
By Mr. McIntyre, a petition of James R. McIntyre for legislation to provide suitable recognition of certain residents who shall have served in the armed forces of the United States in overseas theatre where the Department of Defense authorizes the award of combat decorations. Military Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING SUITABLE RECOGNITION OF CERTAIN RESIDENTS OF MASSACHUSETTS WHO SHALL HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES IN OVERSEAS THEATRE WHERE THE DEPARTMENT OF DEFENSE AUTHORIZES THE AWARD OF COMBAT DECORATIONS.

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 provided, there
2 shall be allowed and paid out of the treasury of the common-
3 wealth the amount of three hundred dollars, without appro-
4 priation and without a warrant from the governor and coun-
5 cil, to each person who shall have served in the armed forces
6 of the United States in an overseas theatre where the De-
7 partment of Defense authorizes the award of combat decora-
8 tions. This person shall have served for a period of not less
9 than 90 days; unless conditions of physical incapacity occur
10 not allowing this person to fulfill his 90 day requirements
11 and who was discharged or released under honorable condi-
12 tions from such service.

1 SECTION 2. The words "armed forces", as used in this act,
2 shall mean the following: — United States Army, Army of
3 the United States, United States Navy, United States Naval
4 Reserve, United States Marine Corps, United States Marine
5 Corps Reserve, United States Coast Guard, United States Coast
6 Guard Reserve, Army Nurse Corps, Navy Nurse Corps, United
7 States Air Force Reserve and including women's branches
8 of the said armed forces.

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

1 SECTION 3A. In the case of the decease of any person who
2 died while in active service, there shall be paid the sum of
3 three hundred dollars subject to, and in the manner provided
4 by section three.

1 SECTION 4. In the case of any person who is mentally in-
2 competent and is entitled to the benefits of this act and for
3 whom no legal guardian has been appointed by the court, the
4 sum named therein shall be paid to his dependents, and in de-
5 termining the order of precedence so far as practicable the
6 following order shall be observed: — wife and children, mother
7 or father, brother or sister, other dependents.

1 SECTION 5. There shall be a commission to be known as
2 Armed Forces Bonus Commission, to consist of the commis-
3 sioner of administration the state treasurer and the attorney
4 general. Said Armed Forces Bonus Commission, in this act
5 called the commission, shall receive applications from and
6 authorize payments to persons eligible under the provisions of
7 this act to receive the same. The commission shall employ a
8 director who shall receive such salary as the commission, with
9 the approval of the governor and council, may fix. The direc-
10 tor shall be the executive officer of the commission and subject
11 to its supervision and control, may within the limits of appro-
12 priation incur such expenses and employ such employees or as-

13 sistant as may be necessary to administer the provisions of
14 this act. No permanent positions shall be established and no
15 such employee or assistant shall gain tenure of office as a
16 result of employment under the provisions of this act not-
17 withstanding any special or general law to the contrary, and
18 the director and all employees or assistants shall be exempt
19 from the provisions of chapter thirty-one of the General Laws.
20 The members of the commission shall serve without additional
21 compensation, but they shall be reimbursed as members of
22 said commission for expenses directly related thereto from
23 such funds as may be appropriated therefor.

1 SECTION 6. Applications hereunder shall be filed with the
2 commission, upon forms to be furnished by it. The commission
3 may accept the written statement of an assessor of a city or
4 town that a person claiming pay or on whose account pay is
5 claimed by a dependent or heir-at-law, under the provisions of
6 this act, was a resident thereof on the first day of January,
7 in any year, as prima facie evidence of the fact of such resi-
8 dence, and it may accept such other evidence of domicile as it
9 may consider adequate or necessary. The assessors of the sev-
10 eral cities and towns shall, at the request of the commission,
11 forthwith furnish such information relative to such residence
12 as their records may disclose. The commission may require
13 and accept such additional evidence as it may consider neces-
14 sary to establish the fact of domicile within the commonwealth
15 as provided under section one of this act.

1 SECTION 7. The adjutant general shall certify to the com-
2 mission, from original discharge certificate, certificate of serv-
3 ice, or report of separation from the armed forces to be sub-
4 mitted with application required under section one of this act,
5 as to dates of service and any other military information nec-
6 essary to carry out the provisions of this act. The commis-
7 sion shall furnish to the adjutant general a microfilm record
8 of all such original discharge certificates, certificates of serv-
9 ice, and reports of separation from the armed forces, for the
10 permanent records of the military division of the common-
11 wealth.

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

1 SECTION 9. The state treasurer may borrow from time to
2 time on the credit of the commonwealth such sums of money
3 as may be necessary for the purpose of meeting payments
4 as authorized by sections one, three, three A and four of this
5 act, and may issue and renew from time to time notes of the
6 commonwealth therefor, bearing interest payable at such
7 times at such rates as shall be fixed by the state treasurer.
8 Such notes shall be issued and may be renewed one or more
9 times for such terms, not exceeding one year, as the governor
10 may recommend to the general court in accordance with sec-
11 tion 3 of Article LXII of the Amendments to the Constitution
12 of the Commonwealth, but the final maturities of such notes,
13 whether original or renewal, shall be not later than June
14 thirtieth, nineteen hundred and sixty-eight. Notwithstanding
15 any provision of this act, such notes shall be general obliga-
16 tions of the commonwealth.

1 SECTION 10. Expenditures authorized by this act shall be
2 obligations of the General Fund. To provide for the refinanc-
3 ing of notes authorized to be issued in section nine of this act
4 and in the fiscal years nineteen hundred and sixty-five, nineteen
5 hundred and sixty-six, nineteen hundred and sixty-seven, nine-
6 teen hundred and sixty-eight to refinance in the aggregate not
7 more than five million dollars of the bonds issued under this
8 act, the state treasurer shall, upon request of the governor
9 and council, issue and sell at public or private sale bonds of
10 the commonwealth, registered or with interest coupons at-
11 tached, as he may deem best, to an amount to be specified by
12 the governor and council from time to time, but not exceeding,

13 in the aggregate, the sum of ten million dollars. All bonds
14 issued by the commonwealth as aforesaid shall be designated
15 on their face, Armed Forces Loan, Act of 1965, and shall be
16 on the serial payment plan for such maximum term of years,
17 not exceeding ten years, as the governor may recommend to
18 the general court pursuant to section 3 of Article LXII of the
19 Amendments to the Constitution of the Commonwealth, the
20 maturities thereof to be so arranged in each issue that the
21 amounts payable in the several years other than the final year
22 shall be as nearly equal as in the opinion of the state treasurer
23 it is practicable to make them. Said bonds shall bear interest
24 semi-annually at such rate as the state treasurer, with the
25 approval of the governor, shall fix, but such bonds shall be pay-
26 able not earlier than July first, nineteen hundred and sixty-six,
27 nor later than June thirtieth, nineteen hundred and seventy-
28 five. All interest payments and payments on account of princi-
29 pal on such obligations shall be paid from said Armed Forces
30 Fund; provided, that, notwithstanding the foregoing, such ob-
31 ligations shall be general obligations of the commonwealth.

1 SECTION 11. Any person aggrieved by a decision of the
2 commission in the matter of payments provided for by this
3 act may appeal to a board, to consist of a member of the de-
4 partment of the state treasurer to be designated by the state
5 treasurer, an assistant attorney general to be designated by
6 the attorney general, and the adjutant general or his repre-
7 sentative, and shall be entitled to a hearing, after due notice,
8 upon such appeal. The decision of any such board as estab-
9 lished in this section shall be final.

1 SECTION 12. Sections one, two, three, three A and four of
2 this act shall take effect on January first, nineteen hundred
3 and sixty-four, and the balance thereof shall take effect upon
4 its passage.

