

SENATE No. 39

To accompany the petition of Mario Umara for legislation to provide suitable recognition of those residents of Massachusetts who shall have served in the armed forces of the United States during the present emergency. Military Affairs and Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT PROVIDING SUITABLE RECOGNITION OF THOSE RESIDENTS OF MASSACHUSETTS WHO SHALL HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT EMERGENCY.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to provide prompt
3 recognition of Massachusetts residents upon their
4 honorable discharge or release from duty in the armed
5 forces of the United States during the present emer-
6 gency, therefore it is hereby declared to be an emer-
7 gency law, necessary for the immediate preservation
8 of the public convenience.

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. Upon application to the state treasurer
2 upon forms to be furnished by him those residents of
3 Massachusetts who have served in the armed forces of
4 the United States while engaged in hostilities under

5 the flag of the United Nations or in a state of war
6 arising out of and as a result of such hostilities shall
7 have extended to them the rights, privileges and bene-
8 fits granted to veterans of World War I and World
9 War II, including but not limited to, those rights,
10 privileges and benefits relating to civil service, housing,
11 retirement and veterans' bonus.

1 SECTION 2. The words "armed forces" shall in-
2 clude only those units enumerated in section two of
3 chapter seven hundred and thirty-one of the acts of
4 nineteen hundred and forty-five.

1 SECTION 3. In the case of the decease of any per-
2 son who would if alive be entitled to the benefits of
3 this act, the sum named therein shall be paid to his
4 dependents, if any, and otherwise to his heirs-at-law;
5 provided, that if there is more than one dependent or
6 heir-at-law, payments shall in either case be made in
7 such proportions as the state treasurer shall deter-
8 mine, and in determining the order of precedence so
9 far as practicable the following order shall be ob-
10 served: wife and children, mother or father, brother or
11 sister, other dependents; provided, however, that no
12 right or payment under this act shall be subject to
13 the claims of creditors, capable of assignment, re-
14 garded as assets, legal or equitable, of the estate of the
15 deceased or made the basis for administration thereof.

1 SECTION 4. The state treasurer may accept the
2 written statement of an assessor of a city or town that
3 a person claiming pay or on whose account pay is
4 claimed by a dependent or heir-at-law, under the pro-
5 visions of this act, was a resident thereof on the first

6 day of January, in any year, as prima facie evidence
7 of the fact of such residence, and he may accept such
8 other evidence of residence as he may consider ade-
9 quate. The assessors of the several cities and towns
10 shall, at the request of the state treasurer, forthwith
11 furnish such information relative to such residence as
12 their records may disclose.

1 SECTION 5. No person shall be eligible for any
2 benefit accruing under this act who (1) shall have, at
3 any time during the period of the present emergency,
4 sought to avoid service because of conscientious ob-
5 jection thereto, or because of alienage, or (2) who
6 shall have been at any time guilty of any fraud or
7 wilful violation or evasion of the federal selective serv-
8 ice act or of the rules and regulations of the war de-
9 partment in force thereunder.

1 SECTION 6. The adjutant general shall certify to
2 the state treasurer the dates of service and any other
3 military information necessary to carry out the pro-
4 visions of this act.

1 SECTION 7. Whoever knowingly makes a false
2 statement, oral or written, relating to a material fact
3 in supporting a claim under the provisions of this act,
4 shall be punished by a fine of not more than one
5 thousand dollars, or by imprisonment for not more
6 than three years, or both. Offences under this section
7 may be prosecuted by the attorney general, or under
8 his direction, in any court within the commonwealth,
9 and all fines collected hereunder shall be paid into the
10 treasury of the commonwealth.

1 SECTION 8. The state treasurer shall act upon all
2 applications made hereunder, and may expend for
3 clerical assistance and for such other expenses such
4 sums as may be necessary in carrying out the pro-
5 visions of this act, not exceeding the sums appropriated
6 by the general court for the purpose.