

HOUSE No. 240

By Mr. Vaitses of Melrose, petition of Theodore J. Vaitses and another for suitable recognition of residents of Massachusetts who have served in the armed forces of the United States under the flag of the United Nations. 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 EXISTING WAR.

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 hon-
4 orable discharge or release from duty in the armed
5 forces of the United States during the existing war,
6 therefore it is hereby declared to be an emergency
7 law, necessary for the immediate preservation of the
8 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, as hereinafter pro-
2 vided, there shall be allowed and paid out of the
3 treasury of the commonwealth, without appropriation
4 and without a warrant from the governor and council,

5 to each person who shall have served in the armed
6 forces of the United States while engaged in hostilities
7 under the flag of the United Nations, or in a state of
8 war arising out of and as the result of such hostilities,
9 and shall have received a discharge or release, other
10 than a dishonorable one, from such service, the fol-
11 lowing sums: —

12 (1) One hundred dollars to each person who per-
13 formed active service for six months but served no
14 part thereof in any place outside the continental limits
15 of the United States;

16 (2) Two hundred dollars to each person who per-
17 formed active service for more than six months but
18 served no part thereof in any place outside the conti-
19 nental limits of the United States;

20 (3) Three hundred dollars to each person who per-
21 formed active service outside the continental limits of
22 the United States; provided, that every person on
23 account of whose service the application is filed shall
24 have been a resident of the commonwealth for a period
25 of not less than six months immediately prior to the
26 time of his entry into service and his enlistment, in-
27 duction or commission in said armed forces was cred-
28 ited to the quota of Massachusetts under the federal
29 selective service act. The hostilities referred to in this
30 section shall, for the purposes of this act, be deemed
31 to have begun on June twenty-fifth, nineteen hundred
32 and fifty.

1 SECTION 2. The words "armed forces", as used in
2 this act, shall mean the following: — United States
3 Army, Army of the United States, United States Navy,
4 United States Naval Reserve, United States Marine
5 Corps, United States Marine Corps Reserve, United

6 States Coast Guard, United States Coast Guard Re-
7 serve, Women's Army Corps, Women's Auxiliary —
8 Navy, Women's Auxiliary — United States Marine
9 Corps, Women's Auxiliary — United States Coast
10 Guard, Army Nurse Corps, Navy Nurse Corps, and
11 Commissioned Corps of the United States Public
12 Health Service and officers of the United States Coast
13 and Geodetic Survey assigned to active duty with any
14 of the foregoing.

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 observed:
10 wife and children, mother or father, brother or sister,
11 other dependents; provided, however, that no right
12 or payment under this act shall be subject to the
13 claims of creditors, capable of assignment, regarded as
14 assets, legal or equitable, of the estate of the deceased
15 or made the basis for administration thereof.

1 SECTION 4. Applications hereunder shall be filed
2 with the state treasurer, upon forms to be furnished
3 by him. The state treasurer may accept the written
4 statement of an assessor of a city or town that a per-
5 son claiming pay or on whose account pay is claimed
6 by a dependent or heir-at-law, under the provisions
7 of this act, was a resident thereof on the first day of
8 January, in any year, as prima facie evidence of the

9 fact of such residence, and he may accept such other
10 evidence of residence as he may consider adequate.
11 The assessors of the several cities and towns shall, at
12 the request of the state treasurer, forthwith furnish
13 such information relative to such residence as their
14 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 existing war, sought
4 to avoid service because of conscientious objection
5 thereto, or because of alienage, or (2) who shall have
6 been at any time guilty of any fraud or wilful violation
7 or evasion of the federal selective service act or of the
8 rules and regulations of the war department in force
9 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 thou-
5 sand dollars, or by imprisonment for not more than
6 three years, or both. Offences under this section may
7 be prosecuted by the attorney general, or under his
8 direction, in any court within the commonwealth, and
9 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.

1 SECTION 9. Payments under this act shall be made
2 from funds made available therefor by bond issues or
3 otherwise as may hereafter be prescribed by the gen-
4 eral court.

