

of this act the commission may appoint such experts, clerks, stenographers and other employees as it may require; provided, that said clerks and stenographers so appointed, shall be subject to the provisions of chapter thirty-one of the General Laws.

Approved August 6, 1951.

Chap.588 AN ACT TO INCREASE THE COMPENSATION OF THE MEMBERS OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 6, § 56, etc., amended.

The third paragraph of section 56 of chapter 6 of the General Laws, as appearing in section 3 of chapter 368 of the acts of 1946, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The chairman of the commission shall receive a salary of six thousand dollars per year, and each of the other members shall receive a salary of five thousand dollars per year, and each member shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties, and shall be eligible for reappointment.

Salaries of commissioners.

Approved August 6, 1951.

Chap.589 AN ACT ESTABLISHING THE SALARIES OF THE COMMISSIONERS OF CIVIL SERVICE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, § 2A, etc. amended.

Section 2A of chapter 13 of the General Laws is hereby amended by striking out the fourth sentence, as amended by section 1 of chapter 821 of the acts of 1950, and inserting in place thereof the following sentence: — The chairman shall receive thirty dollars a day, and each other commissioner shall receive twenty-five dollars a day, while attending meetings of the commission, or while performing any duties of his office required of him by the chairman or by this chapter or chapter thirty-one, but in any state fiscal year, not more than forty-five hundred dollars shall be paid to the chairman and not more than three thousand, seven hundred and fifty dollars shall be paid to any other commissioner.

Salaries, limitations.

Approved August 6, 1951.

Chap.590 AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO VETERANS' BENEFITS.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay certain benefits for veterans and their dependents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 115, § 1, amended.

SECTION 1. Section 1 of chapter 115 of the General Laws is hereby amended by striking out the paragraph defining

“Veteran” and inserting in place thereof the following paragraph:—

“Veteran”, any person, male or female, including a nurse, who was discharged or released from his last wartime service under conditions other than dishonorable, or who died during such service under conditions other than dishonorable, and who served in the army, navy, coast guard or marine corps of the United States, or who, while a resident of this commonwealth, served in any of its military organizations mustered into the service of the United States during:—

“Veteran”
defined.

1. The civil war between the nineteenth day of April, eighteen hundred and sixty-one, and the first day of September, eighteen hundred and sixty-five;

2. The Indian war service of the United States under the authority or by the approval of the United States or any state or territory in any Indian war or campaign, or in connection with or in the zone of any active Indian hostilities in any of the states or territories of the United States prior to January first, eighteen hundred and ninety-eight;

3. The Spanish war service, or during the period of the Philippine Insurrection or China Relief Expedition between February fifteenth, eighteen hundred and ninety-eight, and July fourth, nineteen hundred and two;

4. The Mexican border service, between June thirteenth, nineteen hundred and sixteen, and February third, nineteen hundred and seventeen;

5. World War I, between February third, nineteen hundred and seventeen, and November eleventh, nineteen hundred and eighteen;

6. World War II, between September sixteenth, nineteen hundred and forty, and December thirty-first, nineteen hundred and forty-six;

7. With relation only to hospital benefits available under this chapter, the First Nicaraguan, Haitian, Dominican, Yangtze river, Second Yangtze valley, and Second Nicaraguan campaigns, and the Mexican (Vera Cruz) expedition.

SECTION 2. Said section 1 of said chapter 115 is hereby further amended by adding at the end the following paragraph:—

G. L. (Ter.
Ed.), 115, § 1,
further
amended.

The term “wartime service”, as used herein, shall include service in the Philippine Insurrection, China Relief Expedition, Mexican border service, and the First Nicaraguan, Haitian, Dominican, Yangtze river, Second Yangtze valley, and Second Nicaraguan campaigns, and the Mexican (Vera Cruz) expedition.

“Wartime
service”
defined.

SECTION 3. Section 2 of said chapter 115, as amended, is hereby further amended by striking out the second and third paragraphs, as appearing in section 1 of chapter 584 of the acts of 1946, and inserting in place thereof the following two paragraphs:—

G. L. (Ter.
Ed.), 115,
§ 2, etc.,
amended.

He shall establish the form of application to be used by applicants for veterans’ benefits, may require the annexation thereto of official records of the veteran’s induction, enlist-

Commissioner,
powers and
duties.

ment, service or discharge, or attested copies of the same, and shall from time to time provide each city and town with blank application forms prepared by him. He shall adopt such regulations as he may deem necessary to insure the proper administration of the provisions of this chapter, and he may issue and promulgate directives for the guidance of all persons concerned with veterans' benefits or with matters before the Veterans' Administration of the United States government.

He shall decide all controversies between towns relative to the settlement of applicants for veterans' benefits, and, subject to the approval of the attorney general, his decisions shall be final. He shall decide all controversies between any applicant and a veterans' agent relative to the validity or amount of a claim for such benefits, and, upon the complaint of any person that the city or town in which such person resides is granting such benefits contrary to the provisions of this chapter, shall forthwith make an investigation of such complaint, and a determination of the amount of such benefits, if any, to be granted. A final appeal from such decision or determination may be taken by such claimant, veterans' agent or resident, within ten days after his receipt of notice of the same, to the governor and council.

G. L. (Ter. Ed.), 115, § 5, amended.

Payment of benefits.

SECTION 4. Section 5 of said chapter 115 is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:—

Veterans' benefits shall be paid to a veteran or dependent by the city or town in which he has a settlement, or, if he has no settlement in any city or town within the commonwealth, by the city or town wherein he resides; provided, that no benefits shall be paid to a veteran unless he has actually resided within the commonwealth continuously for three years next preceding the date of his application for such benefits, nor to any other applicant unless he has actually resided within the commonwealth continuously for three years next preceding the date of his application for such benefits, nor unless the veteran of whom he is a dependent has a settlement in the commonwealth or has actually resided within the commonwealth continuously for three years next preceding the date of such dependent's application for benefits. If the veteran is deceased at the time of the dependent's application for benefits, said dependent shall be paid no benefits unless the veteran at the time of his death would have qualified as to settlement or residence. No city or town shall pay such benefits to an applicant who has no settlement within the commonwealth until its veterans' agent has furnished to the commissioner such evidence as he may require that the applicant is entitled to receive such benefits and has received from the commissioner an order fixing the amount and duration of the same and stating such other conditions as the commissioner may impose relative thereto. Said order may be revoked or modified by the commissioner at any time by giving written notice to said agent. Within three days

after his receipt of an application for veterans' benefits from a person who has a settlement in some other city or town, the veterans' agent of the city or town of the applicant's residence shall notify the commissioner and the veterans' agent of the city or town of the applicant's settlement, who shall forthwith investigate the claim. If the city or town of settlement of such applicant unreasonably delays in granting such benefits to him after receipt of said notice, the city or town of the applicant's residence shall forthwith grant such benefits as are necessary to meet the emergency needs of the applicant and report the same to the agent of the place of settlement and the commissioner, and shall be reimbursed in full therefor by the city or town of the applicant's settlement; provided, that the commissioner shall make an order to that effect.

Veterans' benefits shall not be subject to trustee process, and no assignment thereof shall be valid. Only such amount shall be paid to or for any veteran or dependent as may be necessary to afford him sufficient relief or support. The applicant's receipt of income from any source in an amount insufficient for his support shall not bar him from receiving veterans' benefits to supplement the same, if determined necessary by the commissioner, but such benefits shall not be paid to or for any person able to support himself, or who is in receipt of income from any source sufficient for his support. An applicant who, being employed on a full time basis, receives a salary or wages from any employer shall be deemed able to support himself unless he shows himself to have been partially disabled or otherwise financially prejudiced by serious accident or illness to himself or to one or more dependents of the veteran upon whose service the application is made. No back benefits shall be paid beyond the date of application.

SECTION 5. Section 8 of said chapter 115, as most recently amended by chapter 648 of the acts of 1948, is hereby further amended by adding at the end the following sentence: — Notwithstanding the requirements as to settlement or residence as set forth in section five, the commissioner may authorize the burial agent of any city or town to arrange for the proper interment of the body of any indigent veteran who dies within the commonwealth.

G. L. (Ter. Ed.), 115, § 8, etc., amended.

Burial of certain veterans, authorized.

SECTION 6. Section 1 of chapter 116 of the General Laws is hereby amended by striking out clause Fifth, as amended by section 13 of chapter 455 of the acts of 1943, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 116, § 1, etc., amended.

Fifth, A person who enlisted and was mustered into the military or naval service of the United States, as a part of the quota of a town in the commonwealth under any call of the President of the United States during the war of the rebellion or any war between the United States and any foreign power, or who was assigned as a part of the quota thereof after having enlisted and been mustered into said service, and his wife or widow and minor children, shall be deemed thereby

Legal settlement of military or naval personnel.

to have acquired a settlement in such town; a person who would otherwise be entitled to a settlement under this clause, but who was not a part of the quota of any town, shall, if he served as part of the quota of the commonwealth, be deemed to have acquired a settlement, for himself, his wife or widow and minor children, in the place where he actually resided at the time of his enlistment; a person who was inducted into the military or naval forces of the United States under any federal selective service act, or who enlisted in said forces, in time of war between the United States and any foreign power, whether he served as a part of the quota of the commonwealth or not, or who enlisted and served in said forces during the Philippine Insurrection, and his wife or widow and minor children shall be deemed to have acquired a settlement in the place where he actually resided in this commonwealth at the time of his induction or enlistment; and a person inducted into, enlisted or commissioned in, or recalled to, or continuing in the armed forces of the United States while the United States engaged in hostilities under the flag of the United Nations, or in a state of war arising out of and as the result of such hostilities, which hostilities shall be deemed to have begun on June twenty-fifth, nineteen hundred and fifty, and a member of the National Guard of this commonwealth called to duty and actually serving with the said armed forces of the United States, either individually or as a member of his respective unit, during such hostilities or state of war, and the wife or widow and minor children of any such person inducted into, enlisted or commissioned in, or recalled to, or continuing in the armed forces of the United States, or of any such member of the National Guard of this commonwealth called to duty and actually serving with the said armed forces, shall, as of the date of his termination of duty with the said armed forces, either by death, release or discharge, be deemed to have acquired a settlement in the place where he actually resided in this commonwealth at the time of his induction, enlistment or commissioning, recall, continuance, or call to active duty, as aforesaid; provided, that the provisions of this clause shall apply only where service was terminated by death under circumstances other than dishonorable, by reason of disability not the result of the veteran's own misconduct, or by release or discharge other than dishonorable; and provided, further, that the provisions of this clause shall not apply to any person who enlisted and received a bounty for such enlistment in more than one place unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who has been proved guilty of wilful desertion, nor to any person who when he entered the federal service was a subject or citizen of a neutral country, had filed his intention to become a citizen of the United States, and afterward withdrew such intention under the act of Congress approved on July ninth, nineteen hundred and eighteen, nor to any person designated on his discharge as a conscientious objector.

SECTION 7. Chapter 797 of the acts of 1950 is hereby amended by striking out section 2 and inserting in place thereof the following section: — *Section 2.* For the purposes of this act the word “Veteran”, as defined in section one of chapter one hundred and fifteen of the General Laws, shall have the following additional meaning: Any person inducted into, enlisted or commissioned in, or recalled to, or continuing in the armed forces of the United States while the United States engaged in hostilities under the flag of the United Nations, or in a state of war arising out of and as the result of such hostilities, which hostilities shall be deemed to have begun on June twenty-fifth, nineteen hundred and fifty, and any member of the National Guard of this commonwealth called to duty and actually serving with the said armed forces of the United States, either individually or as a member of his respective unit, during such hostilities or state of war, and who was discharged or released from such service under conditions other than dishonorable, or who died during such service under conditions other than dishonorable;

1950, 797, § 2,
amended.

Veteran
United
Nations
service
recognized.

The term “wartime service” as used in said section one of said chapter one hundred and fifteen, shall include service with the armed forces of the United States while the United States engaged in hostilities under the flag of the United Nations, or in a state of war arising out of and as a result of such hostilities which hostilities shall be deemed to have begun on June twenty-fifth, nineteen hundred and fifty;

The word “Dependent”, as defined in said section one of said chapter one hundred and fifteen, shall have the following additional meaning:— the wife, widow, child, mother or father of a veteran as hereinabove defined, including any person who stood in the relationship of a parent to such veteran for the five years next preceding the commencement of his wartime service; provided, that no child of a veteran who is more than eighteen years of age shall be deemed a dependent, unless said child is attending school for the purpose of completing a regulation high school course or its equivalent, nor unless he is mentally or physically unable to support himself and his disability existed before he attained that age.

A veteran as hereinabove defined and a dependent as hereinabove defined, shall be entitled to veterans’ benefits under said chapter one hundred and fifteen, and shall be subject to the provisions of said chapter one hundred and fifteen, and such regulations as may be adopted by the commissioner of veterans’ services for the proper administration of the law.

SECTION 8. Said chapter 797 is hereby further amended by striking out section 6 and inserting in place thereof the following section: — *Section 6.* Service in the armed forces of the United States referred to in this act shall mean such service occurring on or after June twenty-fifth, nineteen hundred and fifty.

Approved August 8, 1951.