amount of pension.** 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 maximum payment allowed under the provisions of this act shall be \$30 per month for the 1st person in any family entitled to such pension and \$15 per month for other persons in the same family entitled to such pension. All applications shall be upon forms furnished by said department which have been approved by the attorney-general.

**Sec. 3. Who entitled to pension.** An old age pension shall be granted only to an applicant who (a) is 65 years of age or more. Proof of the age

of the applicant must be made by filing certified copies of public or church records or by affidavit of 2 or more reliable persons.

(b) Has resided continuously in the state for 15 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 3 years; or has resided in the state a total of 25 years, at least 5 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.

(c) 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 10 years immediately preceding such application has not been in prison for 4 months or more for an offense for which he was sentenced without option of a fine.

(d) Has not during the 15 years preceding the date of application, if a husband, deserted his wife, or without just cause failed to support her or his children under 15 years of age; if a wife, deserted her husband, or failed without just cause to support such of her children under 15 years of age, as she was bound to support.

(e) Has not within 2 years preceding such an application been a professional tramp or beggar.

(f) Is a citizen of the United States.

(g) Is not receiving any other pension or relief from the state or from United States.

**Sec. 4. Insanity; effect of.** Said pension shall cease upon committal of the pensioner to any institution for the insane and continues so long as he remains an inmate thereof.

**Sec. 5. Intoxication; effect of.** 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 3 months, after the date of his conviction if the court so directs.

**Sec. 6. Funeral expenses.** On the death of a recipient, reasonable funeral expenses not exceeding \$100 shall be paid by the state if the estate of the deceased is insufficient to pay the same.

**Sec. 7. Incapacity; effect of; pension not assignable.** If the recipient of a pension is, on the testimony of reputable citizens, found by said department to be incapable of taking care of himself or his money, the department

after due investigation, may direct the installments of the pension to be paid to any responsible person or corporation for his benefit.

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.

**Sec. 8. Pensions improperly obtained; procedure.** If at any time the said department 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; and the amount of a pension in excess of the lawful amount with interest at 5% shall be recoverable; but if the pension was properly obtained the suspended payment shall be payable.

**Sec. 9. Wrongful procurement of pension; penalty for.** 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.

(c) Or who violates any provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. If a recipient of a pension is convicted of an offense under this section the department may cancel the pension.

**Sec. 10. Department to report to governor.** The department of health and welfare shall report to the governor and council semi-annually, and oftener, if by them requested, and in such manner and form as they require, the number of applications granted, the number denied, the number canceled or revoked, and the total amount expended under the provisions of this chapter.

**Sec. 11. Municipalities responsible; when.** This act shall not relieve any municipality from responsibility for the maintenance of any person more than 65 years of age who cannot qualify for assistance under this act, or who cannot be provided for under the current appropriation for carrying out the provisions of this act.

**Sec. 12. Contributions; disposal of.** Said department, when authorized

by the governor and council, may accept contributions voluntarily made to be added to the appropriations made by the state, and they shall be administered by said department.'