Executive Department, Boston, June 30, 1936.

To the Honorable Senate and House of Representatives:

I am strongly in favor of enacting a bill relative to Old Age Assistance, whereby our statutes may be put into permanent shape; made consistent with the Federal Social Security Act and in order to effect a fair and equitable division between the Commonwealth and the cities and towns, especially in view of the benefits and allotments of funds that are to be made under the last mentioned Federal Act.

I have been informed that already this year and prior to May 29th, 1936, the sum of $1,600,000 has been allocated to Massachusetts in accordance with the said Federal Act. I am also aware that the license fees granted by the local licensing authorities have heretofore been almost sufficient to reimburse the cities and towns for the expenses incurred by them in the administration of our present Old Age Assistance Law. This was a new source of revenue which will continue in cities and towns in which the sale of alcoholic beverages is permitted. With the allocation of federal funds, together with the receipts from the issuance of liquor permits and licenses by the local licensing authorities, an adjustment should be made of the financial obligations between the Commonwealth and the cities and towns under the new existent circumstances.

I therefore recommend the enactment of the accompanying bill.

JAMES M. CURLEY.
An Act relative to the Old Age Assistance Law, So Called.

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. The General Laws are hereby amended by striking out chapter one hundred and eighteen A, as amended, and inserting in place thereof the following new chapter under the title

5 Adequate Assistance to Certain Aged Citizens.

6 Section 1. Adequate assistance to deserving citizens in need of relief and support sixty-five years of age or over who shall have resided in the commonwealth not less than five years during the nine years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under supervision of the department of public welfare, in this chapter called the department.

16 Financial assistance granted hereunder shall be given from the date of application therefor, but in no event before the applicant reaches the age of sixty-five, and in determining the amount of assistance to be given for any period preceding the date on which the
21 application was favorably passed upon, consideration shall be given to the amount of welfare relief, if any, given to such applicant during said period under any other provision of law. Such assistance shall, wherever practicable, be given to the aged person in his own home or in lodgings or in a boarding home, which for the purposes hereof shall include any institution providing shelter, care and treatment for aged persons which is not supported in whole or in part by public funds; provided, that no inmate of such a boarding home or institution shall be eligible for assistance under this chapter while being cared for under a contract; and provided, further, that for the purposes of this chapter any person who, while such an inmate, has lost or shall lose his place of settlement at the time of admission to such home or institution shall be deemed to have no settlement in the commonwealth. Such assistance shall be paid by check or in cash and shall, except as hereinafter provided, be at a rate of not less than thirty dollars monthly for each recipient, or, in case of a husband and wife living together, both of whom are eligible for such assistance, not less than forty-five dollars monthly for both, or, in case of sisters or brothers or sisters and brothers living together, all of whom are so eligible, not less than forty-five dollars monthly for two, and not less than fifteen dollars monthly for each additional brother or sister so eligible. In computing the above minima the local board of public welfare, or the appeal board hereinafter provided for, as the case may be, shall deduct therefrom the amount of income the person assisted or to be assisted may be receiving from any source whatsoever, and may deduct therefrom such reason-
able amount as may be deemed to represent the financial value of board, lodging or other assistance such person is being furnished from any source whatsoever, or should be furnished by his children as provided in section two. A person receiving assistance hereunder who removes from one town to another in the commonwealth shall be given the same assistance by the town to which he removes, so long as he is otherwise qualified to receive it, if approved in writing by the town in which he has a legal settlement or, in case he has no such settlement, by the department. No person receiving assistance hereunder shall be deemed to be a pauper by reason thereof.

Section 2. Each board of public welfare shall, for the purpose of granting adequate assistance and service to such aged persons, establish a division thereof to be designated as the Bureau of Old Age Assistance. In determining the need for financial assistance, said bureaus shall give consideration to the resources of the aged person. Separate records of all such aged persons who are aided shall be kept and reports returned in the manner prescribed by section thirty-four of chapter forty-one and by sections thirty-two and thirty-three of chapter one hundred and seventeen. The department shall make such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

Section 3. Any person aggrieved by the failure of a town to render adequate assistance under this chapter, or by the failure of the board of public
welfare of a town to approve or reject an application
for assistance hereunder, within thirty days after
receiving such application, shall have a right of
appeal to a board composed of a superintendent of
old age assistance in the department, the director of
the division of aid and relief, a member of the advis-
ory board of the department designated by the com-
missioner of public welfare and the commissioner of
public welfare, ex officio, which board shall forth-
with make a thorough investigation thereof, and
shall have authority to act upon any appeal in
relation to the following matters:

1. The matter of denial of assistance by the local
board of public welfare;
2. The matter of a change in the amount of as-
sistance given;
3. The matter of withdrawal of assistance.

In all cases of appeal an opportunity for a fair
hearing shall be provided by the appeal board. All
decisions of the appeal board shall be binding upon
the local board of public welfare involved and shall
be complied with upon such local board.

Section 4. The ownership of an equity in real
estate shall not disqualify an applicant from receiv-
ing assistance under this chapter; provided, that
the equity in real estate of the applicant exceeds
two thousand dollars, the board of public welfare or
the bureau of old age assistance established by such
board of a town rendering such assistance, through
the appropriate town official, shall require such ap-
plicant to execute a bond covering the amount of
equity in excess of two thousand dollars, running to
the treasurer of the town, conditioned on repayment
to such town of all amounts of such assistance,
123 without interest, such bond to be secured by mort-
124 gage of the applicant's real estate. To be eligible
125 for assistance under the provisions of this chapter
126 the aged person must actually reside upon the prop-
127 erty in question. Every such bond shall be forth-
128 with entered for record in the proper registry of
129 deeds or registry district of the land court as the
130 case may be, and the register of deeds or assistant
131 recorder of the land court shall thereupon record or
132 register such bond without fee. From the proceeds
133 realized by the commonwealth from the enforcement
134 of such bond and mortgage or from the estate of a
135 person granted assistance under this chapter, the
136 federal government shall be reimbursed to an
137 amount not exceeding the amount contributed by it
138 in said case and the remainder shall be apportioned
139 between the commonwealth and the town furnishing
140 the assistance in proportion to the amounts of their
141 respective contributions.

142 **Section 5.** The ownership of a policy of insurance
143 of the type known as group insurance, for which the
144 weekly premium does not exceed fifty cents per week,
145 or of a policy of insurance not exceeding one thou-
146 sand dollars, shall not disqualify an applicant from
147 receiving assistance under this chapter, provided
148 such policy has been in effect not less than five years
149 prior to the date of application.

150 **Section 6.** No assistance under this chapter shall
151 be granted to an applicant, who, at any time within
152 one year immediately prior to the filing of an appli-
153 cation for such assistance, has made an assignment
154 or transfer of property so as to render himself eligible
155 to such assistance. Assistance hereunder shall not
156 be subject to trustee process, and no assignment
157 thereof shall be valid. No applicant for assistance
158 hereunder who knowingly makes a false statement,
159 or seeks to perpetrate any fraud or deception, in or
160 relative to his application for such assistance shall be
161 granted any assistance hereunder upon such appli-
162 cation nor shall he be eligible for six months there-
163 after to make further application for such assistance
164 or to receive the same.

165 Section 7. Money received from the federal gov-
166 ernment as a grant for old age assistance shall be
167 paid to towns as allotted by the department and
168 shall be kept as a separate account by such towns
169 and used only for purposes specified by the depart-
170 ment, notwithstanding the provisions of section
171 fifty-three of chapter forty-four.

172 Section 8. The town rendering assistance under
173 this chapter shall also be reimbursed by the com-
174 monwealth for two thirds of the remainder of such
175 disbursements or for all of such remainder if the
176 person so aided has no settlement in the common-
177 wealth. If the person so aided, has a legal settle-
178 ment in another town, one third of the remainder of
179 the amount of assistance given such person may be
180 recovered in contract against the town liable there-
181 for, in accordance with chapter one hundred and
182 seventeen. All accounts against the commonwealth
183 for allowances to towns on account of moneys paid
184 for which they are entitled to reimbursement by the
185 commonwealth hereunder shall be rendered to the
186 department on or before June fifteenth annually,
187 and shall be for twelve months ending on the thir-
188 tieth day of April preceding, and, if rendered as
189 aforesaid, approved by the department and certified
190 by the comptroller, but not otherwise, shall be paid
191 by the commonwealth; provided, however, that said
192 accounts for the twelve months aforesaid for allow-
193 ance to a town if rendered at any time prior to the
194 sixtieth day after the close of the current fiscal year
195 of the town, may be received, and, in the discretion
196 of the department and upon certification by the
197 comptroller, be allowed and paid when an appropria-
198 tion therefor, has been made. Failure to comply
199 with the rules and regulations of the department
200 shall be ground for disapproval of any account.

201 Section 9. If an application for aid under this
202 chapter is affected by the eligibility of the applicant
203 to receive aid under chapter one hundred and fif-
204 teen, the applicant shall be entitled to exercise such
205 options and execute such waivers as may be neces-
206 sary to receive the aid which he seeks.

207 Section 10. The department shall supervise the
208 work done and measures taken by the boards of
209 public welfare of the several towns in respect to
210 persons aided and service given under this chapter;
211 and for this purpose may make such rules relative to
212 notice and reimbursement, and such other rules
213 relating to the administration of this chapter, as it
214 deems necessary, and may visit any person aided,
215 and shall have access to any records and other data
216 kept by the boards of public welfare or their repre-
217 sentatives relating to such assistance, and may
218 require the production of books and papers and the
219 testimony of witnesses under oath.

1 Section 2. Chapter one hundred and twenty-
2 eight A of the General Laws, as appearing in sec-
3 tion three of chapter three hundred and seventy-
4 four of the acts of nineteen hundred and thirty-four,
is hereby amended by striking out section fifteen and inserting in place thereof the following: —

Section 15. The receipts paid into the state treasury under this chapter after deducting therefrom the amount of expenses incurred by the commission in carrying out the provisions of this chapter, shall be used so far as necessary for reimbursing cities and towns, for assistance given by them to aged citizens, under the provisions of one hundred and eighteen A in the manner provided by section eight of said chapter.

Section 3. Section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as most recently amended by chapter four hundred and forty-two of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the tenth line, the word "three" and inserting in place thereof: — eight, — and by striking out, in the eleventh to the thirteenth lines, inclusive, the words "shall be used further to reimburse cities and towns for such assistance and be distributed on the same basis" and inserting in place thereof the words: — at the end of each fiscal year shall thereupon become a part of the general revenues of the commonwealth; — so as to read as follows: — Section 27.

All fees for licenses and permits authorized to be granted by the commission under this chapter and all moneys payable under section twenty-one shall be paid into the state treasury and, after deducting therefrom the expenses of the commission, and the expenses of the department of public welfare with respect to the granting of assistance to aged citizens under the provisions of chapter one hundred and
Section 4. Section seven of this act shall take effect in conformity with the constitution, and the other sections thereof shall take effect January first, nineteen hundred and thirty-seven, but if the provisions of the Federal Social Security Act, therein referred to, relating to old age assistance, shall be repealed or shall become inoperative because of unconstitutionality or otherwise, this act shall, sixty days thereafter, become null and void, and said chapter one hundred and eighteen A as in effect immediately prior to the effective date of this act shall thereupon become in full force and effect.