

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE
UNDER
RESOLVE OF APRIL 15, 1927

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State Pensions.

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CHAPTER 158.

The State Pension Law.

- Sections 1-16 Pensions for Soldiers and Sailors.
Sections 17-20 Pensions for the Blind.
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Pensions for Soldiers and Sailors.

Sec. 1. Pensions to soldiers and sailors. R. S. c. 148, § 1. 1919, c. 110, § 1. 1925, c. 119, § 1. Any person who has served by enlistment in the army or navy of the United States in the war of eighteen hundred and sixty-one, on the quota of Maine, and any person not on the quota of Maine, who has served in the army or navy of the United States in said war, and at time of making application for pension shall have been a resident of the state at least five years; also any person who has served by enlistment in the army or navy of the United States in the war with Spain, on the quota of Maine, and any person whether on or not on the quota of Maine, who has served in the army or navy of the United States in the war with Spain or the Philippine insurrection at any time prior of the fourth day of July, nineteen hundred and two, and at time of making application for pension shall have been a resident of the state at least five years, and who is unable from his own resources and the United States pension to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state, not exceeding twelve dollars a month, provided, he has been honorably discharged from said service. No such pension shall be paid by this state to persons residing in other states.

Sec. 2. Pensions to widow, orphan children, and dependent relatives. R. S. c. 148, § 2. 1919, c. 110, § 2. 1925, c. 119, § 2. The widow during her widowhood, children under sixteen years of age, minor children over sixteen years of age who are partially or totally disabled by physical or mental infirmity, or the son, daughter, parent, or sister of any soldier or seaman deceased, who was dependent upon him at the time of his decease, are entitled to the same pension as is provided in the preceding section and under similar conditions; provided, that not more than twelve dollars a month shall be paid the dependents of any such soldier or seaman. Any son, daughter, parent, or sister of

any such soldier or seaman deceased, who is receiving a pension at the time of passage of this act, shall not be rendered ineligible by reason of anything herein contained.

Sec. 3. Benefits are limited to residents. R. S. c. 148, § 3. The two preceding sections do not include any soldier or seaman who was not a resident of this state at the time of entering the service, or who has not since become a resident thereof.

Sec. 4. Pensions to soldiers of Aroostook War. R. S. c. 148, § 4. *Any citizen of Maine who served in the drafted quota of the militia in the Aroostook war, has been honorably discharged and has been unable from his own resources to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state of four dollars a month. The same shall be paid in accordance with the regulations provided in the four following sections.*

Note. Presumably obsolete.

Sec. 5. Certificates, by whom to be issued. R. S. c. 148, § 5. 1919, c. 200. The execution of the first eight sections of this chapter devolves upon the governor and council, who may appoint a state pension agent, who shall regulate the proof required to entitle applicants to the benefit thereof, and shall issue certificates therefor. The state pension agent may employ one or more clerks with the approval of the governor and council, as the business of his office may demand.

Sec. 6. Pensioners, to be paid quarterly, by town treasurers. R. S. c. 148, § 6. Upon the issue of such certificate, the treasurer of the city, town or plantation where the pensioner resides shall be notified thereof, and shall pay quarterly from the treasury of said city, town or plantation, to the pensioner, the amount specified and for the time specified in said certificate, and take vouchers therefor, and the same shall be reimbursed to said treasurer from the treasury of the state.

Sec. 7. Blanks to be issued to town officers, at state's expense. R. S. c. 148, § 7. The necessary blanks shall be issued to the mayors of cities, selectmen of towns, and assessors of plantations, as the governor may direct, and the expense of printing and distribution shall be paid out of the treasury of the state.

Sec. 8. Municipal officers are not entitled to fees. R. S. c. 148, § 8. No officer of any city, town or plantation shall receive any fees or compensation from the state for services performed under this chapter, or in carrying its provisions into effect.

Sec. 9. Payment of special and civil service pensions. R. S. c. 148, § 9. All pensions granted by special resolves of the legislature to dependent soldiers and sailors or dependent relatives thereof, and all civil service pensions granted under the following section or under section thirty-six of chapter one hundred and fifty-two, shall be paid from the regular appropriations made for state pensions.

Sec. 10. Veterans of civil war retired on half pay. R. S. c. 148, § 10. A veteran of the civil war in the service of the state, including any such veteran in the service of the Augusta state hospital, who has been in such service continuously for twenty-five years, if incapacitated for active duty, shall be retired from active service, upon a pension, which shall be paid from the state treasury, equal to one-half the rate of compensation paid to him at such retirement. Such pension shall only be granted upon the recommendation of the head of the department, or board of trustees having charge of the institution where

such service was last rendered, approved by the governor and council. The provisions of this section shall include a veteran of the civil war who left the service of the state prior to the twenty-fifth day of March, nineteen hundred and thirteen, who is otherwise entitled to its benefits by reason of length of service and inability for active duty; and his retirement pay, as specified in this section, shall be based upon the compensation he was receiving from the state at the time his work for the state ceased; but no retirement pay shall be allowed for any time prior to the twelfth day of July, in the year nineteen hundred and thirteen.

Pensions for the Blind.

Sec. 11. Payments under supervision of governor and council. R. S. c. 148, § 11. The governor and council shall order paid, out of any funds appropriated for that purpose, such sums of money, toward the support of any needy blind person, who may come under the provisions of the following sections, as may be required to carry out the provisions thereof.

Sec. 12. Persons entitled to aid. R. S. c. 148, § 12. 1917, c. 300, § 1. 1921, c. 72. All persons over the age of twenty-one years, who are declared to be blind, in the manner hereinafter set forth, and who come within the provisions of the following sections shall, at the discretion of the governor and council, receive as a benefit not exceeding three hundred dollars a year, for their exclusive benefit and support, payable at the close of each regular quarter, upon warrants drawn on the treasurer of state.

Sec. 13. Persons excluded from receiving aid. R. S. c. 148, § 13. 1917, c. 300, § 2. No person or persons who are charges of any charitable or penal institution of this state or of any charitable or penal institution of any county, city, or town thereof, no person or persons who are able to earn or obtain an income sufficient for their support, and no person who has not resided within the State of Maine continuously for ten consecutive years immediately before applying for said benefit shall be entitled to benefits under the provisions of the following sections; provided, however, that this section shall not be so construed as to exclude persons receiving pauper supplies or persons who may wish to leave any charitable institution in order to avail themselves of the provisions of this chapter.

Sec. 14. Procedure for securing aid. R. S. c. 148, § 14. 1917, c. 300, § 3. Any person claiming the benefits provided herein may go before the city, town, or plantation clerk where he resides and make affidavit to the facts which bring him within the provisions of sections eleven to nineteen, both inclusive, of this chapter; said affidavit shall be deemed an application for said benefit; the clerk shall transmit the same, together with the affidavit of two witnesses having knowledge of the facts as to the places and periods of residence of said applicant, to the municipal officers of the city, town, or plantation in which said blind person resides.

Sec. 15. Appointment of examiner of the blind. R. S. c. 148, § 15. 1917, c. 300, § 4. The municipal officers of cities, towns, and plantations shall appoint a regular practicing physician whose official title shall be examiner of the blind, and said municipal officers shall promptly forward to said examiner all applications received from the clerk of the city, town, or plantation where the applicant resides.

Sec. 16. Duties of examiner of the blind; his compensation. R. S. c. 148, § 16. 1917, c. 300, § 5. The examiner of the blind shall with reasonable promptness examine all applicants for said benefits referred to him by the

municipal officers, and shall endorse on the applications certificates showing whether or not the applicant is blind, the word "blind" within the meaning of this act being construed as having less than one-tenth vision. He shall also state, as fully as his knowledge will permit, the cause of the blindness, or partial blindness, of the applicant, and the percentage of vision, if any, actually retained. He shall keep a register in which he shall enter all the facts contained in each certificate and shall forthwith return said application with his certificate thereon to the municipal officers from whom it was received. He shall be paid from the municipal treasury two dollars for each examination.

Sec. 17. Duties of municipal officers to certify names of applicants entitled to aid. R. S. c. 148, § 17. 1917, c. 300, § 6. The municipal officers shall register the name, address, number, and the date of examination of each applicant, shall promptly make or cause to be made careful investigation by personally interviewing the applicant in his home, looking up his references, and pursuing such other sources of information as are available for the purpose of determining the truth of the statements contained in the application; and whether, under all the circumstances, considering his own resources, and the ability of any member of his family to contribute to his support, the possibility of receiving aid from other relatives, the possibility of compelling contributions from any person under obligation to do so, under the provisions of chapter thirty-two, revised statutes, and the possibility of the applicant receiving such education or instruction as will enable him to become at least partially self-supporting, the applicant is in need of a benefit under the provisions of sections eleven to nineteen of this chapter, and if so, to what amount, and shall forward the application to the governor and council with their recommendations endorsed thereon.

Sec. 18. Duty of governor and council. R. S. c. 148, § 18. 1917, c. 300, § 7. The governor and council shall prescribe such blank forms, and make such rules and regulations, not inconsistent with law, as they deem proper for carrying out the provisions of this act, shall review the evidence submitted to them under the provisions of the preceding sections, and shall determine what applicants are entitled to benefits, and the amount thereof, and the benefit shall begin on the first day of the month next succeeding the date on which the decision is made; they may at any time require a re-examination of any applicant or applicants; they shall cause warrants to be drawn upon the treasurer of state, payable to said blind persons or their legal representatives at the close of each regular quarter thereafter, during the life of said persons while they are residents of this state or until said disability is removed.

Sec. 19. Penalty for making false affidavit. R. S. c. 148, § 19. Whoever makes a false affidavit in order to secure the benefit herein provided, shall upon conviction, be deemed guilty of perjury and shall be subject to *the penalty provided by law therefor*. [a fine of not more than five hundred dollars or by imprisonment not exceeding eleven months, or both.]

Note. The commissioner suggests reduction of the penalty to avoid making the act a felony and also to correspond with the provisions in the other pension laws. See c. 159, § 10; c. 160, § 5.

Sec. 20. Cities and towns may grant additional aid; beneficiaries not pauperized. 1927, c. 164. Whenever the benefits granted by the governor and council under sections eleven to nineteen inclusive are insufficient, the cities and towns in which such persons reside may grant additional aid to such persons without creating any pauper disabilities, and the expense of such additional aid shall be borne by the cities and towns in which such persons re-

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spectively have a settlement. Cities and towns are hereby authorized to raise money for the purpose of granting such additional aid. Any blind person shall not acquire a settlement or be in process of acquiring a settlement while receiving such aid from his city or town.

Pensions for Employees of the State of Maine.

Sec. 21. State employees to be pensioned after twenty-five years consecutive service. 1919, c. 38, § 1. The superintendent and board of trustees of any state institution and the head of any state department may recommend the retirement from active service and the placing upon a pension roll, any employee who has been employed in any state institution or department of this state, with a good record for the term of twenty-five consecutive years, or more, and such employee, subject to the approval of the governor and council shall be so retired and pensioned.

Sec. 22. Pension not to exceed one-half average salary for last five years. 1919, c. 38, § 2. Any employee who is retired, as provided in this act, shall be allowed such amount as the governor and council shall determine not to exceed one-half the average wage or salary he was receiving for the five years previous to the time of his retirement.

Sec. 23. "Employee" defined. 1923, c. 199, § 3. 1925, c. 118. The word employee shall be held to include clerks and other employees of the several state departments and state institutions; also teachers in the state normal schools and the Madawaska training school, including such teachers as have retired since March first, nineteen hundred and twenty.

Sec. 24. Application of law limited. 1923, c. 199, § 4. No person receiving retirement pay under sections twenty-one to twenty-three inclusive shall receive retirement pay under any other act.

CHAPTER 159.**The Support of Dependents of Soldiers, Sailors, and Marines of the World War.**

Sec. 1. Towns to raise money for relief of dependents of soldiers, sailors, and marines; limitations; amount to be allotted. 1919, c. 169, § 1. 1921, c. 183, § 1. 1923, c. 113, § 1. 1925, c. 179. The cities, towns, and plantations in this state shall raise money by taxation or otherwise to relieve the necessitous circumstances of the wife, children under the age of sixteen years, the infirm and dependent father, mother, or other member of the family incapable of self-maintenance, of any soldier, sailor, or marine killed in battle or dying, or who has become disabled as a result of the casualties of war or of sickness contracted in the line of his duty and not of his own fault, during the world war, in the service of the United States, provided, that on April first, nineteen hundred and nineteen, such soldier, sailor, or marine was a resident of this state. The money so raised shall be paid directly to the dependents entitled thereto under the provisions of this act, or to the parent or legal guardian of any such dependents who are minors or under guardianship, by the municipal officers of the cities, towns, and plantations wherein such dependents respectively reside, in sums not exceeding five dollars a week, to relieve the necessitous circumstances of the wife, infirm and dependent father or mother of such soldier,

sailor, or marine, and a sum not exceeding two dollars a week to relieve the necessitous circumstances of each child under the age of sixteen years or other member of the family incapable of self-maintenance who was or is dependent upon such soldier, sailor, or marine. Any person entitled to receive aid hereunder shall not forfeit the same by reason of temporary absence from the state.

Sec. 2. Town authorized to raise sums in addition to amount of state aid. 1919, c. 169, § 2. The cities, towns, and plantations in this state are hereby authorized and empowered to raise any additional sum or sums of money over and above the amount to be reimbursed by the state, by taxation or otherwise, to aid in the support of the dependent family of such soldier, sailor, or marine in the service of the United States, or of this state, as set forth in the first section of this act, in order to provide such support as may be deemed necessary in cases not met or adequately provided for by the provisions of this act.

Sec. 3. State to reimburse municipalities. 1919, c. 169, § 3. The money so applied by any city, town, or plantation, as authorized by the first section of this act, shall be reimbursed from the state treasury to such city, town, or plantation.

Sec. 4. Municipalities not to be reimbursed unless sworn itemized account is filed with governor and council. 1919, c. 169, § 4. No such reimbursement shall be made in any case, until an account of the expenditures, duly certified and sworn to by a majority of the municipal officers of the city, town, and plantation in the state, furnishing the aid as aforesaid, shall be made and filed with the governor and council and a recital of so much of the facts as shall show the dependency and necessitous circumstances in each case, which account shall set forth the name of the soldier for whose family expense has been incurred, also the name, age, and relationship of each person who received aid and the sum paid for each of said persons. Accounts thus made out and filed within the time hereinafter prescribed, shall be examined by the governor and council, and if found correct and duly vouched shall be approved.

Sec. 5. Accounts to be filed semi-annually. 1919, c. 169, § 5. Such accounts shall be made up to the first days of July and January in each year, and shall be filed with the governor and council on or before the first days of August and February following and shall be examined and passed upon within a reasonable time after the date of such filing. If approved, the amounts allowed shall be paid, upon warrants drawn by the governor against any moneys in the treasury not otherwise appropriated and especially the proceeds of bonds or notes authorized by the legislature for war purposes, [and the proceeds of the war bond sinking fund] by the state treasurer to the city, town, or plantation whose claim has been thus established.

See c. 160, § 9.

Sec. 6. Not to be considered paupers. 1919, c. 169, § 6. No pauper disabilities shall be created by reason of receiving the aid provided in this act.

Sec. 7. Term plantation defined; dependents in unorganized territory to receive aid. 1919, c. 169, § 7. The word plantation, when it occurs in this act, is intended to include plantations duly organized for any purpose, and any person entitled to the aid provided for in this act, who may reside in any unorganized township in this state, shall receive it in the nearest duly organized city, town, or plantation in this state.

Sec. 8. Not to apply to dependents of commissioned officers; dependents of deserters not eligible. 1919, c. 169, § 8. This act shall not authorize reimbursing money applied to aid the wife, child, parent, or dependent member of the family as aforesaid, of any commissioned officer in the military or naval

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service as aforesaid, or money applied to aid the family of any soldier, sailor, or marine who has deserted the service, after notice of such desertion shall have been received by the city, town, or plantation of his residence.

Sec. 9. Form of application for aid. 1919, c. 169, § 9. Applicants for allowance under this act shall, as a basis for the first payment thereof, state in writing, under oath, the name, age, and residence of the person for whom the same is sought, the relationship of such person to the soldier, sailor, or marine, the company and regiment or branch of service in which he was enlisted and in which he last served, the date and place of his enlistment, if known, the duration of his service, the amount of United States pay, allotment and federal family allowance, the average weekly amount contributed by the soldier, sailor, or marine during the year previous to service, and reason for the application, and shall furnish such official certificates or records, or other evidence of enlistment, service and discharge or of physical or personal condition as may be required.

Sec. 10. Penalty for false statements or fraudulent claims. 1919, c. 169, § 10. Whoever knowingly makes a false statement, oral or written, relating to a material fact in support of claim to war allowance or state aid under the provisions of this act, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than *one year* [eleven months]. Whoever, being entitled to the benefits of this act, fraudulently claims or receives pay 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 five hundred dollars, or by imprisonment for not more than *one year* [eleven months], or by both such fine and imprisonment.

Note. The commissioner suggests that this penalty be reduced as indicated to avoid making the act a felony.

Sec. 11. Governor and council given authority to summon witnesses. 1919, c. 169, § 11. The governor and council shall have power to send for persons and papers in order to ascertain the amount due to each city, town, and plantation under this act or other facts essential to an understanding of any matters embraced within the terms of this act.

Sec. 12. Penalty for neglect of duty on part of municipal officers. 1919, c. 169, § 12. If any city, town, or plantation, or the municipal officers thereof, shall neglect or refuse to comply with the provisions of this act according to its true intent and meaning, and to the satisfaction of the governor and council, such city, town, or plantation, or the municipal officers thereof, as the case may be, shall forfeit and pay the sum of one hundred dollars, one-half to the use of the aggrieved party and one-half to the county where the cause is tried, to be recovered by an action on the case in any court having jurisdiction in such county of civil actions to the amount of one hundred dollars.

Sec. 13. Appeals from decision of municipal officers when dependent unable to proceed; penalty for refusing to comply with award of governor and council. 1919, c. 169, § 13. Any person entitled to any of the benefits of this act and in the case of children or other persons unable to proceed in the matter, any other interested person may appeal from the decision of the municipal officers of any city, town, or plantation to the governor and council who are hereby authorized to hear and consider the facts of any particular case and to make award to the person entitled to the benefits of this act and such award made by the governor and council shall be binding upon any city, town, or plantation of this state as if originally made by the municipal officers thereof, and of city, town, or plantation, or the municipal officers thereof, neglecting or

refusing to comply with the orders of the governor and council, to whom an appeal shall have been taken under this section for a period of thirty days after such award and order have been made by the governor and council, shall forfeit and pay the sum of one hundred dollars, one-half to the use of the aggrieved party and one-half to the county where the cause is tried, to be recovered by an action on the case in any court having jurisdiction in such county of civil actions to the amount of one hundred dollars.

Sec. 14. Adjutant general to furnish towns with list of deserters; also to give notification when non-commissioned officer or private has been promoted. 1919, c. 169, § 14. It shall be the duty of the adjutant general to give immediate notice to the several cities, towns, and plantations of the state, of all cases of desertion of each soldier, sailor, or marine residing therein and also in all cases of return from desertion, and also when any non-commissioned officer or private shall have been promoted to the rank of a commissioned officer.

CHAPTER 160.

Soldiers' Bonus Fund. War Bond Sinking Fund.

The Soldiers' Bonus Fund.

Sec. 1. Soldiers in the war with Germany entitled to bonus of \$100. 1919, c. 264, § 1. In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the State of Maine, and in recognition of the splendid services of Maine men in the war with Germany, every soldier, as hereinafter defined, who served during the war at any time from April sixth, nineteen hundred and seventeen, to November eleventh, nineteen hundred and eighteen, inclusive, shall be entitled to receive from the State of Maine, from a fund hereinafter created and called "The Soldiers' Bonus Fund," the sum of one hundred dollars.

Sec. 2. The term "soldiers" defined. 1919, c. 264, § 2. 1921, c. 100, § 1. The word "soldier" as used in this act shall mean any officer, soldier, sailor, marine, nurse, or any other person regularly enlisted, who has been or is a part of the military or naval forces of the United States in the war with Germany and who was a resident of the State of Maine at the time he was commissioned, enlisted, inducted, appointed or mustered into the military or naval service of the United States, and who has been or may be given an honorable or ordinary discharge or release from such service, or who, if still in such service at the time of application for said bonus, may be given a certificate of good standing; provided, however, that the word "soldier," as used in this act, shall not be construed to mean, and shall not include any person who, at any time during the period of the war with Germany, sought to avoid service because of conscientious objections thereto, or because of alienage, or who has been at any time guilty of fraud or wilful violation or evasion of the Selective Service Act or of the rules or regulations of the war department in force thereunder.

Sec. 3. Application for bonus, when and where filed; what application shall contain. 1919, c. 264, § 3. 1921, c. 100, § 2. 1923, c. 55. 1925, c. 1. Applications for such bonus shall be filed with the adjutant general, on forms provided by him, before the first day of January, nineteen hundred twenty-nine.

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Such application shall state facts sufficient to establish the status of such applicant as soldier as defined herein, and shall be duly verified.

Sec. 4. "Soldiers' Bonus Board" created, powers and duties. 1919, c. 264, § 4. There is hereby created a board to be known as "The Soldiers' Bonus Board," to consist of the state auditor, the state treasurer, and the adjutant general. It shall be the duty of the said board to examine into such applications and make any other examination necessary to establish facts, and approve or disapprove the same. Whenever any such application is approved by said board it shall be the duty of the adjutant general to prepare a voucher and transmit the same to the state auditor; said auditor shall issue his certificate therefor, for the amount stated therein, and the state treasurer shall pay the same upon warrant of the governor and council out of said Soldiers' Bonus Fund.

Sec. 5. Bond issue authorized to provide funds; how fund shall be designated; bonds to mature within ten years of issue. 1919, c. 264, § 5. For the purpose of carrying out the provisions of this act, the treasurer of state is hereby authorized, with the approval of the governor and council, to issue bonds or notes from time to time as they are needed, to an amount not exceeding in the aggregate three million dollars. Such bonds or notes shall be designated "Maine Military Service Loan, Act of 1919," shall mature not more than ten years from the date thereof, and shall bear such rate of interest, and be in such form and on such terms and conditions, other than those herein specified, as the governor and council may determine. Said bonds or notes shall be issued in the name and behalf of the state, and shall be deemed a pledge of the faith and credit of the state. The proceeds of the sale thereof shall be deposited with the state treasurer to the credit of a fund hereby created, which fund shall be known as "The Soldiers' Bonus Fund," and from which the payments hereby authorized shall be made.

Sec. 6. How funds shall be provided for retirement of bonds. 1919, c. 264, § 6. 1921, c. 134. 1925, c. 122. The amount necessary to pay said bonds or notes as they mature, and the interest as it accrues, shall be raised by state taxes, levied and collected in the same manner as other state taxes are levied and collected. Beginning April first, nineteen hundred and twenty-one, and for each and every succeeding year for nine years, there shall be raised a sum sufficient for the redemption of such bonds or notes to an amount not exceeding three hundred thousand dollars per year and such additional sum as may be required for the payment of interest on all such bonds or notes outstanding. The sums so levied and collected shall be placed in the said soldiers' bonus fund, and redemption of said bonds or notes and payment of the interest thereon shall be made from said fund. Any bonds issued under the provisions of this act and retired under the provisions of this section, may be reissued to an amount not exceeding in the aggregate three hundred thousand dollars under the same terms and conditions as bonds originally issued under the provisions of this act, and the proceeds of the sale thereof shall be deposited with the state treasurer to the credit of the soldiers' bonus fund and be available for the purposes of this act.

On December first, nineteen hundred and twenty-five, the state auditor is authorized to transfer from the account known as soldiers' bonus fund to the account known as reserve to retire soldiers' bonus bonds one hundred and fifteen thousand dollars, said sum to become a part of the amount required to pay soldiers' bonus bonds maturing on that date.

See § 9.

Sec. 7. Board authorized to employ assistance for administration. 1919, c. 264, § 7. The Soldiers' Bonus Board, the state auditor, the adjutant general, and the state treasurer are hereby empowered, with the approval of the governor and council, to employ such assistance and to incur such other expense as may be necessary for the administration and the carrying out of the provisions of this act; and the funds necessary for such administration and carrying out of the provisions of this act shall be expended from said Soldiers' Bonus Fund.

Sec. 8. In case of decease of "soldier," bonus to be paid to dependents; order of precedence; bonus not subject to assignment nor to claims of creditors. 1919, c. 264, § 8. In the case of the decease of any person who would if alive be entitled to the benefits of this act, the sum herein named shall be paid to his dependents, if any, and otherwise to his heirs-at-law; provided, that if there is more than one dependent, or heir-at-law, payments shall in either case be made in such proportions as the said Soldiers' Bonus Board shall determine, and in determining the order of precedence the following order so far as practicable shall be observed: wife and children, mother or father, brother or sister, other dependents; provided, however, that no right or payment under this act shall be subject to the claims of creditors, capable of assignment and no assignment of the same shall be valid or binding, regarded as assets legal or equitable of the estate of the deceased or made the basis for administration thereof.

War Bond Sinking Fund.

Sec. 9. War bond sinking fund. Mill tax. Application. 1927, c. 162. A tax of one mill on a dollar shall annually be assessed upon all the property of the state according to the value thereof, to be known as the War Bond Sinking Fund. The proceeds of this fund shall be used for the following purposes in the following order:

First: To pay the interest on all bonds issued under authority of chapter one hundred and eighty-seven of the public laws of nineteen hundred and seventeen.

Second: To pay the interest on all bonds issued or reissued under authority of chapter two hundred and sixty-four of the public laws of nineteen hundred and nineteen, as amended by chapter one hundred thirty-four of the public laws of nineteen hundred and twenty-one.

Third: To provide the annual sum necessary for the sinking fund established by chapter two hundred sixty-four, section six, of the public laws of nineteen hundred nineteen, as amended by said chapter one hundred thirty-four, of the public laws of nineteen hundred twenty-one.

Fourth: To pay the pensions for soldiers, sailors, and marines, their widows, children, and other dependents under any provision of law governing the same and all sums payable under any provision of law for the relief of dependents of soldiers, sailors, and marines who served in the World War, including pensions granted on account of military service under the provisions of any resolve of the legislature.

Fifth: To set aside in the fiscal year ending June thirtieth, nineteen hundred and thirty-three, and in each of the fiscal years thereafter to and including the year nineteen hundred and thirty-seven, the sum of one hundred thousand dollars each year, the same to be used to pay the bonds maturing on May first, nineteen hundred and thirty-seven, said bonds having been issued under author-

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ity of chapter one hundred and eighty-seven, of the public laws of nineteen hundred and seventeen.

Note. Act providing for cooperation with the U. S. in the settlement of retired soldiers, sailors, and marines on state lands, etc. P. L. 1919, c. 189.

CHAPTER 161.

Provisions for Mothers with Dependent Children.

Sec. 1. Cities and towns to render aid to mothers with dependent children. 1917, c. 222, § 1. 1919, c. 17, § 1. Every city and town shall, subject to the provisions hereinafter contained, render suitable and needful aid to any mother residing therein, with a dependent child or children under the age of sixteen years, who needs and desires such aid to enable her to maintain herself and children in her home and who is fit and capable, mentally, morally, and physically to bring up her children.

Sec. 2. Settlement or residence in state necessary; not to be deemed paupers. 1917, c. 222, § 2. 1919, c. 17, § 2. This chapter shall apply to all mothers and their dependent children who may have a settlement in this state, or who shall have resided in the state for not less than five consecutive years next prior to making application for aid. No mother, nor any of her children shall acquire a settlement or be in process of acquiring a settlement while receiving aid nor be deemed a pauper by reason of receiving such aid.

Sec. 3. Aid may be in money or supplies. 1917, c. 222, § 3. 1919, c. 17, § 3. The aid to be furnished hereunder may be furnished either in money or supplies or both.

Sec. 4. State board of mother's aid; municipal board, duties. 1917, c. 222, § 4. The state board of mother's aid shall serve without compensation and shall consist of the commissioners of the department of public welfare ex officio. The secretary of said commission shall be ex officio secretary of the state board of mother's aid, and serve without additional compensation as such.

In each city, town, and plantation there shall be a municipal board of mother's aid, hereinafter referred to as the municipal board to consist of the overseers or board of overseers of the poor ex officio, unless the city by ordinance or the town or plantation by vote upon warrant shall provide for a special board of not fewer than three persons, one of whom at least shall be a woman, appointed or elected for three-year terms, one term expiring each year, to serve as such municipal board. The members of such municipal board shall serve without compensation as such.

The municipal board shall keep a record of all applicants investigated, visit regularly or cause to be visited by some agent in their behalf the home of each mother aided hereunder; see that her children are actually living with her in her home, observe the conditions of the home and of the family and make and keep a record of such visits and any fact observed which bears upon the necessity or advisability of continuance of aid under this chapter and report the same to the state board.

Sec. 5. Mother to make application to municipal board; form of blank; penalty for false statement. 1917, c. 222, § 5. 1919, c. 17, § 4. Any mother entitled thereto needing and desiring aid herein provided for may apply there-

for personally or by letter to said municipal board. The board shall thereupon cause the applicant to fill out and sign an application blank or shall fill out the same from information furnished by the applicant who shall sign it, in which shall be stated: first, name of the applicant and that of her husband, the time and place of her marriage, and whether her husband is living or deceased; second, the names and ages of her children, whether those under compulsory school attendance are attending and what school; and if not, the reason of such non-attendance; third, her present residence and address, the length of time she has been a resident of this state and where she has resided therein; fourth, the nature and amount of any property possessed by herself or her husband if living, and her children, and the extent and source of their income and hers; fifth, the name and addresses of her near relatives and those of her husband, and of one or more persons to whom reference may be made for information; sixth, a statement that the applicant will agree to employ all aid received by her under this chapter solely for the support of herself and her children under the age of sixteen years, and for their proper upbringing in her home. The board may, if it deems proper, require any such application and the statements made therein to be substantiated by the oath or affirmation of the applicant.

Any person who shall knowingly, wilfully, and with intent to deceive make any false statement in said application blank shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding *one year*, [eleven months] or both.

Note. It was probably not intended to make this a felony. It is recommended that the imprisonment be reduced to make it a misdemeanor.

Sec. 6. Investigation of applications to be made by municipal board. 1917, c. 222, § 6. When such application has been made to the municipal board, it shall forthwith make careful investigation by personally interviewing the mother in her home, looking up her references, and pursuing such other sources of information as are available, for the purpose of determining, first, the truth of the statements contained in her application; second, whether she is a fit and capable person to bring up her children, and whether the inmates and surroundings of her household are such as to render it suitable for her children to reside at home; third, whether the child or children of the applicant are attending school, and if not why; fourth, whether under all the circumstances, considering her own resources and the ability of any member of her family to contribute to her support, the possibility of receiving aid from other relatives, individuals, agencies, or child welfare organizations, and the possibility of compelling contributions by any person under legal obligation so to do, such mother is in need of aid under the provisions of this chapter, and if so, in what amount.

Sec. 7. State board to make final decision. 1917, c. 222, § 7. The municipal board shall thereupon file with the state board a copy of said application and a written report embodying the results of their investigation and their recommendations thereon, and the state board shall determine all matters in question, and communicate in writing its decision to the municipal board. If the applicant is held entitled to aid, the state board shall determine its character and amount, which may be less than, but shall not exceed, the amount recommended by the municipal board. The town shall thereupon, pursuant to such decision, pay the same in money or its value to the applicant, or to some person designated by the state board upon the recommendation of the municipal board, who shall expend it for the purposes and in the manner set forth in the decision. The state board may revise its decision whenever it deems it necessary

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or equitable so to do, but shall not increase the amount of aid previously awarded except with the consent of the municipal board, nor decrease it without giving said board opportunity to be heard.

Sec. 8. State board to investigate upon failure of municipal board; expenses charged to town. 1917, c. 222, § 8. If the said municipal board shall fail for thirty days to act upon and report upon said application, the said mother may make application for aid to the state board, who shall communicate with the municipal board; and if the municipal board shall thereafter neglect or fail to act for a period of ten additional days the state board itself shall proceed to investigate the merits of said application and to determine what, if any, aid shall be awarded the applicant, and the decision of said state board shall be of the same effect and validity as if the municipal board had in the first instance proceeded according to sections five, six and seven. The expenses incurred by the state board by reason of the default of the municipal board shall be audited by the state auditor and paid by the state treasurer, who shall collect said amount of the town in which the municipal board so failing to act as aforesaid is located, by an action at law in the name of the state.

Sec. 9. Proceedings when mother seeking aid has husband living. 1917, c. 222, § 9. In any case when application for aid hereunder is made by a mother who has a husband living, who is able by means of his property or labor to contribute to her support and that of her children, but who wilfully neglects or refuses so to do, or who has deserted her or her children, it shall be the duty of the municipal board of the town where the applicant resides to advise the mother in making complaint to compel such husband to contribute to the support of his said wife and children, under the provision of sections forty-three to forty-seven inclusive of chapter one hundred twenty-nine or in filing a petition under the provisions of section nine of chapter seventy-four; and until such proceedings have been begun, and are being prosecuted in good faith to the satisfaction of the municipal and state boards, and until, in cases of desertion, at least one year has elapsed from date of commencement of such desertion, no aid shall be given under the provisions of this chapter.

Sec. 10. State board to have general supervision; to make annual report. 1917, c. 222, § 10. The state board shall have general supervision over the administration of the provisions of this chapter, and shall prescribe appropriate forms for application, reports and other proceedings required by this chapter; said board shall keep a record of all cases reported to it hereunder and action taken by it in relation to the same; and shall keep on file all reports made to it by municipal boards; it shall see that families aided hereunder are visited as herein required and shall have access to any records of the municipal boards or of the overseers of the poor relating to any proceedings hereunder. In order to aid the state board in determining any questions presented to it for decision by any municipal boards under the provisions of this chapter, it may, in addition to their reports, make further investigation in such manner as it may deem best. It shall embody a statement concerning the work done hereunder in the annual report of the state department of public welfare.

Sec. 11. Towns to be reimbursed. 1917, c. 222, § 11. 1919, c. 17, § 5. Any city, town, or plantation rendering aid under the provisions of this chapter shall be reimbursed by the state for one-half of the amount expended after approval by the state board and state auditor of its bills. If the mother so aided has no settlement the city or town shall be reimbursed for the total amount of the aid given after approval of the bill as aforesaid. If the mother so aided has a lawful settlement in another city or town, the amount of such aid ren-

dered may be recovered by the city or town giving it in an action against the city or town liable therefor, provided the city or town so liable was notified in accordance with the requirements of section thirty-three of chapter thirty-two, or against the kindred of the mother and children so aided in the manner provided by section thirty-three.