

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 566

H. P. 1272

House of Representatives, February 12, 1935.

Referred to Committee on Pensions and 1,000 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bramson of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT to Provide for Old Age Pensions.**

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

**Sec. 1. Department of health and welfare to supervise old age pensions.**

The department of health and welfare shall supervise the carrying out and enforcement of 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. Requisites for pension.** (a) An old age pension shall be granted to any applicant who is 65 years of age or more.

(b) Has resided in the state preceding his application for 15 years, 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 a citizen of the United States.

(d) Is not at the time of making application an inmate of any prison, jail, insane asylum, or any public reform or correctional institution.

**Sec. 3. Pension may be paid to a guardian.** If the recipient of a pension be incapable of taking care of himself or herself, or his money or her money, the instalments of the pension may be paid to any respectable person or corporation for his benefit.

**Sec. 4. Inalienability of pension.** 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. 5. Penalty for fraud.** Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent devices obtains or attempt 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 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.

**Sec. 6. General penalty.** Any person who violates any provisions of this act for which no penalty is specifically provided shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months. If a recipient of a pension is convicted of an offense under this section, his or her pension shall be cancelled.

**Sec. 7. The department of health and welfare of the state shall be known as the old age pension board.**

**Sec. 8. Supervision and reports.** The department of health and welfare shall supervise the work done and the amount of old age pensions granted under the provisions of this act. For these purposes they may visit and investigate the recipients of old age pensions, and shall have access to all records or other data. The local old age pension boards shall make full and complete reports to the said department giving the number of persons granted pensions under this act, the amount of pensions granted to each. The said department shall have the power to make reasonable rules and regulations concerning the keeping of records and the making of reports. The said department 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. The amount of the pension shall be \$15 per month.

**Sec. 9. Limitations of act.** 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.

**Sec. 10. Saving clause.** The unconstitutionality of any section or provision of this act shall not invalidate the remainder of the act.

**Sec. 11. No recipient of the pension can receive a pension under any other act or law of the state.**

**Sec. 12. Old age pension fund.** The net income of the state liquor commission shall be used for the payment of the old age pensions. This fund shall be created after the state has been repaid the amount which it advanced to install the state liquor commission and after a working capital has been created for the state liquor commission for the installation of additional liquor stores.

**Sec. 13. P. L., 1933, c. 267, repealed.** Chapter 267 of the public laws of 1933 is hereby repealed.