

HOUSE No. 743

By Mr. Wall of Lawrence, petition of William X. Wall 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 existing war. Military Affairs and Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

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
4 honorable 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 law,
7 necessary for the immediate preservation of the public
8 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 to each person who
4 shall have served in the armed forces of the United

5 States on or after September sixteenth, nineteen hun-
6 dred and forty, the sums hereinafter specified; pro-
7 vided, that every person on account of whose service
8 the application is filed has been a resident of the
9 commonwealth for a period of not less than six months
10 immediately prior to the time of his entry into service.

11 Payments under this act shall be in sums as follows:—

12 (1) Three hundred dollars for persons who, having
13 performed active service for sixty days or more, have
14 served outside the continental limits of the United
15 States or in Alaska;

16 (2) Two hundred dollars for persons who, having
17 performed active service for sixty days or more, have
18 served no part thereof outside the continental limits
19 of the United States or in Alaska;

20 (3) One hundred dollars for persons who have
21 performed active service for less than sixty days.

1 SECTION 2. In the case of the decease of any per-
2 son would if alive be entitled to the benefits of this act,
3 the sum to which he would have been entitled there-
4 under shall be paid to his dependents, if any, and other-
5 wise to his heirs-at-law; provided, that if there is more
6 than one dependent or heir-at-law, payments shall in
7 either case be made in such proportions as the state
8 treasurer shall determine, and in determining the
9 order of precedence so far as practicable the following
10 order shall be observed; wife and children, mother or
11 father, brother or sister, other dependents; provided,
12 however, that no right or payment under this act shall
13 be subject to the claims of creditors, capable of assign-
14 ment, regarded as assets legal or equitable of the
15 estate of the deceased or made the basis for administra-
16 tion thereof.

1 SECTION 3. 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 person
5 claiming pay or on whose account pay is claimed by a
6 dependent or heir-at-law, under the provisions of this
7 act, was a resident thereof on the first day of January,
8 in any year, as prima facie evidence of the fact of such
9 residence, and he may accept such other evidence of
10 residence as he may consider adequate. The assessors
11 of the several cities and towns shall, at the request of
12 the state treasurer, forthwith furnish such information
13 relative to such residence as their records may disclose.

1 SECTION 4. No person shall be eligible for any
2 benefit accruing under this act who (1) shall have
3 received a dishonorable discharge from the service of
4 the United States, or (2) shall have, at any time during
5 the period of the existing war, sought to avoid service
6 because of conscientious objection thereto, or because
7 of alienage, or (3) who shall have been at any time
8 guilty of any fraud or wilful violation or evasion of the
9 selective service act or of the rules and regulations of
10 the war department in force thereunder.

1 SECTION 5. 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 provi-
4 sions of this act.

1 SECTION 6. 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 by both such fine and imprison-
7 ment. Offences under this section may be prosecuted
8 by the attorney general, or under his direction in any
9 court within the commonwealth, and all fines collected
10 hereunder shall be paid into the treasury of the
11 commonwealth.

1 SECTION 7. 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 provi-
5 sions of this act, not exceeding the sums appropriated
6 by the general court for the purpose.

1 SECTION 8. Payments authorized by this act shall
2 be made from funds derived from bond issues of the
3 commonwealth or otherwise as may be determined by
4 the general court.