

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 527

S. P. 324

In Senate, February 11, 1943.

Referred to Committee on Military Affairs, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT Relating to the Support of Dependents of Veterans of World War
I and World War II.**

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

Sec. 1. Definitions. (a) The word "department" wherever used in this act shall be construed to mean the department of health and welfare.

(b) The term "wife" wherever used in this act shall be construed to mean the legally married wife of the veteran, not divorced, or the unremarried widow of the veteran, not previously divorced.

(c) The term "child" shall be construed to mean a child under the age of 16, or over age 16 and under age 18 if found by the department to be regularly attending school, or over 16 and not attending school if, prior to reaching age 16 the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, and shall include a legitimate or legally adopted child of the veteran, or a stepchild if a member of the veteran's household either at time of application, or in the event of the veteran's death, at time of death, and who continues a member of the household, or an illegitimate child, provided that the veteran has been judicially ordered or decreed by the court to contribute to the child's sup-

port, or has been judicially decreed to be the putative father, or has acknowledged under oath in writing that he is the father of such child.

(d) The term "parent" shall mean the father or mother of a veteran with whom the veteran lived during his minority and for whom he would be legally responsible under the laws of the state.

(e) The term "veteran" wherever used in this act shall be construed to mean any person who served or is serving in the armed forces of the United States on active duty during World War I or World War II, not dishonorably discharged.

(f) The terms "World War I" and "World War II" shall be interpreted in accordance with the Acts of Congress as now or hereafter defined by the regulations of the federal departments charged with administering monetary and other benefits to veterans and their dependents.

Sec. 2. Eligibility for aid. Aid shall be granted under this act to the needy wife, child, and/or parent or parents, residing in the state, of a veteran, providing said veteran enlisted or was inducted while having a residence in the state of Maine, or who shall have been a resident of the state at least 5 years previous to date of application, and who is deceased or disabled, or providing, if the veteran is deceased and not enlisted or inducted while having a residence in the state, that the dependent or dependents applying shall have been resident of the state at least 5 years previous to date of application. Such aid shall not be forfeited by reason of temporary absence from the state. The department shall endeavor to give preference to applications in which the death or disability of the veteran is due to service or in which the department might presume that death or disability might be due to service. The department shall require satisfactory proof as to the disability of a veteran and its effect on his ability to provide for himself and dependents. During the period that such aid is being paid the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement and no person receiving such aid under this act shall be considered a pauper.

Sec. 3. Application. Application for aid under this act shall be made to the department on forms provided for this purpose by the department, and may be made by the dependent of the veteran, or any person who is recognized by the department as entitled to act therefor.

Sec. 4. Amount of aid. The department shall determine the character and amount of aid which shall be granted with due regard to the resources of the veteran and his dependents and the necessary expenditures and con-

ditions existing in each case, and which shall be sufficient, when added to all other income and support available, to provide such dependents with a reasonable subsistence compatible with decency and health.

Sec. 5. To be administered by the department of health and welfare. The department of health and welfare shall administer all funds appropriated for the purpose of this act. It shall make such rules and regulations with respect to the administration of this act as it deems advisable.

Sec. 6. Right of appeal. Any person who is denied or who is not satisfied with the amount of aid allotted to him by the department, shall have the right of appeal to the commissioner of health and welfare who shall provide the appellant with reasonable notice and opportunity for a fair hearing. Said commissioner or a member of the department designated and authorized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period after the date of hearing; provided that when the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.

Sec. 7. Penalty for false statement or fraudulency. Whoever knowingly shall make a false statement, oral or written, relating to a material fact in support of application for aid under the provisions of this act shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months. Whoever, being entitled to the benefits of said act, fraudulently applies for or receives assistance for a period of time following a termination of his right to receive the same, 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. 8. Payment of relief. Relief granted under the provisions of this act as approved by the department and audited by the state controller shall be paid by the treasurer of state, and may, in the discretion of the department, be paid to any persons whom it may designate for the benefit of such dependents.

Sec. 9. Repeal of existing laws. Sections 234 to 240-A inclusive of chapter 1 of the public laws of 1933, as amended, are hereby repealed. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform with the provisions hereof.