

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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Sec. 10. Commission or secretary not to be interested in any contracts. R. S. c. 147, § 10. No member of said commission or their secretary or any agent thereof shall be directly or indirectly interested in any contract for the purchase of land or for building, altering, or repairing any institution or building, which by this chapter they are authorized to visit and inspect, or for furnishing materials or supplies for the same, nor shall any officers of such institution be eligible to appointment on the said commission.

Sec. 11. Failure to perform imposed duties; penalty. R. S. c. 147, § 11. Whoever violates any provision of section five, or wilfully fails, neglects, or refuses to perform any of the duties imposed upon him by the provisions of this chapter, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months.

Sec. 12. Attorney-general to furnish legal assistance. R. S. c. 147, § 12. The attorney-general and the several county attorneys within their respective counties, when requested, shall furnish such legal assistance, counsel, or advice as the commission may require in the discharge of its duties.

See c. 2, §§ 122-125.

CHAPTER 158.

The State Pension Law.

- Sections 1-9 Pensions for Soldiers and Sailors.
- Sections 10-19 Pensions for the Blind.
- Sections 20-23 Pensions for Employees of the State.

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 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 to the fourth day of July, nineteen hundred 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 decrease, 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 was receiving a pension on July tenth, nineteen hundred twenty-five, 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. Certificates, by whom to be issued. R. S. c. 148, § 5. 1919, c. 200. The execution of the first seven 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. 5. 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. 6. 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. 7. 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. 8. 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 fifty-two, shall be paid from the regular appropriations made for state pensions.

Sec. 9. 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

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 thirteen.

Pensions for the Blind.

Sec. 10. 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 section, as may be required to carry out the provisions thereof.

Sec. 11. 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. 12. 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. 13. 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 ten to eighteen, 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. 14. 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. 15. 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 chapter 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. 16. 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-three, 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 ten to eighteen 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. 17. 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 the preceding seven sections, shall review the evidence submitted to them under the provisions of said 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 reexamination 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. 18. Penalty for making false affidavit. R. S. c. 148, § 19. 1929, c. 233. Whoever makes a false affidavit in order to secure the benefit herein provided, shall upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 19. Cities and towns may grant additional aid; beneficiaries not pauperized. 1927, c. 164. Whenever the benefits granted by the governor and council under sections ten to eighteen 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 respectively 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.

Sec. 20. 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. 21. Pension not to exceed one-half average salary for last five years. 1919, c. 38, § 2. Any employee who is retired, as provided in the preceding section, 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. 22. "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 twenty.

Sec. 23. Application of law limited. 1923, c. 199, § 4. No person receiving retirement pay under sections twenty to twenty-two inclusive shall receive retirement pay under any other law of this state.

CHAPTER 159.

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

Sec. 1. Formation of commission to pass on application for relief. 1929 c. 295, § 1. A commission of five persons consisting of the adjutant-general of the state, the messenger to the governor and council, the secretary of the department of public welfare, and two other citizens of the state, shall be appointed by the governor, who shall serve during his pleasure and without compensation and who shall consider and pass on all applications for relief under the provisions of this chapter.

Sec. 2. Persons eligible for relief; temporary absence not to disqualify. 1929, c. 295, § 2. The wife, children under the age of sixteen years, the infirm and dependent father or mother, incapable of self-maintenance, of any soldier, sailor or marine of the armed forces of the United States on active duty during the World War, killed in battle or dead, or who is disabled, and in necessitous circumstances, provided that on April first, nineteen hundred nineteen, such soldier, sailor or marine, if living, was a resident of the state, shall be eligible for relief to such amount as hereinafter provided. Any person entitled to receive relief hereunder shall not forfeit the same by reason of temporary absence from the state.

Sec. 3. Amounts to be allotted. 1929, c. 295, § 3. Such relief shall be granted in sums not exceeding seven dollars a week, to relieve the necessitous circumstances, if such exist, of the wife, infirm and dependent father or mother of such soldier, sailor or marine, and in sums not exceeding three dollars a week to relieve the necessitous circumstances of each child under the age of