

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 816

H. P. 1794

House of Representatives, March 22, 1935.

Reported by Mr. Richardson from Committee on Pensions and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT H. P. 1272, L. D. 566

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Provide for Old Age Pensions

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. Definition. The word "department" wherever hereinafter used shall be construed to mean the state department of health and welfare.

Sec. 3. Old age pensions provided for. Subject to the qualifications and restrictions contained in this act, every person residing in this state, in as far as funds set up will permit, shall be entitled to a pension in old age. The amount of the pension shall be \$15 per month plus any amount which may be set up by the federal government, but shall not exceed the amount which when added to the income of the applicant from all other sources, will be necessary to make the total income of an applicant not in excess of

\$1 a day, and/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. No person receiving aid under this act shall be deemed a pauper.

Sec. 4. Requisites for pension. An old age pension shall be granted only to an applicant who,

(a) Is 70 years of age or more.

(b) Has no property, or property which, including household furniture, totals more than \$300; 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 state for 5 consecutive years or more within the 10 years immediately preceding application for assistance.

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

(e) Has not during the 10 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.

(f) Has no spouse able to support him.

(g) Has no child able to support him.

(h) Is a citizen of the United States.

Sec. 5. Disqualification of applicant. Any applicant for an old age pension who divests 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.

Sec. 6. Claims against estate of pensioned person. 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 5% may be allowed as a claim upon the estate by the court having jurisdiction to settle the estate and shall be paid into the treasury of the state.

Sec. 7. Change of status of pensioned person. 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 department 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 payable to the state.

Sec. 8. Penalty for felony of pensioned person. Any recipient of an old age pension who is convicted of a felony shall be disqualified from receiving or continuing to receive an old age pension.

Sec. 9. Recovery from estate of pensioned person, if property value has been misrepresented. 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 department from his estate and shall be paid into the treasury of the state.

Sec. 10. Funeral expenses of pensioned person. On the death of a recipient, reasonable funeral expenses not exceeding \$100 shall be paid by the department if the estate of the deceased is insufficient to pay the same.

Sec. 11. Pension may be paid to a guardian. If the recipient of a pension is, on the testimony of reputable citizens, found by the department to be incapable of taking care of himself or his money, the department after due investigation, may pay the same to some responsible person for his benefit.

Sec. 12. 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. 13. 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 knowingly 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 department, 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 1 year, or by both such fine and imprisonment.

Sec. 14. General penalty. Any person who violates any of the 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 1 year, 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. 15. Suspension or forfeiture of pension. 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 department or by decree of the court.

Sec. 16. Old age pension fund. To carry out the provisions of this act, the state controller is hereby directed and empowered to set up from general funds of the state such an amount as may be required to carry out the provisions of this act.

Sec. 17. Administration. All monies set up under this act shall be expended by the department which shall be allowed a sum not exceeding 4% of such monies for the purposes of administration. All pensions granted under this act shall be paid monthly by the treasurer of state upon approval of the department.

Sec. 18. Acceptance of provisions of federal law. Any of the provisions of this law which may be inconsistent with the provisions of any federal law which may hereafter be enacted providing for old age pensions shall be considered as modified to the extent that the state or the persons entitled to old age pensions under this law, may receive the benefits of such federal law.

Sec. 19. Saving clause. The unconstitutionality of any section or provision of this act shall not invalidate the remainder of the act.

Sec. 20. P. L., 1933, c. 267, repealed. Chapter 267 of the public laws of 1933 is hereby repealed.