

SENATE No. 1164

The Commonwealth of Massachusetts

SENATE, September 7, 1965.

The committee on Ways and Means, to whom was committed the House bill substituting residence for settlement in determining eligibility for veterans' benefits (House, No. 1781), reports recommending that the same ought to pass with an amendment, substituting a new draft with the same title (Senate, No. 1164).

For the committee,

JAMES F. BURKE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT SUBSTITUTING RESIDENCE FOR SETTLEMENT IN DETERMINING ELIGIBILITY FOR VETERANS' BENEFITS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 115 of the General Laws
2 is hereby amended by inserting after the definition of "Depend-
3 ent" the following definition: —

4 "Reside", to occupy an established place of abode with no
5 present intention of definite and early removal, but not
6 necessarily with the intention of remaining permanently.

1 SECTION 2. The third paragraph of section 2 of said chap-
2 ter 115 is hereby amended by striking out the first sentence,
3 as appearing in section 3 of chapter 590 of the acts of 1951,
4 and inserting in place thereof the following sentence: — He
5 shall decide all controversies between towns relative to the
6 residence of applicants for veterans' benefits, and, subject to
7 the approval of the attorney general, his decisions shall be
8 final.

1 SECTION 3. The sixth paragraph of said section 2 is hereby
2 amended by striking out the second sentence, as appearing in
3 section 1 of chapter 584 of the acts of 1946, and inserting in
4 place thereof the following sentence: — On or before November
5 tenth in the year following any expenditure so authorized, the
6 city or town making the same shall be reimbursed by the com-
7 monwealth to the extent of one half of such expenditure.

1 SECTION 4. Section 5 of said chapter 115 is hereby amended
2 by striking out the first paragraph, as most recently amended
3 by section 1 of chapter 305 of the acts of 1955, and inserting
4 in place thereof the following paragraph: —

5 Veterans' benefits shall be paid to a veteran or dependent

6 by the city or town wherein he resides; provided, that no
7 benefits shall be paid to a veteran unless he has actually re-
8 sided within the commonwealth continuously for three years
9 next preceding the date of his application for such benefits,
10 nor to any dependent of a veteran unless he has actually
11 resided within the commonwealth continuously for three years
12 next preceding the date of his application for such benefits,
13 nor unless the veteran of whom he is a dependent has actually
14 resided within the commonwealth continuously for three years
15 next preceding the date of such dependent's application for
16 such benefits. If the veteran is deceased at the time of the
17 dependent's application for benefits, and the veteran died
18 while a resident of the commonwealth, the commissioner may,
19 notwithstanding the foregoing proviso, authorize such benefits
20 to such dependent actually residing in the commonwealth at the
21 time of the veteran's death; provided, however, any veteran
22 who actually resided in the commonwealth at the time of his
23 entry into or continuance in active military or naval service
24 of the United States shall be eligible for benefits without any
25 waiting period.

1 SECTION 5. The paragraph added at the end of said section
2 5 by section 1 of chapter 753 of the acts of 1951 is hereby
3 amended by striking out, in lines 8 and 9, the words "settle-
4 ment or".

1 SECTION 6. Section 6 of said chapter 115 is hereby amended
2 by striking out the last sentence, as appearing in section 1 of
3 chapter 584 of the acts of 1946, and inserting in place thereof
4 the following sentence:— Subject to such decision and allow-
5 ance, one half of the amounts of veterans' benefits paid to
6 applicants by the cities and towns wherein they reside, but
7 none of the expenses attending the payment of such benefits,
8 shall be paid by the commonwealth to the several cities and
9 towns on or before November tenth in the year after such
10 expenditures.

1 SECTION 7. Section 8 of said chapter 115 is hereby amended
2 by striking out the last two sentences, as respectively appear-

3 ing in chapter 648 of the acts of 1948 and section 5 of chapter
4 590 of the acts of 1951 and inserting in place thereof the
5 following sentences: — One half of the amounts so paid and
6 allowed for burial expenses of veterans or dependents by the
7 cities and towns wherein they reside shall be paid by the com-
8 monwealth to the several cities and towns on or before No-
9 vember tenth in the year after the expenditures have been
10 made. Notwithstanding the requirements as to residence as
11 set forth in section five, the commissioner may authorize the
12 burial agent of any city or town to arrange for the proper
13 interment of the body of any indigent veteran who dies within
14 the commonwealth.

1 SECTION 8. Section 9 of said chapter 115 is hereby amended
2 by striking out the last sentence, as appearing in chapter 143
3 of the acts of 1957, and inserting in place thereof the follow-
4 ing sentence: — In cities and towns where there are cemeteries
5 containing the remains of deceased veterans, such cities and
6 towns shall cause to be placed on such veterans' graves a flag
7 of the United States on every Memorial day.

1 SECTION 9. This act shall take effect on September first in
2 the current year, and shall apply only to veterans' benefits
3 paid on and after said date; and all claims against the com-
4 monwealth for veterans' benefits paid prior to the effective
5 date of this act shall be enforceable in accordance with the
6 provisions of chapter one hundred and fifteen of the General
7 Laws in effect at the time when such payment was made.