

MAINE STATE LEGISLATURE

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**MAINE PUBLIC DOCUMENTS
1948-1950**

(in three volumes)

VOLUME II

34

34

SECOND
ANNUAL REPORT

DIVISION OF
VETERANS AFFAIRS



State House, Augusta, Maine
June 30, 1949

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TO GOVERNOR FREDERICK G. PAYNE

AND THE HONORABLE EXECUTIVE COUNCIL:

In compliance with subsection 4 of section 1, chapter 386, Public Laws of 1947, there is transmitted herewith the Second Annual Report of the Division of Veterans Affairs, covering the period from June 30th, 1948 to July 1st, 1949, together with the recommendations of the Director.

Respectfully,

FRED W. ROWELL,

Director.

GENERAL STATEMENT

As of the date of this report, it is estimated that the veteran population of Maine is approximately 108,350, composed of 87,000 veterans of World War II, 21,000 of World War I and 350 of the Spanish-American War. These veterans, together with the members of their immediate families, form a group which is in excess of 40% of our total population.

Due to the numerical superiority of veterans of World War II, this report will be principally concerned with their problems and how these problems are being met.

It is very gratifying to be able to report that, during the years since demobilization, the World War II veterans of Maine have made very satisfactory progress indeed in their readjustment to civilian life. Many have availed themselves of the rehabilitation features of the G. I. Bill as to education and training, home, farm and business loans. Approximately 55% of these young men and women have found it necessary at one time or another to apply for and receive readjustment allowances (unemployment compensation for veterans) but it is interesting to note that only about 7% of our veterans have exhausted their entitlement under this section of the G. I. Bill. This fact gives the lie, in no uncertain terms, to those who would try to make us believe that the veterans have been using their unemployment benefits as a "racket". A very substantial number of our World War II veterans were able to pick up the threads of their civilian life where they left them on entering the service, with little or no help from anyone, except in applying for benefits which have later been made available to them, such as mustering-out pay, payment for unused leave, etc. This speaks well for their individual initiative and self-reliance, and is exactly what we would expect from citizens of Maine.

In spite of the very satisfactory progress reported above, the need for service work among veterans continues in ever-increasing volume and in complexity of problems presented. Whereas the report of this Division for last year showed personal contacts by our field representatives to have been 9,820; the statistical section of this report will show 12,504 personal contacts with veterans and their dependents, and with others on their behalf. Statistics herein contained will also show that the amount of dollar recoveries made from the Veterans Administration and other federal agencies, as a result of the efforts

of our field representatives, continues in approximately the same volume and is many times the cost of administering the affairs of this Division, exclusive of money grants from State funds under State laws. Our field representatives have recovered during the past year for Maine veterans and their dependents in excess of \$278,000 as against an administrative cost of \$63,000.

As of the date of this report, an analysis of reports issued by the Veterans Administration at Togus gives the following picture concerning veterans of World War II: Training in schools and colleges and on-the-job 7,000, in hospitals 700, unemployed and drawing readjustment allowances 5,800, working 73,500.

While statistics are helpful in an appraisal of the activities of a State agency and its value to our citizens, they cannot show the human value of wise council, sympathetic understanding and expert assistance in solving human problems. No dollar value can be placed upon the return to this country of a foreign-born wife, child or sweetheart held up by immigration restrictions; return of war dead, and arrangements for military funerals and burial; finding a lender who will finance a G. I. loan so that a veteran and his family may establish their own home instead of living with in-laws; assistance in finding a job when out of work; obtaining an honorable discharge when, through error, some other type has been issued; securing legal advice when needed; and cutting through the voluminous red tape which necessarily surrounds all federal benefits. The value to the State of a contented, self-reliant, productive family group cannot be computed. Dollars and cents cannot measure the value of a true friend. The personnel of the Division of Veterans Affairs are happy to be known as "friends of the veteran".

To obtain a better understanding of some of the wide variety of problems handled by the Division of Veterans Affairs, following is a partial list of subjects dealt with, in addition to claims for benefits from the Veterans Administration and Veterans Assistance programs administered by the Division from State funds:

- Accrued military pay
- Benefits for employees
- Back pay
- Bonds, lost or destroyed
- State bonus information (other states)

Military decorations
 Lost or destroyed discharges
 Review of discharges
 Headstones and markers
 Missing veterans
 Personal problems
 Public records
 Welfare assistance (municipal)
 Prisoner of war claims
 Workmen's Compensation
 Selective service records
 Reemployment rights
 State vocational rehabilitation
 Emergency army and navy relief
 Mustering-out pay
 Lost or destroyed personal effects
 Gratuity pay
 Travel pay
 Return of war dead
 Request for military and naval retirement proceedings
 Review of military and naval retirement
 Social security benefits
 Tax exemptions

Each of these items fall into a highly technical field of its own, which would preclude the average veteran from dealing with it except with expert advice and assistance.

STATISTICAL REPORTS

(Contacts)

The total number of contacts (personal) made by the Division of Veterans Affairs from July 1, 1948 to June 30, 1949, and their breakdown is as follows:

Total Contacts: 12,504.

<i>Breakdown:</i>	<i>Contacts</i>	<i>Percentage</i>
World War Assistance and General		
Law Pensions	3,974	32
Related State Programs	1,258	10
Claims	1,202	10
Training and Education	997	8
Hospitalization and Medical Care	738	6
Employment	401	3
Insurance	267	2
Loans	245	2
Rehabilitation	109	1
Miscellaneous	3,313	26
	12,504	100

No statistical records are kept of in-coming and out-going correspondence, nor of contacts made by phone.

(Claims)

During the past year recoveries made by the Division of Veterans Affairs were as follows:

<i>Type of Claim</i>	<i>Amount Recovered</i>
Veterans' Compensation	\$ 39,867.00
Veterans' Pensions	48,960.00
Widows' and Children's Pensions	20,373.00
Parents' Pensions	22,800.00
Insurance Claims (death)	146,302.00
Total	<hr/> \$278,302.00

In addition to the above, reports from the Field Offices show an estimated \$17,580.00 recovered in Social Security Benefits. In these cases advice and assistance were rendered the survivors, but no accurate record was kept of the awards.

None of the above figures show the amount of Subsistence Allowance paid to veterans due to the efforts of our field staff, the amount of burial benefits filed for and received, nor the amount of G. I. loans obtained for veterans through our efforts.

(Financial Assistance Programs—World War Assistance and General Law Pensions)

Although a few of our World War Assistance cases are of a somewhat permanent nature, as in the case of a deceased veteran leaving a widow in needy circumstances where there are no minor children, every effort is made to preserve the temporary nature of this program. It is our aim to give aid promptly where needed and to discontinue it just as promptly when the need no longer exists. Where eligibility is established under the Old Age Assistance or Aid to Dependent Children programs, every effort is made to effect prompt transfer to these programs, as provided under State law. The temporary nature of World War Assistance is shown by the number of individuals receiving aid throughout the year as compared with the average case load.

Following is a summary of the World War Assistance case load throughout the year:

Number of Active cases by months:

1948	July	275
	August	283

	September	291
	October	283
	November	304
	December	333
1949	January	366
	February	387
	March	412
	April	402
	May	359
	June	347

Average number of active cases throughout the year	337
Applications pending beginning of year	23
Number of new applications received throughout the year	1,043
Number of applications granted throughout the year	734
Number of applications denied	290
TOTAL NUMBER OF INDIVIDUALS RECEIVING AID DURING THE YEAR	2,575
Average amount of grants	\$53.73
Number of pending applications at end of year	42

Case Load Summary—General Law Pensions

Number of active cases at the end of each month

1948	July	247
	August	249
	September	249
	October	244
	November	243
	December	240
1949	January	244
	February	239
	March	238
	April	238
	May	233
	June	232

Average number of active cases throughout the year	241
Number of new applications received during the year	45
Number of applications granted	27
Number of applications denied	18
Average amount of grants	\$11.20
Cases closed during the year	45

FINANCIAL STATEMENT
Analysis of Expenses—July 1, 1948 to June 30, 1949
 Administrative Expense

	<i>Approp.</i>	<i>Expenditures</i>	<i>Balance</i>
Salaries	\$ 48,826.00	\$ 50,162.20	\$ (1,336.20)
Other Expenses	<u>14,374.00</u>	<u>**12,894.63</u>	<u>1,479.37</u>
	*\$ 63,200.00	\$ 63,056.83	\$ 143.17
*Appropriation by Legislature	\$79,000.00		
	<u>16,400.00</u>		
	\$62,600.00		
Plus Transferred from General Law	<u>600.00</u>	<u>\$63,200.00</u>	
** <i>Analysis of Other Expenses</i>			
Travel Expense	\$ 7,281.34		
Telephone and Telegrams	1,209.51		
Rent (Field Offices)	1,682.00		
Postage	1,005.33		
Repairs to Equipment	94.43		
Printing	375.40		
Office Supplies	487.07		
***Misc. Supplies	253.85		
Office Equipment	<u>505.70</u>		
	\$12,894.63		
*** Includes subscriptions, textbooks, periodicals, etc.			
<i>World War Assistance Grants</i>			
	<i>Approp.</i>	<i>Expenditures</i>	<i>Balance</i>
Transferred from Admin.	\$250,000.00		
	<u>16,400.00</u>		
Grants of WWA	\$266,400.00	\$257,115.40	
Extraordinary Medical and Dental Expense		<u>7,944.72</u>	
Total	<u>\$266,400.00</u>	<u>\$265,060.12</u>	<u>\$ 1,339.88</u>
<i>General Law Pensions</i>			
Transferred to Admin.	\$ 33,000.00		
	<u>600.00</u>		
Grants	\$ 32,400.00	\$ 32,372.08	\$ 27.92
GRAND TOTAL	<u>\$362,000.00</u>	<u>\$360,489.03</u>	<u>\$ 1,510.97</u>

VETERANS ADMINISTRATION STATISTICS

(Federal)

(Maine World War II Veterans)

As of June 30, 1949

Number receiving compensation or pension	9,877
In Training under G. I. Bill	
On-the-job	2,553
Schools and Colleges	4,063
Total	6,616
In Training under Public Law No. 16	
On-the-job	207
Schools and Colleges	207
Total	414
Completed Training, G. I. Bill	8,658
Completed Training, Pub. 16	805
Total	9,463
Number of veterans in hospitals	
General Medical (Togus)	237
N. P. (Togus) (From Maine)	444
Private Contract Hospitals	4
Marine Hospital	20
State and Municipal	15
Total	720

LEGISLATION

In his first annual report last year, the Director recommended that the statutory ceilings be removed from World War Assistance so that full basic maintenance might be granted in all cases, thereby removing the element of financial worry from the veteran while he was hospitalized or otherwise disabled and unable to provide for his dependents. It was pointed out that thereby his recovery and return to productive employment would be hastened and made more permanent. Chapter 377 of the Public Laws of 1949 removed these ceilings, but the amount appropriated by the legislature made it necessary to still maintain the ceilings administratively.

The Director also recommended that the files and records of the Division be made confidential under the law. This was accomplished by the enactment of Chapter 280 of the Public Laws of 1949.

Protection of the re-employment rights of state employees entering the armed forces under the peacetime selective service act, and protection of their rights under the retirement system was recommended. The legislature took care of this through Chapters 91 and 92 of the Public Laws of 1949.

Chapter 106 of the Public Laws enacted by the 94th legislature covered the recommendation of the Director with respect to special lobster-fishing licenses for certain Maine veterans.

Enactment of the Housing Bill (Chapter 441, Public Laws of 1949) was in line with the recommendations of the Director that enabling legislation be passed which would permit Maine communities to take advantage of any federal housing legislation beneficial to veterans.

The recognition of these problems by the legislature and the enactment of appropriate legislation is deeply appreciated, not only by the Division of Veterans Affairs, but by all Maine veterans.

RECOMMENDATIONS

Employment July 25, 1949 will mark the end of Readjustment Allowances for most Maine Veterans. (All except those who enlisted or re-enlisted under the Voluntary Recruitment Act.) Furthermore, it is expected that employment opportunities will become increasingly scarce during the coming year. These occurrences will take place at a time when large numbers of veterans are entering the labor market following graduation from schools and colleges, and following completion of training under the G. I. Bill. It is recommended that the Veterans Placement Service, the Maine State Employment Service, and all veterans organizations, service clubs, and other friends of veterans take cognizance of this situation and make every effort to cooperate in the placement of veterans in suitable employment.

Loans It has been noted, throughout the past year, that it has become increasingly difficult to float G. I. Loans through our banks and other lending agencies. This condition obtains in spite of the excellent record already established by ex-service persons in the matter of meeting payments under these loans. It is recommended that all friends of veterans who are connected with banking institutions and other lending agencies investigate care-

fully the secondary markets which have been established by the Federal Government for these loans, to the end that our veterans may continue to avail themselves of this section of the G. I. Bill. In this connection, it should be noted that heretofore because of youth, incomplete training, marital status and indefinite plans for the future, many of our veterans are only now reaching the point where they are becoming interested in financing homes through the provisions of the G. I. Bill.

Housing It is recommended that veterans organizations, municipal officers and others interested in veterans' housing familiarize themselves with the provisions of Chapter 441 of the Public Laws of 1949 in an effort to determine whether or not it provides a means of solving the housing problems of their respective communities, particularly as these problems may apply to veterans.

Tax Exemptions A determined effort was made during the 1949 session of the Maine legislature to amend Section 6 of Chapter 81 of the Revised Statutes as it applies to property tax exemptions for veterans. It is recommended that veterans organizations, individual veterans and their friends give consideration to this law in an effort to determine whether or not it is just and equitable to our ex-service people both in their capacities as veterans and as citizens and taxpayers. Should it appear that changes are desirable, it is the opinion of the Director that these changes should be recommended by the veterans themselves.

Federal Benefits It would appear that a determined effort will be made during the coming year by certain groups in the Congress to make changes in veterans legislation which may work to the great disadvantage of veterans as a group. In its early stages, this campaign has all the "earmarks" of another economy drive similar to that of the early 1930's wherein the only economies suggested were at the expense of the veteran. The nature of the present drive may be foretold by a study of some of the recommendations of the so-called "Hoover Commission". It is probable that before this report is published the picture will have come into clearer focus. It is recommended that Maine veterans study very carefully any such recommendations and legislation which may be offered thereunder, in order to make sure that they are not to be denied benefits which have been voted to them by a grateful government, without being adequately recompensed as citizens.

HISTORICAL SKETCHES

Because of the fact that it is expected that this report will have a much wider circulation than the first annual report of the Division published last year, it seems desirable to reprint that section of the first report which gave the background of the Division and the veterans assistance programs which it administers.

The Division of Veterans Affairs had its beginnings when, on January 1, 1943, the then Governor Sumner Sewall appointed the present Director as State Service Officer in the Department of Health and Welfare. This assignment charged the State Service Officer with the responsibility of reviewing all cases on the Public Assistance rolls and making sure that where veterans or servicemen were involved, they were receiving from the federal government all benefits to which they might be entitled. It also charged the State Service Officer with the duty of rendering service to Maine veterans and their dependents in filing claims with the Veterans Administration, and to the next of kin of Maine men and women who were at that time serving in the armed forces of the United States.

Veterans Service Committee of Maine

One month later, in February 1943, Colonel Malcolm Stoddard, Manager of the Veterans Administration Center at Togus, realizing the problems which would be facing the State of Maine when demobilization of our armed forces should commence, called a conference at which the Veterans Service Committee of Maine was organized. This committee later consisted of the following persons:

COL. MALCOLM STODDARD, *Chairman*

Manager, Veterans Administration Center, Togus

FRED W. ROWELL, *Secretary*

Director of Veterans Affairs, State House

LT. COL. RICHARD F. SAVILLE

Selective Service Headquarters

MAJ. GEN. WALLACE C. PHILOON

Administrative Assistant to Governor Hildreth

FRED A. CLOUGH, JR.

Department Service Officer of the American Legion

ALEXANDER NETEFOR

Department Service Officer of the Veterans of Foreign Wars

RAY M. HOPPIN

Department Service Officer of the Disabled American Veterans

LEROY N. KOONZ, *Director of Vocational Rehabilitation*

State Department of Education

FRANCIS J. McDONNELL, *Veterans Employment Representative*

United States Employment Service

JOHN W. GREENE, *Associate Director*

United States Employment Service

PAUL JONES, *Director*

War Manpower Commission

BRIGADIER J. T. SEDDON

The Salvation Army

COL. EARLE A. REED, *Rehabilitation Officer*

Veterans Administration Center

JAMES J. WELCH, JR., *Field Director*

American Red Cross at Veterans Administration

MAJOR WILLIAM A. VENTIMIGLIA

Maine Public Health Association

COL. G. WILLIAM SMALL

Coordinator of Veterans' Education, University of
Maine

It will be noted that the Director of Veterans Affairs was privileged to serve as secretary of this committee.

The committee met once a month for a period of four years. It was instrumental in forming one hundred and twenty-six local veterans service committees which functioned at the local level, making personal contacts with returning veterans, attending to their re-employment and other problems until demobilization was completed. Over 1700 persons served on these local committees, including many of the leaders in the various communities, and it was largely due to the patriotic, unpaid service of these men and women that our State was able to re-absorb its nearly 100,000 veterans into our economy with so little maladjustment to business and to the veterans themselves.

The members of these local committees, with the aid and cooperation of the Selective Service System, enabled the State to compile a complete card catalog of its World War II veterans. Few citizens, other than the veterans themselves, will ever realize what the untiring efforts of these men and women have meant to our State.

Maine was among the very first states to plan and organize a veterans assistance program, so that when the Retraining and Reemployment Administration

was set up in Washington to establish such services in the states on a nation-wide basis, our State had been organized and functioning for over a year. The Maine plan was used as a model by several other states in setting up their programs.

During this time (in October 1944) the Commissioner of Health and Welfare, in order to meet the expanding needs for service work among veterans and their dependents, created within that Department a Division of Veterans Affairs and named the State Service Officer as its Director. Seven field representatives, all veterans of World War II, were engaged and district offices were set up in Portland, Lewiston, Rockland, Augusta, Bangor, Machias and Caribou. All except the Augusta and Caribou offices were established in Veterans Administration installations at no expense to the state except for services, office supplies and travel.

Maine Council of Veterans Affairs

On V-J Day, Governor Hildreth, realizing that the efforts of our local veterans service committees would have to be supplemented by the work of additional volunteers if the needs of rapid demobilization were to be met, called together at the State House, representatives of all the municipal officers of the state and other interested citizens. From this meeting the Maine Council of Veterans Affairs came into being and continued until February 1947 when its mission was accomplished and it disbanded. This Council functioned under the direction of an executive committee composed of the following persons:

COL. ROBINSON VERRILL, *Chairman*—Portland
CECIL J. SIDDALL, *1st Vice-Chairman*—Sanford
RAYMOND W. DAVIS, *2nd Vice-Chairman*—Guilford
FRED W. ROWELL, *Secretary*
PETER D. REGIS, *Public Relations Representative*
CHESTER G. ABBOTT, Portland
Chairman, Committee on Community Organization
COL. G. WILLIAM SMALL, Orono
Chairman, Committee on Training and Education
RAY COLLETT, Brewer
Chairman, Committee on Reemployment
JUDGE ROBERT B. WILLIAMSON, Augusta
Chairman, Committee on Rehabilitation
HAROLD SKELTON, Lewiston
Chairman, Committee on Publicity
FREDERICK G. PAYNE, Waldoboro
Chairman, Committee on Financial Aid to Veterans

Under the auspices of the Council, a booklet entitled, "The Maine Veteran" was prepared and mailed out by the Governor, together with his "welcome home" letter to over 70,000 Maine veterans.

The Council of Veterans Affairs sponsored the establishment of twenty-five local Veterans Service Centers throughout the State, financed by local funds and, for the most part, under the direction of full-time paid directors. The Council also conducted an extensive advertising campaign calling to the attention of Maine employers the advantages of hiring veterans and explaining to them the possibilities of apprenticeship and on-the-job training under the G. I. Bill. It also made a study of needed legislation and made recommendations to the Legislature. It recommended, among other things, that the Division of Veterans Affairs be taken out of the Department of Health and Welfare and set up as a separate Division of state government with offices in the State House, and that the veterans' relief programs being administered by the Department of Health and Welfare be transferred to the new Division. The separation and transfer of the Division was accomplished by Council Order No. 240, dated September 6, 1945, under the war-time powers granted to the Governor and Council by the Civilian Defense Act.

With the expiration of this Act, it became necessary for the Legislature to authorize the continuance of the Division of Veterans Affairs and this was accomplished by the enactment of Chapter 386 of the Public Laws of 1947.

Veterans' Assistance Programs

Two veterans' assistance programs were transferred to the Division of Veterans Affairs from the Department of Health and Welfare by Chapter 386 of the Public Laws of 1947. These are known respectively as "World War Assistance" and "General Law Pensions". It is felt that a brief background discussion of these programs will be of interest and should properly be made a part of this report.

The World War Assistance program is intended to render financial assistance from state funds to the needy dependents of a deceased or disabled veteran of World War I or World War II, whose disabilities interfere with his ability to earn a living for himself

and family. It was originally passed as an emergency measure by the Legislature and signed by the Governor on April 7, 1917 and was intended at that time to care for the dependents of men from Maine who were serving in the armed forces during World War I. On October 6, 1917 Congress enacted the War Risk Insurance Act which provided for family allowances from federal funds for the dependents of persons in the armed forces, but the Maine law continued to be administered to supplement these payments where they were found inadequate or delayed. As first set up, it authorized the towns and cities to assist these families and receive reimbursement from state funds. The law was later amended to provide assistance to the needy dependents of disabled veterans instead of those serving in the armed forces, but it continued to be administered by the towns and cities, on a reimbursement basis, until 1929.

The twelve years between 1917 and 1929 demonstrated the impracticability of attempting to administer a program of this nature through already established municipal relief agencies and the Legislature of 1929 set up a State Commission to handle the program. In 1931 World War Assistance was transferred from this Commission to the Department of Health and Welfare, where it remained until 1947, when the law under which this report is being made, transferred administration to the Division of Veterans Affairs. There had always been dissatisfaction with the policy of administering veterans' assistance through agencies handling other types of public relief. The vast majority of Maine veterans have felt that their program is intended to cover emergency situations, and should be administered by their own agency in such a way that aid would be promptly available in adequate amounts when needed, and promptly discontinued when the need was removed by recovery of the veteran from his disability. The veterans feel that those among them who require extended assistance should receive it through some program in which the federal government participates (such as Aid to Dependent Children, Old Age Assistance, etc.) in order that such state funds as may be available may be granted to those who have emergency problems and who would ordinarily not be calling upon anyone for help. Both of these requirements are met by the present law.

General Law Pensions were formerly administered by the Division of General Relief, Department of Health and Welfare, and were also transferred to the Division of Veterans Affairs by Chapter 386 of the

Public Laws of 1947. Under this law veterans of the Civil War, and the Spanish American War may receive from the state a pension not to exceed \$12 per month, if they are unable from their federal pension and other resources to properly provide for themselves and their dependents. The same benefit is also extended to the unremarried widow, or the son, daughter, parent or sister of such veteran under similar conditions, if the veteran is deceased and if such person was dependent upon the veteran at the time of his death. The original law granting these pensions was Chapter 179 of the Public Laws of 1871 and provided only for Civil War veterans and their dependents in an amount of \$8 per month. It was later amended to include veterans of the Aroostook War (which were later dropped) and still later to include veterans of the Spanish American War. No changes have been made in the law in recent years, except to provide for monthly instead of quarterly payments.

The names of the field representatives of the Division, their addresses and territory covered are as follows:

MISS MARY P. MORAN, 79 Exchange St., Portland
(Cumberland and York Counties and the following towns in Oxford County: Lovell, Stow, Sweden, Fryeburg, Denmark, Brownfield, Hiram and Porter)

MR. ROLAND A. TARDIFF, 14 Lisbon St., Lewiston
(Androscoggin, Oxford [except as above] and Franklin Counties)

MR. PHILIP H. NEWBERT, Farnsworth Memorial Building, Rockland
(Knox, Lincoln, Waldo [except Burnham] and Sagadahoc Counties)

MR. VERNON H. SOMERS, 115 Franklin St., Bangor
(Penobscot [except Patten and Stacyville] and Piscataquis Counties)

MR. GEORGE GREELEY, State House, Augusta
(Kennebec and Somerset Counties and Burnham in Waldo County)

MR. HARRY WHITNEY, P. O. Building, Machias
(Washington and Hancock Counties)

MR. JOHN S. LOWE, JR., 14 Sweden St., Caribou
(Aroostook County and Patten and Stacyville in Penobscot)

Digest
Maine Veterans Laws
1950

Exemption from Militia Service.

R. S. 1944, c. 12, § 35, as amended by P. L. 1945, c. 132, § 2 and P. L. 1949, c. 326, § 13-A (Abstracted).

. . . Provided, however, that all men having an honorable record of prior service in the United States army, air force, navy, marine corps, or in the national guard of the United States may be exempt from compulsory (militia) service under the provisions of this section. . .

Insignia of Veterans' Organizations, Unauthorized Use of.

R. S. 1944, c. 12, § 87, as amended by P. L. 1949, c. 326, § 32.

Sec. 87. Unauthorized use of badge of certain organizations; penalty. Whoever wilfully wears the badge, button, or other insignia of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or the official discharge button of the army, air force, navy, or marine corps, or of any other military, naval, or patriotic organization legally incorporated, or uses or wears the same to obtain aid or assistance thereby within the state, unless he shall be entitled to use or wear the same under the rules and regulations respectively of the Department of Maine of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or under the regulations of the army, air force, navy, or marine corps, or of any other military, naval, or patriotic organization legally incorporated, shall be punished by a fine of not more than \$20, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

R. S. 1944, c. 50, § 13.

Sec. 13. Badge, button, emblem, decoration, etc., not to be worn, or name assumed, without authority; proviso. No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or use the name of any benevolent, humane, fraternal, or charitable corporation, incorporated under the laws of this state, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same, or shall assume or claim to be a member thereof, or of a benevolent, humane, fraternal, or charitable corpora-

tion, or organization, the name of which shall so nearly resemble the name of any other corporation or organization existing prior to the organization of the corporation, organization, or association of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation or organization, unless he shall be authorized under the laws, statutes, rules, regulations, and by-laws of such former corporation or organization to wear such badge, button, emblem, decoration, insignia, or charm, or to use and assume such name as a member thereof. Provided, however, that nothing in the provisions of this chapter shall be construed to forbid the use of such badge as a measure of protection, by the wife, mother, sister, or daughter of any man entitled to wear the same.

**Maine State Guard, Dishonorable Discharge Bar to.
R. S. 1944, c. 12, § 101.**

Sec. 101. Disqualifications. No person shall be commissioned or enlisted in such forces who has been expelled or dishonorably discharged from any military or naval organization of this state, or of another state, or of the United States, or who has been convicted of a felony in any court of this state, or of another state, or of the United States.

**Amputee Veterans—Exemption from Motor Vehicle
Registration Fee.**

**R. S. c. 19, § 13, as amended by P. L. 1949, c. 65,
§ 1. (Abstracted).**

. . . Provided, however, that the secretary of state, on application for registration of any motor vehicle of any amputee veteran who has been the recipient of an automobile from the United States government under authority of P. L. 663, 79th Congress, as amended, or any amputee veteran receiving compensation from the Veterans Administration for service connected disability who shall have a specially designed motor vehicle, and who is otherwise qualified to operate a motor vehicle in this state, shall be entitled to have said automobile duly registered and a registration certificate delivered to him without the requirement of the payment of any fee. . .

**Amputee Veterans—Exemption from Motor Vehicle
Operator's License Fee.**

**R. S., c. 19, § 48, as amended by P. L. 1949, c. 79,
§ 1. (Abstracted).**

. . . Provided, however, that the secretary of state, on application of any amputee veteran who has been

the recipient of an automobile from the United States government under authority of P. L. 663, 79th congress, as amended, or any amputee veteran receiving compensation from the Veterans Administration for service connected disability who shall have a specially designed motor vehicle, and who is otherwise qualified to operate a motor vehicle in this state, shall receive a license to operate such automobile without the requirement of the payment of any fee.

Amputee Veterans—Exemption from Motor Vehicle Excise Tax.

R. S., c. 19, § 38, as amended by P. L. 1949, c. 87, § 1. (Abstracted).

. . . Provided, however, that no amputee veteran who has been the recipient of an automobile from the United States government under authority of P. L. 663, 79th Congress, as amended, or any amputee veteran receiving compensation from the Veterans Administration for service connected disability who shall have a specially designed motor vehicle, and who is otherwise qualified to operate a motor vehicle in this state, shall be required to pay the annual excise tax or be otherwise in any way taxed for any one such automobile so owned by him.

Motor Vehicle Operator's License Examination May Be Waived for Certain Veterans.

R. S., c. 19, § 48, as amended by P. L. 1945, c. 247, § 1. (Abstracted).

. . . Before the license is granted, an applicant shall be required to pass such physical examination and such examination by actual demonstration or otherwise as to his qualifications to operate a motor vehicle as the said secretary shall require; provided said secretary may waive such examination in the case of applicants who have been duly licensed by this state to operate a motor vehicle during any one of the 3 preceding calendar years or who have been duly licensed by this state and who have been, on or after December 7, 1941, members of the armed forces of the United States; and no license shall be issued until the said secretary is satisfied that the applicant is a proper person to receive it. . .

Note: The provisions of this abstract relating to members of the armed forces shall remain in force only for the duration of the war and 6 months thereafter.

Death Records—Shall State Whether or not the Deceased was a War Veteran, and if a Veteran of what War.

R. S. 1944, c. 22, § 366, sub-§ III, as amended by P. L. 1945, c. 320, § 2.

III. The record of death shall state its date, the full christian and surname of the deceased, the sex, color, condition, whether single or married, age, occupation, place of birth, place of death, the full christian and surnames and birthplaces of parents, and the disease or other cause of death, so far as known. It shall state whether or not the deceased was a war veteran, and if a veteran, of what war.

DIVISION OF VETERANS' AFFAIRS

Pensions for Certain Veterans and Their Dependents.

R. S., c. 22-A, §§ 6 to 9, inclusive, as enacted by P. L. 1947, c. 386, § 1.

Aid to Dependents of Disabled Veterans.

R. S., c. 22-A, §§ 10 to 18, inclusive, as enacted by P. L. 1947, c. 386, § 1 and amended by P. L. 1949, c. 349, § 45 and c. 377, § 2.

The following is a complete copy of Chapter 22-A of the Revised Statutes, as enacted by P. L. 1947, c. 386, § 1 and amended to and including the 1949 public laws.

CHAPTER 22-A.

DIVISION OF VETERANS' AFFAIRS.

- Sections 1- 5 Divisional Organization.
Sections 6- 9 Pensions to Certain Veterans and Their Dependents.
Sections 10-18 Support of Dependents of Veterans of World War I and World War II.

Divisional Organization

Sec. 1. Division of veterans' affairs; director, qualifications, employment and salary; personnel. The division of veterans' affairs, as heretofore established and hereinafter in this chapter called the "division", shall be under the control and supervision of the director of veterans' affairs, hereinafter in this chapter called the "director".

The director shall be a war veteran and a person qualified by experience, training and demonstrated interest in veterans' affairs.

The director shall be appointed by the governor, with the advice and consent of the council, to serve

for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled by appointment for a like term. The director shall receive such salary as shall be fixed by the governor and council.

The director may employ, subject to the provisions of the personnel law, the necessary assistance to carry out the purposes and provisions of this chapter. All employees of the division, with the exception of the clerical personnel, shall be war veterans.

Sec. 2. Rules promulgated; existing rules to govern. The director is authorized to adopt such reasonable rules and regulations as are necessary to carry out the purposes and provisions of this chapter. Until modified or repealed by the director, all orders, rules and regulations and permits or other privileges issued or granted with respect to any function consolidated hereunder, and in effect at the time of such consolidation, shall continue in effect to the same extent as if such consolidation had not occurred.

Sec. 3. Duties of director. The director shall:

I. Act upon request as the agent of any resident of the state having a claim against the United States for a pension, bounty or back pay arising out of or by reason of any war or any federal military or naval service and prosecute such claims without charge.

II. Cooperate with all national, state, county, municipal and private agencies in securing to veterans and their dependents the benefits provided by national, state and county laws, municipal ordinances, or public and private social agencies.

III. Cooperate with United States governmental agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when the state law so permits.

IV. Perform all the present duties of the director of veterans' affairs.

V. Perform the duties as are set forth under the provisions of this chapter.

Sec. 4. Annual report. The director shall make a written report of the activities of the division, together with his recommendations, to the governor annually and at such other times as the governor may request.

Sec. 5. Files and records confidential. The contents of, and all files, records, reports, papers and documents pertaining to any claim for the benefits

under the provisions of sections 1 to 18, inclusive, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made without the consent in writing of the claimant who has not been adjudicated incompetent, except as follows:

I. To said claimant personally, his duly appointed guardian, or his duly authorized representative holding a power of appointment approved by the director; and as to matters concerning himself alone, when, in the judgment of the director, such disclosure would not be injurious to the physical or mental health of the claimant.

II. To the representatives of veterans' organizations holding power of appointment from the claimant, recognized by the United States government, when such representatives have been duly certified as such by the state department of any such veterans' organizations in the state of Maine.

III. In any court in this state which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws of this state.

IV. To any federal, state, municipal or private agency engaged in health, welfare or rehabilitation work or in child placement, from whom the applicant has requested certain services, when in the judgment of the division the release of such information is essential to the proper evaluation of the merits of the application concerned.

Pensions to Certain Veterans and Their Dependents

Sec. 6. Pensions to certain soldiers and sailors or their dependents. Any person who has served in the army or navy of the United States in the war of 1861, 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 5 years; also any person who has served in the army or navy of the United States in the war with Spain, on the quota of Maine, and any person whether or not on the quota of Maine, who has served in the army or navy of United States in the war with Spain or the Philippine insurrection at any time prior to the 4th day of July, 1902, and at

time of making application for pension shall have been a resident of the state at least 5 years, and who is unable from his own resources and the United States pension, if any, to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state not exceeding \$12 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. 7. Pension to widow, orphan children, and dependent relatives. The widow during her widowhood, or the son, daughter, parent or sister of any soldier or seaman deceased, who was dependent upon him at the time of his decease, is entitled to the same pension as is provided in the preceding section and under similar conditions; provided that not more than \$12 a month shall be paid the dependents of any such soldier or seaman. Any son, daughter, parent or sister of any soldier or seaman deceased, who was receiving a pension on July 10th, 1925, shall not be rendered ineligible by reason of anything herein contained.

Sec. 8. Division shall have jurisdiction. The division shall determine whether or not any applicant is entitled to a pension under the provisions of the 2 preceding sections.

Sec. 9. Pensions to be paid monthly. Pensions granted under the provisions of sections 6 to 9, inclusive, shall be paid monthly from the state treasury.

Support of Dependents of Veterans of World War I and World War II.

Sec. 10. Definitions. As used in sections 10 to 18, inclusive, the following terms shall have the following meanings:

I. The term "wife" shall be construed to mean the legally married wife of the veteran, not divorced, or the unremarried widow of the veteran, not previously divorced.

II. 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 division 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 step-child 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 support, 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.

III. 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.

IV. The term "veteran" 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.

V. 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. 11. Eligibility for aid. Aid shall be granted under the provisions of sections 10 to 18, inclusive, 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 division shall endeavor to give preference to applications in which the death or disability of the veteran is due to service or in which the division might presume that death or disability might be due to service. The division 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 the provisions of sections 10 to 18, inclusive, shall be considered a pauper.

Sec. 11-A. Eligibility for assistance under other laws. Any applicant for, or recipient of assistance under the provisions of sections 10 to 18, inclusive, who is found eligible to receive public assistance under any state law for which federal funds are available, shall receive assistance under one of the state laws for which federal funds are available, provided, that aid may be granted under the provisions of sections 10 to 18, inclusive, until payments can be made under one of the state laws for which federal funds are available.

Sec. 12. Application. Application for aid under the provisions of sections 10 to 18, inclusive, shall be made to the division on forms provided for this purpose by the division, and may be made by the dependent of the veteran, or any person who is recognized by the division as entitled to act therefor.

Sec. 13. Amount of aid. The division 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 conditions existing in each case, and which shall be sufficient, when added to all other income and resources available, to provide such dependents with a reasonable subsistence compatible with decency and health. In determining the amount of aid the division shall use the same budgetary standards as are being used by the department of health and welfare.

Sec. 14. All funds administered by the division. The division shall administer all funds appropriated for the purpose of sections 10 to 18, inclusive. It shall make such rules and regulations with respect to the administration of said sections as it deems advisable.

Sec. 15. Right of appeal. Any person who is denied or who is not satisfied with the amount of aid allotted to him by the division shall have the right of appeal to the director, who shall provide the appellant with reasonable notice and opportunity for a fair hearing. Said director or a member of the division 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 director, the decision shall be rendered in the name of the director.

Sec. 16. Payment of aid. Aid granted under the provisions of sections 10 to 18, inclusive, as approved

by the division and audited by the state controller shall be paid by the treasurer of state, and may, in the discretion of the division, be paid to any persons whom it may designate for the benefit of such dependents.

Sec. 17. False or fraudulent statement; penalty. 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 sections 10 to 18, inclusive, 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 the provisions of said sections, 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. 18. Authority to receive federal funds. The division shall have authority to accept the provisions of any federal law now in effect or hereafter enacted which makes federal funds available to the states for:

- I. The furnishing of information to veterans and their beneficiaries and dependents concerning their rights under laws of the United States and the states relating to veterans' benefits,
- II. Providing assistance in making application for such benefits, and
- III. Furnishing information and assistance with respect to reemployment and other matters relating to the readjustment of veterans to civilian life, and to meet such federal requirements with respect to the administration of such funds as are required as conditions precedent to receiving such federal funds.

State Military and Naval Children's Home.

R. S. 1944, c. 23, §§ 174 and 175.

Sec. 174. Bath Military and Naval Children's Home declared a state institution; purposes. The State Military and Naval Children's Home, established as the Bath Military and Naval Orphan Asylum at Bath by chapter 163 of the private and special laws of 1866, is declared to be a state institution, the purpose of which is the rearing and educating gratuitously, in the common branches of learning and ordinary industrial pursuits of the poor and neglected

children of this state, preference being given to the children of soldiers and sailors of Maine who have served in the various wars in which the United States has engaged.

Sec. 175. Guardianship of members of home. The department shall have charge of the affairs of said home. Its head shall be called the superintendent. The commissioner and the superintendent shall act as a board of guardians of all the children who are members of said home and shall have all the power and authority granted by law to guardians.

Lobster Licenses for G. I. Trainees.

R. S., c. 34, § 115, as amended by P. L. 1949, cc. 106, 121 and 274. (Second Biennial Revision of the Sea and Shore Fisheries Laws.)

Sec. 115. Lobster and crab fishing license. No person shall fish for, take or catch lobsters or crabs in any manner without having first procured from the commissioner a written license therefor, which shall be kept upon the person while fishing or transporting such lobsters or crabs and which shall be exhibited to any coastal warden upon request.

Any person, assisting or helping another in lobster fishing or in attending to lobster traps or pots, shall be considered a lobster fisherman and must procure a license therefor.

Such license shall be issued only to persons who have been, for 3 years immediately prior to the date of the application, legal residents of this state; provided, however, that any person who has previously been a legal resident of this state and has reestablished a legal residence here for a period of 1 year next preceding his application shall be entitled to have his non-residence taken as part of said 3 years, and the fee for such license shall be \$5; and provided further, that a veteran of World War II, who was honorably discharged or honorably separated from active service in the armed forces and who has resided in Maine at any time between July 25, 1947 and July 25, 1956 and who has taken training under a licensed Maine lobster fisherman as provided for in Public Law 346, 78th Congress (G. I. Bill) or Public Law 16, 78th Congress, shall be granted such license if he has been a resident of Maine for at least 2 years prior to the date of the application.

The holder of a lobster fishing license shall not be required to procure a resident commercial fishing

license, but shall be entitled to all privileges of the same by virtue of such lobster fishing license.

War Orphans, Education of.

R. S. 1944, c. 37, §§ 119-122.

Sec. 119. "Orphan of veteran", defined. For the purposes of administering the provisions of sections 119 to 122, inclusive, an orphan of a veteran shall be defined as a child not under 16 and not over 22 years of age whose father served in the military or naval forces of the United States during World War I or World War II and was killed in action or died from a service connected disability as a result of such service. War orphans whose fathers entered the service from Maine or who have resided in the state for 5 years immediately preceding application for aid under the provisions of said sections and which children have graduated from high school and are attending a vocational school, or an educational institution of collegiate grade, shall be eligible for benefits provided under said sections.

Sec. 120. Purposes of appropriation; how distributed. Any sum or sums appropriated under the provisions of sections 119 to 122, inclusive, shall be used for the purpose of providing for tuition, matriculation fees, board, room rent, books, and supplies; provided, however, that the maximum amount payable in any 1 year for any person eligible under the provisions of said sections shall not exceed \$150. The state department of education shall determine the eligibility of the children who make application for the benefits provided under said sections and shall determine the amount to be awarded to each eligible applicant, not in excess of the maximum amount specified in this section, giving due consideration in each case to the necessary expenses for attending school and the resources available to the applicant for meeting these expenses. The department shall provide such forms and make such rules and regulations as it considers necessary for carrying out the provisions of said sections.

Sec. 121. Free tuition. All children qualifying as war orphans under the provisions of sections 119 to 122, inclusive, shall be admitted to state supported institutions of collegiate grade free of tuition.

Sec. 122. Appropriations. Appropriations for the administering of the provisions of sections 119 to 122, inclusive, shall be determined from the recommendation of the commissioner, who shall furnish estimates

of the costs of carrying out the provisions of the said sections in the same manner as other appropriations accruing to the department of education are handled.

Retirement System—Funds of State Employees and Teachers Protected While in Armed Forces.

R. S., c. 60 (as revised), § 3, sub-§ VI, as amended by P. L. 1949, c. 92.

VI. Should any member in any period of 15 consecutive years, after last becoming a member be absent from service more than 10 years, or should he withdraw his contributions, or should he become a beneficiary as the result of his own retirement, or die, he shall thereupon cease to be a member; provided, however, that the membership of any employee entering such classes of military or naval service of the United States as may be approved by resolution of the board of trustees, shall be considered to be continued during such military or naval service if he does not withdraw his contributions, and provided further, that any employee who enlists in or is inducted or drafted into the service of the armed forces of the United States, in time of war or while the provisions of Public Law 759, 80th Congress (Selective Service Act of 1948) or any amendment thereto or extension thereof shall be in effect, shall be considered as an employee under the provisions of this chapter and shall have all the benefits of section 23 of chapter 59, and the state shall contribute to the annuity savings fund or teachers' savings fund, whichever is applicable, such amounts as the employee would have been required to contribute if he had been serving the state during his service in the said armed forces in the same capacity as that in which he was serving at the time he joined the service; regardless of when he entered the United States armed forces or when he was released therefrom, provided such entry and release occurs during a time of war or while the provisions of Public Law 759, 80th Congress (Selective Service Act of 1948) or any amendment thereto or extension thereof shall be in effect; provided, however, that any employee, whose contributions to the annuity fund are paid by the state under the provisions of this section, who withdraws from or ceases to be a member of the retirement system, may not withdraw any of the contributions made by the state under this subsection.

State Vocational-Technical Institute.

R. S., c. 37, §§ 177-A and 177-B, as enacted by 1947, c. 382.

Sec. 177-A. Vocational education board to maintain and operate technical and vocational schools. In addition to its duties connected with vocational education and vocational rehabilitation, the vocational education board shall have authority to establish, maintain and operate state technical and vocational institutes to promote specialized training for returned veterans of World War II and other persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce.

Sec. 177-B. Powers and duties. For the purposes of sections 177-A to 177-C, inclusive, the vocational education board shall have power to accept and expend all funds received by it from the department of education on appropriation from the general fund of the state or from such gifts and donations either from public or private sources as may be offered unconditionally, together with fees as herein provided. The vocational education board shall have authority to offer such courses of study, give such diploma or certificate on completion of a course of study, charge such tuition and other reasonable fees, and set up such qualifications for admission as it deems necessary, in any such technical and vocational schools.

Cemeteries Where Veterans are Buried—To Be Cared for—Headstones.

R. S., c. 54, § 3.

Sec. 3. Ancient or public burying-grounds to be cared for; penalty for neglect. Each town, parish, religious society, and any individual, association, or corporation, to which any ancient or public burying-ground belongs shall keep a substantial fence around it in good repair; and in any such burying-ground in which any Revolutionary soldier or sailor, or soldier or sailor who served in the United States army, navy, or marine corps in any war is buried, the town in which said burying-ground is located shall keep in good condition and repair, all graves, headstones, monuments, or markers designating the burial place of said Revolutionary soldiers or sailors, or soldier or sailor who served in the United States army, navy, or marine corps in any war, and shall keep the grass suitably cut and trimmed on such graves during the

summer season. Towns may raise and appropriate money for such purposes. Each said town, parish, religious society, individual, association, or corporation shall be liable to a penalty of not more than \$25 for neglect to maintain such fence in good repair, and each said town shall be liable to a penalty of not more than \$10 for neglect to keep in good condition and repair all such graves, headstones, monuments, and markers, or failing to keep the grass suitably cut and trimmed as aforesaid, on said graves. The penalties above provided for shall be recovered in an action of debt brought in the name and for the use of any chapter of the Daughters of the American Revolution or post of the American Legion against such negligent town, parish, religious society, individual, association, or corporation.

G. I. Loans—Authorized for Maine Banks, Insurance Companies and Loan and Building Associations. Minority Waived.

R. S., c. 55, § 38, sub-§ XIII, as amended by P. L. 1945, c. 72, § 1. (Abstracted.)

. . . In notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the servicemen's readjustment act of 1944, more familiarly known as "The G. I. Bill of Rights", and as such act may be interpreted and operated under rules to be promulgated.

R. S., c. 55, § 38-A, as enacted by P. L. 1945, c. 207, § 1.

Sec. 38-A. Guaranteed loans for veterans; minors. Without regard to any other provision of law, savings banks of this state are authorized to make or buy and sell any loan secured or unsecured which is insured or guaranteed in any manner in part or in full by the United States or instrumentality thereof, or by this state or any instrumentality thereof, or for which there is a commitment to so insure or guarantee or for which a conditional guarantee has been issued. Any veteran of World War II otherwise eligible for a loan under the Servicemen's Readjustment Act of 1944, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.

R. S., c. 55, § 86, sub-§ II-A, as enacted by P. L. 1945, c. 72, § 2.

II-A. To invest their funds in notes or bonds secured by mortgages issued under sections 500 to 505,

inclusive, of Title III of the servicemen's readjustment act of 1944, more familiarly known as "The G. I. Bill of Rights", and as such act may be interpreted and operated under rules to be promulgated.

R. S., c. 55, § 86-A, as enacted by P. L. 1945, c. 207, § 2 and amended by P. L. 1947, c. 76.

Sec. 86-A. Guaranteed loans for veterans; minors. Without regard to any other provision of law, any bank or trust company of this state or any insurance company authorized to do business in this state is authorized to make or buy and sell any loan secured or unsecured which is insured or guaranteed in any manner in part or in full by the United States or any instrumentality thereof, or by this state or instrumentality thereof, or for which there is a commitment to so insure or guarantee or for which a conditional guarantee has been issued. Any veteran of World War II otherwise eligible for a loan under the Servicemen's Readjustment Act of 1944, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.

R. S., c. 55, § 151, as amended by P. L. 1945, c. 72, § 3.

Sec. 151. Board of directors to invest funds and fix rates of interest; members may make loans; rate of interest; investment of balance. The board of directors of a loan and building association shall see to the proper investment of the funds of the association, as provided in this section. After due allowance for all necessary and proper expenses, and for the withdrawal of shares, the moneys of the association shall be loaned to the members at a rate of monthly premium to be fixed by the directors, which shall in no case exceed 40c a share. Any member may, upon giving security satisfactory to the directors, receive a loan of \$200 or \$300 for each share held by him, or such fractional part of \$200 or \$300 as the by-laws may allow. Any association may provide in its by-laws that instead of interest and premium, a stated rate of annual interest determined by the directors may be charged upon the sum desired, payable in monthly instalments. Such rate shall include the whole interest and premium to be paid upon the loan. Loans on real estate may also be made to members repayable in monthly instalments sufficient to amortize the same, paying off interest and principal in not

less than 5 years nor more than 20 years. The mortgage and mortgage note shall require a monthly payment sufficient to amortize the debt in said periods and such payments shall be applied first to the interest on the unpaid balance of the debt, and the remainder to the unpaid principal of the debt, until the same is paid in full. Any balance remaining unloaned to members may be invested in such securities as are legal for the investment of deposits in savings banks, or with the approval of the bank commissioner may be loaned in whole or in part to other loan and building associations in this state. No loan shall be made on the gross premium plan. Funds may be invested in notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the servicemen's readjustment act of 1944, more familiarly known as "The G. I. Bill of Rights", and as such act may be interpreted and operated under rules to be promulgated.

R. S., c. 55, § 151-A, as enacted by P. L. 1945, c. 207, § 3.

Sec. 151-A. Guaranteed loans for veterans; minors. Without regard to any other provision of law, loan and building associations of this state are authorized to make or buy and sell any loan secured or unsecured which is insured or guaranteed in any manner in part or in full by the United States or any instrumentality thereof, or by this state or instrumentality thereof, or for which there is a commitment to so insure or guarantee or for which a conditional guarantee has been issued. Any veteran of World War II otherwise eligible for a loan under the Servicemen's Readjustment Act of 1944, but who is a minor, and his or her spouse are hereby empowered to contract and bind themselves for a loan to be guaranteed under said Act and upon any loan approved by a federal agency to be made or guaranteed or insured by it.

Hunting and Fishing Licenses—Employees of Veterans Administration Considered Residents. Complimentary Licenses to Holders of Congressional Medal of Honor.

R. S., c. 33, § 32, 5th Paragraph. (Tenth Biennial Revision of Fish and Game Laws.)

All employees of the Veterans' Administration Facility residing in Maine and employed by the Togus Facility are hereby classified as residents of this state for the purpose of obtaining fishing licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state.

The governor may issue complimentary fishing and hunting licenses to members of the Canadian Immigration Customs Forces who serve in such capacity on the Maine border. The governor may grant 2-year complimentary hunting and fishing licenses to holders of the congressional medal of honor, upon their application therefor.

Malt Beverage License—Three Months Business Requirement Waived for Certain Veterans.

R. S., c. 57, § 28, as amended by P. L. 1945, c. 259. (Abstracted.)

. . . Except as otherwise provided by law relating to part-time licenses, no license shall be issued to a restaurant unless it has been in operation as such for a period of at least 3 months next prior to the application therefor, provided, however, that any honorably discharged member of the armed forces of the United States who formerly held a malt beverage license or who formerly was the owner of a restaurant shall not be subject to the provisions of this sentence. . .

State Employees—Reemployment Rights Protected.

R. S. 1944, c. 59, § 23, as amended by P. L. 1949, c. 91.

Sec. 23. Employees in military or naval service; substitutes. Whenever any employee, regularly employed for a period of at least 6 months by the state, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district within the state, and who has attained permanent status in such employment, shall in time of war, contemplated war, emergency or limited emergency enlist, enroll, be called, or ordered, or be drafted in the military or naval service of the United States, or any branch or unit thereof, or shall be regularly drafted under federal man power regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service, but the duties of his said employment shall, if there is no other person authorized by law to perform the powers and duties of such employee during said period, be performed by a substitute, who shall be appointed for the interim by the same authority who appointed such employee if such authority shall deem the employment of such substitute necessary.

Such employee while in the military or naval service of the United States or still employed after draft under federal man power regulations shall be considered as on leave of absence without pay, and for the purpose of computing time in regard to pension rights and seniority, shall be considered during the period of his federal service as in the service of the governmental agency by which he was employed at the time of his entry into such federal service. Said interim appointments may be considered permanent if the employee granted the military leave fails to report for duty within a 90-day period from the date of his discharge from the military or naval forces of the United States, and provided further, that such discharge must have been effective not later than 6 months after the state of war ceases between the United States and every foreign government except in cases where a male or female veteran of World War II was receiving treatment in a hospital at the time of his or her discharge, and except in cases where such veteran has not been returned from and discharged from foreign service, in which event his or her status shall be governed by section 2 of chapter 300 of the public laws of 1943.

The provisions of this section shall apply to any such employee entering the armed forces of the United States under the provisions of Public Law 759, 80th Congress (Selective Service Act of 1948) or while said Public Law 759 or any amendment thereto or extension thereof shall be in effect.

Veterans Preference in State Employment.

R. S., c. 59, § 12-A, as enacted by P. L. 1945, c. 360 and amended by P. L. 1945, c. 377.

Sec. 12-A. Preference in state employment for veterans. Hereafter in making appointments to any position in the classified service preference in appointment as hereinafter provided shall be given to honorably discharged male and female veterans and widows of such, and to the wives of disabled veterans who themselves are not qualified but whose wives are qualified to hold such positions.

The classes of veteran preference shall be as follows:

I. Five-point preference is so-called because, for this class, 5 points are added to earned qualifying ratings in examination. Any veteran who has performed active duty in any branch of the armed forces of the United States during any war is en-

titled to 5-point preference upon honorable discharge or release therefrom.

II. Ten-point preference is a term applying to veteran preference which entitles the holder to an addition of 10 points to earned qualifying ratings in examination. The classes of 10-point preference are as follows:

A. Disability preference applies to honorably discharged veterans who establish by official records

1. the present existence of a service-connected disability, or
2. the current receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the war department or the navy department.

B. When veterans entitled to disability preference on the basis of service-connected disability cannot be directly benefited thereby because of being disqualified for appointment by reason of the physical disability on which the preference is based, 10-point preference may be granted to their wives instead. This constitutes "wife preference".

C. Ten-point preference is accorded to unmarried widows of deceased veterans who performed active duty in any branch of the armed forces of the United States during any war, and were honorably discharged or released therefrom. This is known as "widow preference".

The term "veteran" as used in this section shall mean a person, male or female, who served in the active service of the United States' armed forces during a period of war in which the United States has been, or is, engaged; and who has been discharged or released therefrom under honorable conditions.

For the carrying out of the provisions of this section, the following dates of active service in the United States armed forces shall be:

- I. Spanish American War, April 21, 1898-August 12, 1898.
- II. Philippine Insurrection, August 12, 1898-July 4, 1902. If service was in Moro Province, ending date is July 15, 1903.
- III. Boxer Rebellion, June 20, 1900-May 12, 1901.

IV. World War I, on or after April 6, 1917 and before November 12, 1918. If service was in Russia, ending date is April 1, 1920.

V. World War II, December 7, 1941, and the date of cessation of hostilities as fixed by the United States government.

The provisions of this section shall apply to all examinations for original positions in the state police and in the department of inland fisheries and game.

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the personnel board or other examining agency may waive requirements as to age, height and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The personnel board or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the personnel board or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

Professional Engineers—Exempt from Renewal Fees During War-time Service in Armed Forces or Certain War-time Employment.

R. S., c. 74, § 16-A, as enacted by P. L. 1945, c. 43, § 2.

Sec. 16-A. Exemptions from expiration and renewal fees. Any person holding a valid certificate of registration under the provisions of this chapter on the date of entering employment in the armed forces of the government of the United States during a period of war, or employment in any war time service outside of continental United States, governmental or otherwise, under the United States or any of its allied nations, shall be exempt, for the duration of such employment, from the payment of all renewal fees and his certificate of registration shall remain in full force and effect until the next regular renewal date following the termination of such employment.

County Commissioners—Regarded as on Leave of Absence While in Military Service.

R. S., c. 79, § 4.

Sec. 4. County commissioners in military or naval service; substitutes. Whenever a county commis-

sioner during his term of office shall, in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered or be drafted into the military or naval service of the United States or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned his said office, nor shall he be removable therefrom during the period of his said military or naval service except that his term of office shall not be held to have been lengthened by reason of the provisions of this section. From the time of his induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the governor, with the advice and consent of the council, shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner. During the period of said military or naval service, the county shall pay to said substitute county commissioner a salary at the same rate as the rate of pay of the county commissioner, and amounts so paid shall be deducted from the salary of said county commissioner. The citizen so appointed to fill the temporary vacancy shall have the title of "substitute county commissioner" and shall possess all the rights and powers and be subject to all the duties and obligations of the county commissioner for whom he is substituting.

Discharge Papers—Recorded by Clerks of Court.

R. S., c. 79, § 120.

Sec. 120. Duties as to lists of justices, discharges of soldiers and seamen, and files of state paper. The clerk shall record the list of magistrates furnished by the secretary of state in a suitable book; and such record, and also copies thereof duly attested by him, are legal, but not conclusive evidence of the due appointment and qualification of all such officers. He shall also record in a book kept for that purpose, properly indexed, certificates of discharge of soldiers and seamen from the army and navy of the United States; certified copies from such record, when the originals are lost, shall be evidence in court, and in the absence of other proof, have the same effect as the originals. He shall preserve and file, for public inspection, all copies of the state paper forwarded to him by the publisher thereof, as required by law.

Discharge Papers—Recorded by Town Clerks.

R. S., c. 80, § 24-A, as enacted by P. L. 1945, c. 28.

Sec. 24-A. Discharges of soldiers and sailors. The discharge or release papers of soldiers and sailors, who served in the armed forces of the United States in time of war or insurrection and have been honorably discharged therefrom or released from active duty therein, may be recorded with the clerk of the town of the holder's residence in books kept for the purpose, upon payment of a fee of 25c for each discharge or release so recorded. The clerk shall prepare and keep an index of the papers so recorded, and copies of such papers, if attested by him, shall be admitted as sufficient evidence thereof whenever they are otherwise competent.

Rehabilitation of Veterans—Cities and Towns May Raise Money for Rehabilitation, Employment, Monuments or Memorials.

R. S., c. 80, § 91, as amended by P. L. 1945, c. 40.
(Abstracted.)

Sec. 91. Other purposes for which cities and towns may raise money. Cities and towns may raise money to procure the writing and publication of their histories, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town, and to publish the proceedings of any such celebration; to defray the expenses of the observance of memorial day, armistice day, or any other day set apart for patriotic commemoration, firemen's memorial Sunday, and of old home week; to hire a public nurse; to hire a dental hygienist; to subsidize a physician to induce him or her to settle in said town; to aid in the maintenance of a hospital serving the inhabitants of the town; to provide for a local program or one based on coordination with the state having to do with the rehabilitation and employment of persons honorably discharged from the armed forces of the United States in World War II; to provide for physical fitness programs in the schools; to erect suitable monuments or memorials in memory of the soldiers and sailors who sacrificed their lives in defense of their country in the war of 1861, or in World Wars I and II, and a reasonable sum to secure, grade, and care for a lot appropriate for such a monument or memorial. . . .

Graves of Veterans—Cities, Towns and Plantations to Decorate with Flags and Floral Decoration.

R. S. 1944, c. 80, § 94.

Sec. 94. Cities, towns, and plantations to decorate graves of soldiers and sailors. Each and every city, town, and plantation by its town or plantation officers is required to decorate the graves of veterans (soldiers and sailors) with an American flag and such other floral decorations as in the opinion of said city, town, or plantation officers shall be deemed advisable, on Decoration Day, May 30th of each year. Each and every said city, town, and plantation is empowered to raise by taxation a sufficient amount of money to pay for said American flags and other floral decorations above mentioned.

Tax Exemption—Polls, Real and Personal Estates.

R. S., c. 81, § 6, sub-§ X, as amended by P. L. 1947, c. 29.

X. The polls and the estates of persons who by reason of age, infirmity or poverty are in the judgment of the assessors unable to contribute toward the public charges; the polls of all soldiers and sailors who served in the army or navy of the United States in the war of 1861-1865 and were honorably discharged or honorably separated from such service; the polls of all soldiers, sailors and marines who receive state pension; the polls of all soldiers, sailors and marines who served in the Indian wars; the polls of all soldiers, sailors and marines who served in the war with Spain; the polls of all soldiers, sailors and marines who served in the Philippine Insurrection; the polls of all disabled veterans of World Wars I and II, namely, soldiers, sailors and marines who are receiving pension or retirement pay or compensation or vocational training from the United States Government on account of disability incurred in or aggravated by service in World Wars I or II; and the estates, to the value of \$3,500 of all male or female veterans who have served in the armed forces of the United States during any federally recognized war period and who were honorably discharged, or honorably separated from such service and retired to the reserve, who shall have reached the age of 62 years or are receiving a pension, retirement pay or compensation from the United States Government for total disability, or the unmarried widow of any veteran who is herself receiving a pension from the United States

Government, or whose husband died after reaching the age of 62 years, or whose husband was during his lifetime receiving, or was awarded after death, a pension, retirement pay or compensation from the United States Government for total disability, or the minor children of any veteran who shall be receiving a pension from the United States Government, and of all persons determined to be blind within the definition provided by sections 275 to 293, inclusive, of chapter 22 who are receiving aid under the provisions of said sections; and in case any person entitled to such exemption has property taxable in more than one city or town of the state, such proportion of such total exemption shall be made in each city or town, as the value of the property taxable in such city or town bears to the value of the whole of the property of such person taxable in the state; provided, however, that no exemption shall be allowed hereunder in favor of any person who is not a legal resident of this state; and provided further, that any male or female veteran, or blind person, or widow, or minor child of such male veteran or blind person, who desires to pay said tax may, on or before the 1st day of April in each year, notify in writing the assessors of the city, town or plantation in which he or she resides of his or her desire to pay said tax, whereupon the said assessors shall assess said tax against said male or female veteran, or blind person, or widow or minor child of said male veteran or blind person, and said male or female veteran, or blind person, or widow or minor child of said male veteran or blind person shall be legally holden to pay said tax; and provided further, that no property conveyed to such male or female veteran, or blind person, or widow or minor child of said male veteran or blind person for the purpose of obtaining exemption from taxation under the provisions of this subsection shall be so exempt, and any attempt to obtain such exemptions by means of fraudulent conveyance shall be punished by a fine of not less than \$100.

Burial—State to Pay for Destitute Veterans and Their Widows.

R. S. 1944, c. 82, §§ 45 and 46.

Sec. 45. State to pay burial expenses of destitute soldiers and sailors and their widows. Whenever any person who has served in the army, navy, or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of

his death a resident of this state and in destitute circumstances, the state shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy, or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of her death a resident of this state and being in destitute circumstances and having no kindred living within this state and of sufficient ability legally liable for her support, the state shall pay the necessary expenses of her burial; such expenses shall not exceed the sum of \$100 in any case, and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

Sec. 46. Cities and towns to pay expenses and to be reimbursed by state; person not to be constituted a pauper. The municipal officers of the city or town in which such deceased, mentioned in section 45, resided at the time of his death shall pay the expenses of his burial, and if he die in an unincorporated place, the town charged with the support of paupers in such unincorporated place shall pay such expenses, and in either case upon satisfactory proof by such town or city to the department of health and welfare of the fact of such death and payment, the state shall refund to said town or city the amount so paid; provided, however, that the person whose burial expenses are paid in accordance with the provisions of this and the preceding section shall not be constituted a pauper thereby; said proof shall contain a certificate from the adjutant-general of the state to the effect that such person was an honorably discharged soldier or sailor, or the widow of an honorably discharged soldier or sailor.

Paupers—Veterans not to be Considered.

R. S. 1944, c. 82, § 10.

Sec. 10. Soldiers, sailors, and marines in the war of 1861, the war with Spain, and World Wars I and II, who received honorable discharge, not to be considered paupers; families to be supported in place other than poorhouse; penalty. No soldier, sailor, or marine who served in the army, navy, or marine corps of the United States, in the war of 1861 or in the war with Spain, and no male or female veteran who served in World Wars I or II, and who has received an honorable discharge from said service, and who has or may become dependent upon any town shall be considered a pauper, or be subject to disfranchisement for that cause; but the time during

which said soldier, sailor, or marine is so dependent shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to or support in the poorhouse any such dependent soldier, sailor, or marine, or his family. The word "family" here used shall be held to include the soldier, sailor, or marine, his wife, his unmarried minor children living with him and dependent upon him for support, and such other unmarried children of his dependent upon him for support who by reason of mental incapacity or physical disability are unable to provide for themselves; but the town of his settlement shall support them at his own home in the town of his settlement or residence, or in such suitable place other than the poorhouse as the overseers of the town of his settlement may deem right and proper. The words "soldier, sailor, or marine" here used shall be held to include male and female veterans. In case of violation of the provisions of this section the overseers of the poor shall be subject to a fine of \$25; and for every day they allow them to remain in such poorhouse, after reasonable notice, they shall be subject to a further fine of \$5 a day, to be recovered by complaint or indictment. This section shall not be so construed as to deprive overseers of the poor of any right to remove and support such dependent soldier, sailor, or marine, and his family in the town of his settlement as provided by law.

Settlement—Inmates of Veterans' Facility at Togus not to Lose or Change While There.

R. S. 1944, c. 82, § 6.

Sec. 6. Inmates of Veterans' Administration Facility at Togus. Inmates of the Veterans' Administration Facility at Togus, in the county of Kennebec, and persons subject to the rules and regulations thereof, or receiving rations therefrom, have their settlement in the respective towns in which they had a legal settlement when their connection with said Veterans' Administration Facility commenced, so long as such connection continues therewith.

Bar Examinations—Certain Educational Requirements Waived in Case of Veterans of World War II.

R. S., c. 93, § 4-A, as enacted by P. L., 1945, c. 70.

Sec. 4-A. Equivalent preliminary education. Any person who has been graduated from a class A

secondary school of this state as recognized by the commissioner of education or a secondary school of equal standard located without the state and who has served in the armed forces of the United States during any part of World War II and has been honorably discharged therefrom shall be deemed to have an equivalent preliminary education. Such equivalent preliminary education shall be proved by presenting to said board within 6 years after such person receives his discharge from such armed forces, his diploma or certificate of graduation from such secondary school and his honorable discharge from such armed forces. Any person who so proves in the manner and within the time aforesaid that he has such equivalent preliminary education need not have and need not prove the preliminary education described in section 4 before taking examination for admission to the bar of this state.

Wills—Special Probate Procedure When Witnesses Are in Armed Forces at Time of Subscribing.

R. S., c. 141, § 7-A, as enacted by P. L., 1945, c. 18.

Sec. 7-A. Proving wills when subscribing witnesses in armed forces. When it appears to the judge that a will offered for probate was executed before witnesses who at the time they subscribed their names thereto were serving in or present with the armed forces of the United States or as merchant seamen, and that such will cannot be proved as otherwise provided by law because one or more or all of the subscribing witnesses to the will, at the time the will is offered for probate, are serving in or present with the armed forces of the United States or as merchant seamen, or are dead or mentally or physically incapable of testifying or otherwise unavailable, the judge may decree the probate of such will upon the testimony in person or by deposition of at least 2 credible disinterested witnesses that the signature to the will is in the handwriting of the person whose will it purports to be, or upon other sufficient proof of such handwriting. The foregoing provision shall not preclude the judge, in his discretion, from requiring in addition, the testimony in person or by deposition of any available subscribing witness, or proof of such other pertinent facts and circumstances as the judge may deem necessary to decree the probate of such will. When such will is proved and allowed, it shall have the same force and effect as a will proved and allowed as otherwise provided by law.

**Presumption of Death—Special Provisions as to
Persons in Armed Forces.**

R. S., c. 141, § 23, as amended by P. L. 1945, c. 312, § 1; and §§ 23-A, 23-B and 23-C, as enacted by P. L. 1945, c. 312, § 2.

Sec. 23. Administration upon estates of persons who have disappeared and have not been heard from for at least 7 years. If a person entitled to or having an interest in personal property within the jurisdiction of this state has disappeared from the place within this state where he was last known to be or resided, and his disappearance is followed by a continued absence for a period of not less than 7 years from the date of disappearance, during which period he is unheard from; and a petition is made to the probate court in the county in which said person last resided, or in which he left said property of the value of at least \$20, which petition shall allege the disappearance, continued absence, and presumption of death of said person and request the allowance of the will of said person, if he left one, or the appointment of an administrator, if he is alleged to have died intestate; and the said probate court, after notice and hearing thereon, shall issue letters testamentary or of administration upon his estate; then any payment due the estate of said person made to the executor or administrator thereof shall be valid, and the receipt or release given by said executor or administrator shall be a bar to any further or other action therefor. Except that persons in World War II service classed as "missing in action" shall be presumed to be dead after continued absence of 1 year from the date such persons are so classed upon written finding of presumed death made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act, or upon a duly certified copy of said finding.

Sec. 23-A. Evidence of presumption of death after 1 year. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2nd Sess. 78th Cong.; 50 U.S.C. App. Supp 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this state as evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Sec. 23-B. Establishing fact of life or death. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in section 23-A or by any other law of the United States to make same, shall be received in any court, office or other place in this state as evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

Sec. 23-C. Evidence of fact of execution of instrument. For the purposes of sections 23-A and 23-B, any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Guardianship—Uniform Veterans' Guardianship Act.
Copies of Records to Be Supplied Without Charge.

R. S., c. 146, as repealed and replaced by P. L. 1949, c. 230.

Sec. 1. Definitions. As used in this chapter, the following terms shall have the following meanings:

“Person” means an individual, a partnership, a corporation or an association.

“Veterans Administration” means the Veterans Administration, its predecessors or successors.

“Income” means moneys received from the Veterans Administration and revenue or profit from any property wholly or partially acquired therewith.

“Estate” means income on hand and assets acquired partially or wholly with “income.”

“Benefits” means all moneys paid or payable by the United States through the Veterans Administration.

“Administrator” means the Administrator of Veterans Affairs of the United States or his successor.

“Ward” means a beneficiary of the Veterans Administration.

“Guardian” means any fiduciary for the person or estate of a ward.

Sec. 2. Administrator as party in interest. The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the Veterans Administration. Not less than 15 days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail (unless waived in writing) to the office of the Veterans Administration having jurisdiction over the area in which any such suit or any such proceeding is pending.

Sec. 3. Application of chapter. Whenever, pursuant to any law of the United States or regulation of the Veterans Administration, it is necessary, prior to payment of benefits, that a guardian be appointed, the appointment may be made in the manner hereinafter provided.

Sec. 4. Limitation on number of wards. No person other than a bank or trust company shall be guardian of more than 5 wards at 1 time, unless all the wards are members of 1 family. Upon presentation of a petition by an attorney of the Veterans Administration or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than 5 wards as herein provided and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge him from guardianships in excess of 5 and forthwith appoint a successor.

Sec. 5. Filing of petition; contents.

I. A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within 30 days after mailing of notice by the Veterans Administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this state.

II. The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the Veterans Administration and shall set forth the amount of moneys then due and the amount of probable future payments.

III. The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

IV. In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing the Veterans Administration.

Sec. 6. Evidence of necessity for guardian of infant. Where a petition is filed for the appointment of a guardian for a minor, a certificate of the administrator or his authorized representative, setting forth the age of such minor as shown by the records of the Veterans Administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Veterans Administration shall be prima facie evidence of the necessity for such appointment.

Sec. 7. Evidence of necessity for guardian for incompetent. Where a petition is filed for the appointment of a guardian for a mentally incompetent ward, a certificate of the administrator or his duly authorized representative, that such person has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing such Veterans Administration and that the appointment of a guardian is a condition precedent to the payment of any moneys due such ward by the Veterans Administration, shall be prima facie evidence of the necessity for such appointment.

Sec. 8. Notice. Upon the filing of a petition for the appointment of a guardian under the provisions of this chapter, notice shall be given to the ward, to such other persons, and in such manner as is provided by law, and also to the Veterans Administration as provided by this chapter.

Sec. 9. Bond.

I. Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing year. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws. The court may from time to time require the guardian to file an additional bond.

II. Where a bond is tendered by a guardian with personal sureties, there shall be at least 2 such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his debts and liabilities and the aggregate of other bonds on which he is principal or surety and exclusive of property exempt from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate.

Sec. 10. Petitions and accounts, notices and hearings.

I. Every guardian, who has received or shall receive on account of his ward any moneys or other thing of value from the Veterans Administration shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true and accurate account under oath of all moneys or other things of value so received by him, all earnings, interest or profits derived therefrom and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his hands at the date of the account and how invested.

II. The guardian, at the time of filing any account, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein said securities or investments are

held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or, upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account, and shall note any omissions or discrepancies. If the depository is the guardian, the certifying officer shall not be the officer verifying the account. The guardian may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him and that those exhibited to him were the same as those shown in the account and noting any omission or discrepancy. That certificate and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with his account.

III. At the time of filing in the court any account, a certified copy thereof and a signed duplicate of each certificate filed with the court shall be sent by the guardian to the office of the Veterans Administration having jurisdiction over the area in which the court is located. A signed duplicate or a certified copy of any petition, motion or other pleading, pertaining to an account, or to any matter other than an account, and which is filed in the guardianship proceedings or in any proceeding for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the person filing the same to the proper office of the Veterans Administration. Unless hearing be waived in writing by the attorney of the Veterans Administration, and by all other persons, if any, entitled to notice, the court shall fix a time and place for the hearing on the account, petition, motion or other pleading not less than 15 days nor more than 30 days from the date same is filed, unless a different available date be stipulated in writing. Unless waived in writing, written notice of the time and place of hearing shall be given the Veterans Administration office concerned and the guardian and any others entitled to notice not less than 15 days prior to the date fixed for the hearing. The notice

may be given by mail in which event it shall be deposited in the mails not less than 15 days prior to said date. The court, or clerk thereof, shall mail to said Veterans Administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party.

IV. If the guardian is accountable for property derived from sources other than the Veterans Administration, he shall be accountable as is or may be required under the applicable law of this state pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the Veterans Administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

Sec. 11. Penalty for failure to account. If any guardian shall fail to file with the court any account as required by this chapter, or by an order of the court, when any account is due or within 30 days after citation issues as provided by law, or shall fail to furnish the Veterans Administration a true copy of any account, petition or pleading as required by this chapter, such failure may in the discretion of the court be ground for his removal.

Sec. 12. Compensation of guardians. Compensation payable to guardians shall be based upon services rendered and shall not exceed 5% of the amount of moneys received during the period covered by the account. In the event of extraordinary services by any guardian, the court, upon petition and hearing thereon may authorize reasonable additional compensation therefor. A copy of the petition and notice of hearing thereon shall be given the proper office of the Veterans Administration in the manner provided in the case of hearing on a guardian's account or other pleading. No commission or compensation shall be allowed on the moneys or other assets received from a prior guardian nor upon the amount received from liquidation of loans or other investments.

Sec. 13. Investments. Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this state or of the United

States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the Veterans Administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

Sec. 14. Maintenance and support. A guardian shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the proper office of the Veterans Administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account or other pleading.

Sec. 15. Purchase of home for ward.

I. The court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or (if he is not a minor) as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the Veterans Administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

II. Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This section does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold; nor does it limit the right of the guardian, if such be necessary to protect the ward's interest and upon prior order of the court in which the guardianship is pending, to agree with co-tenants of the ward for a partition in kind, or to purchase from co-tenants the entire undivided interests held by them, or to

bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

Sec. 16. Copies of public records to be furnished.
When a copy of any public record is required by the Veterans Administration to be used in determining the eligibility of any person to participate in benefits made available by the Veterans Administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the Veterans Administration with a certified copy of such record.

Sec. 17. Discharge of guardian and release of sureties.

I. In addition to any other provisions of law relating to judicial restoration and discharge of guardian, a certificate by the Veterans Administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the Veterans Administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his competency. Upon hearing after notice as provided by this chapter and the determination by the court that the ward has attained majority or has recovered his competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the Veterans Administration as in case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.

Sec. 18. Commitment to Veterans Administration or other agency of United States Government.

I. Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the Veterans Administration or other agency of the Unit-

ed States Government, the court, upon receipt of a certificate from the Veterans Administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said Veterans Administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner as provided by law; and nothing in this chapter shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state shall be subject to the rules and regulations of the Veterans Administration or other agency. The chief officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as superintendents of state hospitals for mental diseases within this state with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this chapter are so conditioned.

II. The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration, or other agency of the United States Government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint; as is provided in subsection I of this section with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the Veterans Administration, or of any institution operated in this state by any other agency of the United States

to retain custody, or transfer, parole or discharge the committed person.

III. Upon receipt of a certificate of the Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to the Veterans Administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the Veterans Administration or other agency of the United States pursuant to the original commitment.

Sec. 19. Liberal construction. This chapter shall be so construed to make uniform the law of those states which enact it.

Sec. 20. Short title. This chapter may be cited as the "Uniform Veterans' Guardianship Act."

Sec. 21. Modification of prior laws. Except where inconsistent with this chapter, the laws of this state relating to guardian and ward and the judicial practice relating thereto, including the right to trial by jury and the right of appeal, shall be applicable to such beneficiaries and their estates.

Acknowledgment of Legal Documents—By Persons in the Armed Forces in Time of War Not to Require Seal.

R. S., c. 154, § 23, as amended by P. L. 1945, c. 326.

Sec. 23. Deeds and other instruments, before whom to be acknowledged; when admitted to record. Deeds and all other written instruments before re-

ording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages, and certain chattel mortgages as provided in section 1 of chapter 164, shall be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or his attorney executing the same, before a justice of the peace, or notary public having a seal, in the state; or before any clerk of a court of record having a seal, notary public, justice of the peace, or commissioner appointed by the governor of this state for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister or consul of the United States or notary public in any foreign country. The seal of such court or the official seal of such notary public or commissioner, if he has one, shall be affixed to the certificate of acknowledgment, but if such acknowledgment is taken outside the state before a justice of the peace, notary public not having a seal, or commissioner, a certificate under seal from the secretary of state, or clerk of a court of record in the county where the officer resides or took the acknowledgment, authenticating the authority of the officer taking such acknowledgment and the genuineness of his signature, must be annexed thereto.

Provided, however, that when a state of war exists between the United States and any other nation, any resident of the state who is in the armed forces of the United States, and who executes a general or special power of attorney, deed, lease, contract, or any instrument that is required to be recorded, may acknowledge the same as his true act and deed before any lieutenant or officer of senior grade thereto in the army, or before any ensign or officer of senior grade thereto in the navy, and the record of such acknowledgment by said officers shall be received and have the same force and effect as acknowledgments under the other provisions of this section.

Provided further, that powers of attorney and other instruments requiring seals executed by such members of the armed forces may be accepted for recordation in registries of deeds and other offices of record in cases where no seal is affixed after the name of the person or persons executing the instrument with like force and effect as though seals were affixed thereto.

Any justice of the peace who is a stockholder, director, officer, or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by such corporation; provided that such justice of the peace is not a party to such instrument either individually or as a representative of such bank or other corporation.

This section shall not be construed as invalidating any instrument duly executed in accordance with the statutes heretofore in effect, or made valid by any such statute. All such instruments may be admitted to record which at the time of their execution or subsequent validation could be so recorded.

Motor Vehicle Operator's License—Free to Persons in Armed Forces.

P. L. 1943, c. 157, as amended by P. L. 1945, c. 246.

Provided, however, that the secretary of state, on application from any person who is serving in the armed forces of the United States, and who is otherwise qualified to operate a motor vehicle in the state of Maine, shall receive a license without the requirement of the payment of any fee.

This act shall remain in force only for the duration of the war and 6 months thereafter.

Beano—Licenses May Be Issued to Veterans Organizations.

R. S. 1944, c. 126, § 23, as amended by P. L. 1947, c. 172.

Sec. 23. Issuance of licenses; fees. The chief of the state police may issue licenses to operate such amusement for a period of 6 days to any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization which was in existence at least 2 years prior to their application for a license, when sponsored, operated, and conducted for the exclusive benefit of such organization by duly authorized members thereof; provided that said 2 years limitation shall not apply to any chartered posts of veterans organizations, nationally established, even though such posts have not been in existence for 2 years prior to their application for a license. No such license shall be issued to any person, firm, or corporation other than a fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization.

The fee for such license shall be \$2 and shall be paid to the treasurer of state to be credited to the general fund. No such licenses shall be assignable or transferable. Nothing contained herein is to be construed to prohibit any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization from obtaining more than one 6-day license.

INDEX TO LAWS

	Page
Acknowledgment of Legal Documents by Persons in Armed Forces	59
Amputee Veterans, Exemption from Motor Vehicle Excise Tax	23
Amputee Veterans, Exemption from Motor Vehicle Operator's License	22
Amputee Veterans, Exemption from Motor Vehicle Registration Fee	22
Bar Examinations, Waiver of Educational Requirements	47
Bath Military and Naval Children's Home	30
Beano, Licenses to Veterans' Organizations ...	61
Burial, Destitute Veterans and their Widows ..	45
Burial Grounds—see Cemeteries	
Cemeteries, Where Veterans Buried — to be cared for—Headstones	34
Clerks of Court, to Record Discharges	42
Congressional Medal of Honor—Complimentary Hunting and Fishing Licenses for	38
Commitment to Veterans Administration—Veterans of Unsound Mind	57
Complimentary Hunting and Fishing Licenses to Holders of Congressional Medal of Honor	38
Copies of Public Records—Fee When Required by Veterans Administration	57
County Commissioners—Considered on Military Leave while in war-time Armed Forces	41
Death — Presumption of — Persons in Armed Forces	49
Death Records, Shall State if Deceased was Veteran	24
Dependents of Disabled Veterans, Support	27
Discharge Papers—Recorded by Clerk of Courts	42
Discharge Papers—Recorded by Town Clerks ..	43
Dishonorable Discharge, bar to State Guard ...	22
Director of Veterans Affairs	24
Division of Veterans Affairs	24
Division of Veterans Affairs — Records Confidential	25
Education—State Vocational-Technical Institute	34
Education of War Orphans	32
Employment—Veterans' Preference	39
Engineers, Professional — Exemption from Renewal fees	41
Excise Tax, Motor Vehicle—Amputee Veterans' Exemption	23
Exemption, Militia Service	21

	Page
Exemption, Motor Vehicle Excise Tax, Amputee Veterans	23
Exemption, Motor Vehicle Operator's License fee, Amputee Veterans	22
Exemption, Motor Vehicle Registration Fee, Amputee Veterans	22
Exemption, Renewal Fees, Professional Engineers	41
Exemptions, Tax — Poll, Real and Personal Estates	44
Federal Funds, Authority for Division of Veterans Affairs to Receive	30
Flags, Cities and Towns to place on Veterans' Graves	44
G. I. Loans—Banks, Insurance Companies and Building & Loan Associations May Invest In	35
General Law Pensions	26
Graves of Veterans—Cities and Towns to Decorate	44
Guardianship—Uniform Veterans Act	50
Home—Military and Naval Children's—Bath ..	30
Hunting and Fishing Licenses—Complimentary to Holders of Congressional Medal of Honor	38
Hunting and Fishing Licenses — Employees of Veterans Administration to be considered as residents	37
Insignia, Unauthorized Use of	21
Legal Documents—Acknowledgment of by Persons in Armed Forces	59
Licenses—Beano—to Veterans Organizations ..	61
Licenses, Hunting and Fishing, Complimentary to Holders of Congressional Medal of Honor	38
Licenses, Hunting and Fishing, Employees of Veterans Administration to be considered as residents	37
Licenses, Lobster Fisherman's — G. I. Trainees	31
Licenses, Malt Beverage—Three Months' Business Requirement Waived	38
License — Motor Vehicle Operator's — Free to Persons in Armed Forces	61
Lobster Licenses for G. I. Trainees	31
Malt Beverage License — Three Months' Business Requirement Waived	38
Memorial or Monuments — Cities and Towns May Raise Money for	43
Memorial Day — Cities and Towns May Raise Money for	44
Military Leave—County Commissioners	41

	Page
Militia Service, Exemption from	21
Minority—Waived in case of G. I. Loans..	35, 36, 37
Motor Vehicle Excise Tax, Amputee Veterans' Exemption	23
Motor Vehicle Operator's License—Examination Waived for Certain Veterans	23
Motor Vehicle Operator's License Fee, Amputee Veterans' Exemption	22
Motor Vehicle Operator's License, Free to Persons in Armed Forces	61
Motor Vehicle Registration Fee, Amputee Veterans' Exemption	22
Paupers — Veterans and Families Not to be Considered	46
Pensions to Certain Veterans and Their Dependents	26
Poor House—Veterans and Families Not to be Supported In	47
Presumption of Death — Persons in Armed Forces	49
Public Records — Copies to be Furnished Free When Required by Veterans Administration	57
Reemployment Rights — Protected as to State Employees	38
Rehabilitation of Veterans — Cities and Towns May Raise Money for	43
Retirement System — State Employees While in Armed Forces	33
Settlement — Inmates of Veterans Administration Facility	47
State Employees — Funds in Retirement System Protected While in Armed Forces	33
State Employees — Reemployment Rights Protected	38
State Guard, Dishonorable Discharge Bar to ..	22
State Vocational-Technical Institute	34
Tax Exemptions, Polls, Real and Personal Estates	44
Town Clerks — To Record Discharge Papers ..	43
Veterans Organizations, Unauthorized Use of Insignia	21
War Orphans, Education of	32
Wills, Probate Procedure When Witnesses in Armed Forces	48
World War Assistance	27
Veterans Administration — Employees to be Considered as Residents for Hunting and Fishing Licenses	37
Veterans Preference, State Employment	39